

P307 Grievance model policy for schools

Contents

(If you are viewing this document online, click on the headings below to jump to the relevant section)

| | |
|-----------------------------|---|
| 1. Principles | 1 |
| 2. Scope..... | 2 |
| 3. Legal requirements | 2 |

1. Principles

- 1.1 Grievances are concerns, problems or complaints that employees raise with their employers.
- 1.2 The school aims to have an open policy for communication and consultation so that problems and concerns can be raised and settled as a matter of course.
- 1.3 Grievances will be dealt with in a confidential manner minimising the number of people involved.
- 1.4 Employees will aim to settle most grievances informally with their manager wherever possible.
- 1.5 Before moving to the formal grievance procedure both the school and the employee will first consider using a mediator to help resolve the problem.
- 1.6 Managers and employees will raise and deal with issues promptly and will not unreasonably delay meetings, decisions or confirmation of those decisions.
- 1.7 Managers and employees will act consistently.
- 1.8 Headteachers will carry out any necessary investigations to establish the facts of the case.
- 1.9 The school will allow employees and Headteachers to be accompanied at any formal meeting.
- 1.10 The school will allow an employee to appeal against any formal decision made.
- 1.11 The school will keep written records of all grievances.

P307 Grievance model policy for schools

- 1.12 The school expects all employees to comply with their obligations under equality legislation and ensure that all reasonable adjustments or supportive measures are considered to allow equal access to the policy and procedure regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status
- 1.13 Headteachers and Governors will seek guidance from HR Direct when applying this policy.

2. Scope

- 2.1 This grievance procedure applies to all current employees, both teaching and support staff. There is no legal requirement for an employer to consider grievances from ex-employees. This procedure should only be used by a single individual; grievances on a matter of principle raised by a group of employees (or a representative of a recognised trade union on their behalf) should be dealt with under the School's Disputes Procedure.
- 2.2 The *Grievance: model procedure for schools* document governs all matters which have been delegated to the Governing Body of the school. Where a grievance concerns a matter which is decided by the County Council then this should be referred to HR Direct.
- 2.3 Grievances relating to remuneration should be dealt with under the School's Pay and Performance Management Appeal Procedure.
- 2.4 Grievances relating to harassment and bullying should be dealt with under the School's Dignity at Work Procedure
- 2.5 If an employee wishes to raise an issue in confidence concerning unethical, illegal or improper conduct without fear of victimisation, subsequent discrimination or disadvantage the School's Whistleblowing Policy and Procedure may be more appropriate.

3. Legal requirements

- 3.1 The way in which a grievance will be dealt with is governed by the policy and procedure adopted by the Governing Body and follows best practice outlined in the ACAS Code of Practice on handling disciplinary and grievance procedures issued under section 199 of the Trade Union & Relations (Consolidation) Act 1992 which came into effect on 6 April 2009 and the ACAS guide to handling discipline and grievances at work.
- 3.2 A failure to follow the ACAS code does not in itself make a person or organisation liable to proceedings. However, Employment Tribunals will take the Code into account when considering relevant cases and can adjust

P307 Grievance model policy for schools

awards by up to 25% for unreasonable failure to comply with the Code.

Awards can be adjusted up or down e.g. if the tribunal believes the school has acted unreasonably they can award 25% more, or conversely, if they believe the employee has unreasonably failed to follow the guidance in the code they can reduce the award by 25%.

- 3.3 An employee's Written Terms and Conditions of Employment must specify the person to whom a worker should go with a grievance. This will normally be the Headteacher. If the grievance is against the Headteacher, it will normally be the Chair of Governors or other nominated individual.
- 3.4 Under *The School Staffing (England) Regulations 2009*, the Governing Body must establish procedures by which employees may seek redress for any grievance relating to their work at the school. Where the governing body determines on any action which is not within its jurisdiction (under the Education Act 2002), but is within the power of the authority, the authority must take that action at the request of the governing body.
- 3.5 School employees have a statutory right to be accompanied by a companion of their choice – a colleague or trade union representative – at any formal grievance meeting.