

# Bell Farm Primary School Grievance Policy and Procedure



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## Policy Scope and Purpose

Scope and purpose:	The aim of this policy is to identify what might give rise to a grievance, where to address things that are not grievances and establish a fair, effective and consistent way of dealing with grievances. The policy does not cover collective disputes that are the subject of formal collective bargaining between the Council and its recognised trade unions. A dedicated Collective Dispute Policy is in place to cover those matters.
Start point of the policy:	The formal grievance resolution procedure should only be used if attempts at informal resolution have not been successful.
End point of the policy:	When an outcome/resolution has been achieved either at Stage 1 or Stage 2.
Legislative requirements:	Whilst not a statutory requirement the policy follows the ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice.
Who uses this policy:	This policy applies to all Surrey County Council (SCC) employees on Surrey Pay and employees on different terms and conditions in the absence of national conditions, including teachers employed by schools.
Roles and responsibilities:	<ul style="list-style-type: none"> <li>• The governing body, headteacher and line managers are responsible for implementing the policy in a fair and consistent manner.</li> <li>• All employees will be responsible for engaging with and adhering to this policy and procedure.</li> <li>• Trade unions will be consulted regarding the content of the policy and will be reasonably available to support and represent their members.</li> <li>• The school's human resource service provider will be responsible for providing guidance and direction.</li> </ul>
Is there a procedure attached to this policy?	Yes. The procedure provides a series of steps to be followed in a consistent way.

## **Policy Detail**

### **1. Introduction**

- 1.1 Grievances are defined as concerns, problems or complaints that employees raise with their managers. The governing body is committed to creating a positive working environment whereby managers and employees can discuss any problems or concerns openly and deal with them promptly and fairly.
- 1.2 The governing body is keen to encourage staff to resolve any issues as quickly, locally and informally as possible and has developed a number of positive approaches to resolving differences in a restorative way including support from line managers.
- 1.3 The associated procedure will inform those involved of the approach required to handle the grievance resolution process effectively and fairly. This policy should be read alongside the procedure and guidance.

### **2. General Principles**

When handling grievances it is important to deal with issues fairly, taking into account the principles below:

- 2.1 Managers and employees will raise and deal with issues promptly without unreasonably delaying meetings, decisions or confirmation of those decisions.
- 2.2 Managers and employees are required to engage and cooperate with the process and wherever possible seek informal resolution in the first instance.
- 2.3 Managers will carry out any necessary investigations to establish the facts of the case.
- 2.4 Employees who are the basis of the complaint will have an opportunity to put forward their case before any decisions are made.
- 2.5 Employees have the right to be accompanied at any formal grievance meetings by a trade union representative or work colleague.
- 2.6 Employees have the right of appeal against any formal decision made.
- 2.7 All are encouraged to take the restorative approach to address conflicts and difficulties at work.

### **3. Issues that may cause grievances**

- 3.1 There may be a number of issues that give rise to a grievance, which could include but are not limited to:
- The application of a current policy or procedure, terms and conditions of employment, etc.
  - Health and safety
  - Work relations/practices
  - Harassment and bullying
  - Discrimination at work
- 3.2 In most instances, employees would be expected to exhaust all informal and formal routes (where appropriate) prior to raising a formal grievance. This may not be appropriate in all circumstances, e.g. serious matters of bullying, harassment or discrimination.
- 3.3 In order to enable issues to be resolved promptly employees will need to specify clearly the concern or complaint that they wish to be addressed.

### **4. Responsibilities**

#### 4.1 Managers will:

- Deal reasonably and promptly with an employee's grievance within the specified timescales.
- Treat all complaints seriously and sensitively and respond to complaints without bias.
- Ensure that any individuals named in the grievance are advised early in the process about the details of the complaint against them and the requirements of the policy and procedure.

#### 4.2 Employees will:

- Be responsible for raising matters of concern with line managers informally (or an alternative senior manager/the headteacher if appropriate) as soon as reasonably practicable to ensure these matters are dealt with quickly and efficiently.
- Work with the manager to seek resolution to problems.
- Co-operate with any investigations or management action, whether as the complainant, potential witness or a named person in the grievance.

#### 4.3 Concerns relating to the headteacher:

- Concerns which in some way relate to the actions of the headteacher should be taken to the chair of the governing body who will nominate a member of the governing body to address the grievance.
- If the headteacher has a grievance he/she should inform the chair of governors in the first instance, who will either seek to resolve the grievance him/herself or identify another governor to do so where this is more appropriate.

