


Policy:	<b>Grievance Policy (Local Authority)</b> September 2022	
Status:	Statutory	
Review Date:	In line with LA review	

**This policy applies to all staff including the Head Teacher/Principal.**

**For Maintained Schools: The Local Authority has the right to be represented at any hearings and this will normally be a member of the LTS HR team acting in an advisory capacity. The panel must consider any advice offered by the Local Authority when making their decision. The school must notify both the employee and the LA of their decision where any dismissal takes place.**

**For the purposes of this policy the Head Teacher/Principal will be referred to as 'Head Teacher' and school/academy will be referred to as 'school'.**

**This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Governing Body/Trust.**

## 1. Purpose

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- 1.1 The purpose of the policy is to provide a framework within which employees can raise individual grievances and managers can deal with those grievances in an appropriate manner.
- 1.2 All complaints relating to the following will be fully considered and investigated by the school:
- **Dignity at Work:** includes complaints regarding unacceptable behaviour such as bullying, harassment and victimisation.
  - **Grievance:** includes concerns, problems or complaints raised by an employee regarding their working conditions or relationship with colleagues.

## 2. Mediation

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- 2.1 Mediation can play an important role in resolving problems between employees. Mediation is an informal, voluntary process, which can be used to resolve disagreements in the workplace. Employees are encouraged to consider using mediation at both the informal stages of a grievance, or if necessary, following the formal stages being invoked.

### **3. Day to Day Management**

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- 3.1 Employees are encouraged to and will be supported to resolve the problem informally in the first instance. The individual raising the grievance should attempt to discuss the issue directly with their line manager, either verbally or in writing. If the grievance relates to the individual's line manager, it should be referred to the line manager's manager.
- 3.2 Discussions should take place which seek to achieve a full and satisfactory resolution to the matter. Where this is not possible or does not conclude matter, further investigation in to the complaint may be required. See sections 4 and 5.

Whilst the grievance is being considered the status quo will apply.

### **4. Investigating Officer**

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- 4.1 An independent investigating officer may need to be appointed to carry out a thorough investigation and collation of appropriate information to establish the facts of the case.
- 4.2 The role of the investigator will be to investigate the issues raised, interview witnesses as appropriate, establish the facts and make any recommendations for resolution. The school will ensure that the investigating officer is impartial.
- 4.3 Investigations will vary in the level of detail required, this must be proportionate to the matter in question.

### **5. Investigation Process**

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- 5.1 Where the employee feels that their grievance has not been resolved via day to day management or where the complaint is deemed to be sufficiently serious, the grievance should be put in writing to a manager who is not the subject of the grievance. The letter should specify the exact nature of the complaint and the resolution that the employee wishes to see whilst attaching any relevant evidence.
- 5.2 Following the receipt of the grievance, a letter of acknowledgement will be sent to the employee and a meeting arranged without unreasonable delay.
- 5.3 Individuals have the statutory right to be accompanied at formal meetings by either a work colleague or trade union representative. The meeting will allow the individual to elaborate on the points raised in their written grievance and will inform the next steps of the investigation.
- 5.4 The purpose of the investigation is to establish the facts of the case and collate appropriate and relevant evidence in order to establish whether there is an issue that needs to be addressed. All parties will be given an opportunity to respond to the points raised and may direct the investigating officer to any relevant witnesses to support their case.
- 5.5 The Investigating Officer will produce a report outlining their findings, summary and recommendations for the Decision-Making Manager.
- 5.6 Based on the outcome of the investigation the manager will give one of the following conclusions:
  - a) The grievance is upheld,
  - b) The grievance is partially upheld,
  - c) The grievance in not upheld.

- 5.7 A summary of the findings should be provided to the complainant. The outcome to the process must be confirmed to the complainant in writing outlining their right of appeal against the decision.
- 5.8 The respondent should also be informed of the outcome, e.g whether the matter will be dealt with via day to day management (see Section 8) or if the matter will move to a formal disciplinary process.
- 5.9 Consideration will be given as to how the parties are going to work together moving forward.

## **6. Withdrawing the Grievance**

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- 6.1 If at any point the employee who has instigated the grievance procedure wishes to withdraw their grievance, they should confirm this in writing and submit this to the same individual they originally submitted the grievance letter to.

## **7. Appeal**

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- 7.1 Where an individual is not satisfied with the outcome of their grievances following the investigation process, they will have the right of appeal this outcome. The appeal will be held in line with the school's Appeal Policy.

## **8. Re-establishing Working Relationships**

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- 8.1 Regardless of the outcome, the alleged perpetrator and the recipient **must** attend a mandatory joint meeting to discuss what support or action is required to assist them to re-establish their working relationship. The Decision-Making Manager should ensure that this meeting is scheduled to take place as soon as possible after the parties have been advised of the investigation outcome. A third party (e.g. manager, HR representative) may be involved in this meeting to help facilitate a solution.
- 8.2 The purpose of the meeting is to agree strategies to assist the parties to resume and repair their working relationship. A potential outline of the meeting might include:
- Explaining the purpose of the meeting (e.g. it is not to revisit the complaint previously investigated, it is about moving forward),
  - Identifying potential areas of concern and explore these with the parties,
  - Encouraging open and honest communication,
  - Confirming the key points agreed to help move forward,
  - Re-affirming that both parties have a responsibility to ensure good working relations are maintained and that failure to do so could lead to disciplinary action being considered.

## **9. Collective Grievances**

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- 9.1 In cases where more than two employees have an identical grievance, they may wish for the matter to be addressed as a collective grievance. All employees must agree to being party of such action without any pressure being placed on them by other employees to join the collective complaint.
- 9.2 Depending on the nature of the complaint, attempts may be made to resolve the matter informally as per section 3 above. However, where the employees are not satisfied with the outcome the matter will be dealt with via the formal stages of this policy.

9.3 A group of employees raising a collective grievance must decide to either:

- a. nominate a spokesperson from the group of employees to act on the group's behalf throughout the grievance process, or
- b. request that a TU union representative raise the grievance on behalf of the employees (where the employees are all members of the same Trade Union), or
- c. where there is no agreement on a single nominated representative, or the complaints are not identical, employees will be entitled to raise an individual grievance.

9.4. The collective complaint should be headed "Formal collective grievance" and submitted to the Head Teacher/Chair of Governors. The complaint should:

- be signed by all individual wishing to raise the grievance,
- identify any nominated trade union representative or colleague to represent the group, and
- confirm that all those involved understand that the grievance will only have one collective outcome and one appeal outcome.

The process for dealing with collective grievances will follow the same process as outlined in this document above for individual grievances.