

# Grievance Procedure

## 1. Introduction

- 1.1 This procedure applies to all school based staff. It is important that suitable rules and procedures are in place within schools which will promote fairness and consistency in the treatment of individual employees and which reflect the relevant policy on equal opportunities and appropriate legislation regarding individual employment rights.
- 1.2 This procedure should be followed when dealing with a grievance or dispute in relation to an individual's employment. It should not generally be applied to collective disputes which are dealt with under a separate procedure. Allegations of harassment will also be dealt with under a separate procedure.
- 1.3 The procedure aims to ensure that grievances are dealt with promptly, in a fair and supportive manner, and as near as possible to the point of origin. Governors should be aware that their involvement in the early stages of this procedure is likely to prejudice their involvement at a later stage.
- 1.4 Grievances can arise from a variety of sources and it is important to recognise that many potential problems and difficulties can and should be resolved informally and as quickly as possible. Formal procedures are intended to be used for problems which are serious in themselves, or serious because they remain unresolved after informal steps have failed to achieve a satisfactory outcome.
- 1.5 The procedure should be made known to all staff within the school and all employees have the statutory right to representation. Provisions relating to timetables within this procedure may be varied by mutual agreement.
- 1.6 This policy and procedure document may be applied to employees working in Academies in the following circumstances:  
  
Where a school has become an Academy having previously adopted this policy and procedure.
- 1.7 Where an Academy has decided to adopt this policy and procedure following appropriate consultation. (For those Academies that pay in to the Walsall Council facilities agreement, consultation with unions will have already been undertaken. For all other Academies, local consultation with employees and their representatives will need to take place).

All references to "the school" should therefore be taken to refer to the Academy and references to "the Headteacher" should be taken to refer to the Principal of the Academy or other designated Head of the Academy. Advice on any other aspects of the document which may not relate directly to employees working in an Academy can be sought from your HR Advisor.

## **2. Equalities**

- 2.1 If any employee has difficulty at any stage of the procedure because of a disability, they should discuss the situation with their line manager.
- 2.2 In addition to their work colleague or a representative of a trade union/professional association, employees who need a carer (for reasons of their disability), or an interpreter/translator to attend a meeting with them, arrangements should be made with the person hearing the case.
- 2.3 An employee who requires assistance accessing a meeting should inform the person requesting their attendance and appropriate venues allowing access will be made available.
- 2.4 The School is committed to fairness and equality of treatment for all employees and will comply with the requirements of the Equality Act 2010 in the implementation of these procedures.

## **3. Informal Procedure**

- 3.1 Where an employee is aggrieved on any matters involving other staff, they should discuss the matter initially with the individual concerned. If they feel unable to do this or this fails to resolve the matter, it should be raised with their line manager.
- 3.2 If necessary, an approach may be made to another senior member of staff and/or to a representative of a professional association/trade union in order to assist in trying to resolve the situation informally.
- 3.3 Where the Headteacher has a grievance, a similar procedure should be followed. To resolve the matter informally, a direct approach should first be made to the person concerned. Additional support in seeking to resolve the matter may be sought from a Headteacher or other senior colleague.
- 3.4 If the matter remains unresolved, the Headteacher should discuss it with a nominated representative of the Director of Walsall Children's Services who may seek consultation with the Chair of Governors/professional association representative as appropriate.
- 3.5 Some grievances may not involve other members of staff but may lie with the School Governors. In this case, the individual may make a direct approach to the Headteacher in accordance with the formal procedure.

## **4. Formal Procedure**

- 4.1 Where the informal procedure has failed to resolve the matter or the matter is sufficiently serious, the employee should submit details of the grievance in writing to the Headteacher, including details of any attempt to resolve the matter informally within three months of the incident occurring.
- 4.2 If the grievance is against the Headteacher, or the Headteacher is the aggrieved party, the written grievance should be submitted to the Chair of Governors, or other nominated Governor.

- 4.3 The Headteacher/Governor will arrange to meet with the employee in order to try and resolve the matter, with advice from a human resources advisor and/or other representative of the Director of Walsall Children's Services. It may be necessary to convene a meeting, or series of meetings, with those involved in the grievance for this purpose and this should, wherever possible, be arranged within two weeks of receipt of the formal written grievance.
- 4.4 The Headteacher/Governor (or a manager nominated by the Headteacher) should invite the individual to attend a formal meeting in order to discuss the grievance. The individual should be informed in writing of the date, time and place of the meeting and confirmation of the right to be accompanied by a work colleague or representative of their professional association/trade union.
- 4.5 During the meeting the individual should explain their grievance and say how they think it should be resolved.
- 4.6 Consideration should be given to adjourning the meeting for any investigation that may be necessary. A series of meetings may be required to deal with the grievance.
- 4.7 Where further investigation is necessary then any meetings arranged with the subject of the grievance or witnesses should be carried out as soon as possible and the individual should be informed in writing of the reason for the meeting and given the date, time and place of the meeting and the right to be accompanied by a work colleague not already involved in the grievance or representative of their professional association/trade union.
- 4.8 Following the final meeting, the Headteacher/Governor should provide their decision in writing and where appropriate set out what action they intend to take to resolve the grievance. The employee should be informed in writing that they can appeal if they are not satisfied with the process followed for providing a decision on the grievance or for the action taken. The employee who is the subject of the grievance should also be informed in writing of the outcome.
- 4.9 Where a grievance is against a Governing body employee's should be aware that the grievance procedure is an internal procedure as required by employment law and as such the involvement of external organizations is not appropriate for the case of an internal grievance.

## **5. Rights of Appeal**

- 5.1 The aggrieved employee has the right to appeal to an Appeal Committee of the Governing Body whose members should not have been involved in any prior stages of the grievance procedure. An aggrieved employee should give notice in writing within five working days of receiving written notification of the outcome of the appeal. The aggrieved employee should ensure that they include their grounds for appeal.
- 5.2 The appeal should take place where reasonably practicable within three weeks of written notification of an appeal being received. Copies of all relevant documents should be provided in advance of the meeting to all parties involved. The aggrieved employee may be accompanied by a work colleague or representative of their professional association/trade union and will be given an opportunity to present their

case to the Committee. The decision of the Committee will be advised at the end of the meeting and confirmed in writing at the earliest opportunity.

There is no further right of appeal and the findings of the Appeal Committee will be final.

## **6. Grievances against the Local Education Authority**

- 6.1 If a grievance falls outside the remit of the School Governing Body and relates specifically to the Local Education Authority or to Walsall Children's Services, the employee should write to the Director of Walsall Children's Services, outlining the nature of the grievance. The employee will receive a written response to their grievance which will include details of any further course of action available to them. This may include referral to a separate grievance or other procedure within the relevant organisation, depending on the nature and circumstances of the complaint.