## **5. Grievances raised by an employee during another formal procedure**

- 5.1 Where an employee raises a grievance during another formal procedure which is related to issues covered by/investigated under that process: the employee may either raise their concerns as mitigation against any potential sanctions, or the grievance may be considered concurrently as part of a multi-purpose hearing.
- 5.2 Where the concerns raised in the grievance are completely separate to the events covered by/investigated under the other formal procedure, the grievance can be managed completely separately from other proceedings. However, depending on the nature of the grievance and seriousness of the issues raised, management can make a decision to suspend formal proceedings while the grievance is being dealt with.

## **6. Additional Support**

- 6.1 Line managers or other appropriate managers may provide support during a grievance process however there are also other options for support available to the employee.
- 6.2 Employee Assistance Programme  
Bell Farm School buys the services of an Employee Assistance Programme who provide confidential counselling services. Further details concerning the availability of these services can be gained from the school business manager.
- 6.3 Trade Unions  
Trade unions can offer support to their members who are involved in a grievance resolution process whether they are the employee raising the grievance or a colleague/manager/employee who the grievance is against.
- 6.4 Wellbeing  
Managers who receive and/or oversee a grievance should consider its wellbeing implications on the aggrieved employee and, where applicable, to those mentioned in the grievance. Wellbeing assessment tools are available on the [Surrey County Council website](#).

## **7. Collective Grievance**

- 7.1 A 'collective grievance' is a concern shared by a group of employees about the action that a manager/headteacher has taken, or is considering taking, in relation to their employment, their working arrangements or their environment. The school's formal procedure applies to collective grievances and enables managers and employees to follow the same formal stages with the exception that aggrieved employees can elect a trade union representative or nominate an employee spokesperson.

## **8. Grievance Timelines**

- 8.1 The school expects all stakeholders involved in a formal grievance to act in a way that facilitates and expedites its resolution. The school also recognises that some grievances are likely to be more complex and that the process can be delayed by unforeseen complications (e.g. sickness). Consequently, there are no firm deadlines for completing the process, however the manager is required to provide the aggrieved employee with updates on the progress of a case at least every two weeks (up to a maximum of three weeks in exceptional circumstances). Updates will be provided in writing; this can be done by e-mail with the agreement of the employee. The employee may also request copies of letters or e-mails to be sent to their nominated trade union representative.
- 8.2 If the grievance resolution process is still ongoing two months after the date of the original submission of the grievance, the aggrieved employee may contact the relevant manager/headteacher, or other appropriate senior manager, and request their intervention. The headteacher (or other senior manager) will respond to the employee within two weeks outlining the reasons for the delay and committing to a firm timescale for a final response/resolution.
- 8.3 At the conclusion of a grievance resolution hearing/meeting, the chair will summarise the meeting outcome[s] and any next steps or actions agreed by participants. In some cases a meeting may need to be adjourned, in which case the chair should clearly communicate their rationale for adjourning the meeting.

## **9. Equalities impact and review**

- 9.1 The Headteacher and the school business manager are responsible for monitoring the impact of this policy on the workforce and ensuring it is not applied disproportionately to certain staff groups.

## **Procedure**

### **Purpose**

The formal grievance procedure provides more detailed guidance that supports employees and managers in dealing with grievances. This procedure should be used when attempts to resolve issues and complaints informally have not been successful.

### **Informal Stage**

If you have a grievance or complaint to do with your work or the people with whom you work you should, wherever possible, start by talking it over with your manager. You may be able to agree a solution informally between you.

It is in the best interests of all involved to resolve any grievances quickly and informally through discussion, when a problem or issue arises. Employees are encouraged to discuss the matter with their immediate line manager or, if this is not possible, an appropriate senior manager in an attempt to resolve it, using a restorative approach. This process does not form part of the formal procedure.

Where informal discussion does not resolve the issue then the formal grievance procedure will be used.

### **Formal Stage – Raising a Grievance Stage 1**

Where the informal approach does not resolve the issue then the employee will put their concern in writing to ask for a formal grievance meeting.

- Employees should put their grievance in writing to the manager of their immediate line manager, or if unavailable, to another senior manager/the headteacher.
- Concerns which in some way relate to the actions of the headteacher should be taken to the chair of the governing body who will nominate a member of the governing body to address the grievance.
- If the headteacher has a grievance, he/she should inform the chair of governors in the first instance, who will either seek to resolve the grievance him/herself or identify another governor to do so, where this is more appropriate.
- Upon receipt of a grievance, the manager will assess whether it is practicable and/or appropriate for them to oversee the grievance resolution process. If they feel that it is not possible or appropriate, they will identify a manager who would be suitable to oversee it and agree to hand the case over.
- The manager needs to acknowledge the grievance in writing within a reasonable timescale (normally 5 working days). The acknowledgement can be sent by email or post depending on what is appropriate.
- The manager needs to ensure individuals named in the grievance have been informed that a complaint has been made against them.
- The confidentiality of the grievance process should be respected.

### **Formal Stage – Investigating a Grievance**

Ultimately, the aim of the investigation is to establish the full facts of the grievance before any decision is taken.

- The manager will carry out an investigation. If the grievance involves other members of staff they will be informed and given an opportunity to provide their own evidence.
- The investigation should be carried out as soon as possible after receiving a grievance.
- A holding letter should be provided to the employee if the investigation process cannot be completed before the Stage 1 Meeting.

In many cases the investigation will be a relatively straightforward fact-finding exercise. For complex cases, an independent investigation may need to be commissioned at the start.

- Where it is decided that a grievance requires a detailed investigation, the manager who oversees the process should nominate an 'investigating officer'. The investigating officer will typically be a school employee who is capable of overseeing a formal investigation and has had no involvement in the issues raised as part of the grievance. However, the school may appoint an external investigator where that is warranted by the complexity of a case, the seniority of the individuals involved or the need to maintain confidentiality. The school's HR provider can offer advice on the relevant practicalities. The investigating officer will engage with appropriate stakeholders and prepare a report to summarise the facts and viewpoints relating to the case.

### **Formal Stage 1 Grievance Meeting**

- The receiving manager invites the employee to a Grievance Stage 1 Meeting.
- The employee has a right to be accompanied by a trade union representative or work colleague.
- The meeting is to take place within a reasonable timescale (normally 10 working days) of written receipt of the grievance.
- The employee will be given reasonable notice (normally 5 working days).

The meeting will normally be chaired by the manager who oversees the process, who will need to identify appropriate attendees and arrange for them to be invited to the meeting with reasonable notice - normally at least 5 working days.

The meeting will allow the employee who raised the grievance to restate and fully explain the details of the grievance and how he or she thinks it should be resolved. The main task for the manager chairing the meeting is to gain a clear understanding of the grievance by listening to the employee and asking questions to clarify the facts.

It is not usual for witnesses to attend the grievance meeting as they would usually be interviewed at the investigation stage, rather than at the meeting. However, where an employee makes a request to call a witness, the manager will consider the request and can agree it if the person in question is willing to attend and his or her attendance is likely to be helpful.

If new facts arise during the meeting that call for further investigation, the manager chairing the meeting should adjourn and carry out the necessary investigation.

Unless the issue is straightforward, the chair should not take a decision in the meeting but should adjourn the meeting to allow for a thorough consideration of all the information.



## **Grievance Stage 1 Written Outcome**

The outcome letter to the employee will state:

- Whether the grievance is upheld or not
- Reasons for the decision
- Actions
- Right to appeal (Stage 2)

The written outcome is to be sent within a reasonable timescale, normally within 5 working days of the meeting.

Where it is not possible to respond within 5 working days because, for example, investigatory work is not complete, the manager will give a written explanation.

Where there are several elements to the grievance then each element will need to be either upheld or not.

## **Collective Grievances**

A 'collective grievance' is a concern shared by a group of employees about the action that a manager has taken, or is considering taking, in relation to their employment, their working arrangements or their environment.

The process for managing collective grievances is the same as managing individual grievances except for:

- They can elect a spokesperson to discuss the matter with a union representative from one of the Surrey County Council Trade Unions or a nominated employee spokesperson if they are not trade union members.
- The trade union or employee representative will approach the manager of the aggrieved employees, with a view to considering whether the common concerns may be addressed informally using e.g. individual restorative meetings or a team restorative circle.
- Outcomes will be sent to accredited representatives or a nominated spokesperson.

## **Grievance timescales**

Managers are required to:

- Acknowledge a grievance as early as possible.
- Investigate it within a reasonable timescale.
- Provide updates of progress every two weeks.
- Aim to complete the process within two months. Where this is not possible, the manager is required to write to the employee explaining the reasons for the delay and the expected date of completion.

## **Stage 2 Appeal**

Employees have the right of appeal following an outcome at stage 1.

- If an employee wishes to exercise their right of appeal, they must do so by lodging a notice with the appropriate manager stating the grounds of the appeal within 10 working days of being notified of a decision.
- The manager overseeing the appeal will acknowledge receipt of the grievance appeal with an appeal meeting invitation letter in a reasonable time, normally within 5 working days.

The manager will then need to assess the relevant information, including any investigation report and meeting notes, and make a decision as to whether there is a need for further

investigation or what fact-finding discussions are to take place prior to holding an appeal hearing.

- The appeal will be heard by a senior manager appointed by the headteacher, or the board of governors, who has not previously been involved in the proceedings. The appointed chair will hear any appeal against dismissal. The decision of the chair is final.
- A decision will normally be given verbally and confirmed in writing within 5 working days of the appeal hearing.

Policy source: Surrey CC Services for School website's Model Grievance Policy and Model Grievance Procedure (July 2020)

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