

# Grievance Policy

Reviewed	October 2017	Leader of Policy Review	Mr. S. Budgen
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## **POLICY STATEMENT**

- 1.1 The Governing Body is committed to working in an environment of mutual trust and respect
- 1.2 The Governing Body recognise that from time to time staff may have a problem about their work, working environment or working relationships that they wish to raise and have addressed.
- 1.3 The Governing Body firmly believe that there is a better chance of resolving any differences that may arise, if issues and concerns regarding work are aired openly, constructively and as early as possible, without the need to invoke the formal grievance procedure.

## **SCOPE AND DEFINITION**

- 2.1 Under the Staffing of Maintained Schools Regulations (Wales) 2005, the Governing Body is responsible for dealing with staff grievances.
- 2.2 Grievances are concerns, problems or complaints that employees raise with their employer.
- 2.3 This procedure applies to all staff employed by the Governing Body of Hawarden High school.
- 2.4 The procedure will be used to deal with a grievance regarding working environment; terms and conditions of employment; working practices; health and safety; organisational change; work relations.
- 2.5 This procedure will not apply to collective disputes which are dealt with through the relevant collective disputes procedures.
- 2.6 If the concern relates to a complaint of alleged bullying and harassment or discrimination the issue will be managed using the School's Dignity at Work policy.
- 2.7 If your concern relates to any conduct or practice in any area of the school's activities which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice, this will be managed using the School's Whistle-blowing procedure.
- 2.8 For teaching staff any grievance relating to pay must be raised in accordance with the procedure identified under the School Teachers' Pay and Conditions Document.
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# Grievance Policy

## PROCEDURE

- 3.1 The member of staff raising the grievance has the right to be accompanied at the formal stages by a single companion. This may be a workplace colleague or professional association/trade union representative. If the member of staff chooses to be accompanied by a colleague, the colleague must be an employee of the Authority.
- 3.2 The member of staff will inform the Governing Body before the meeting if they are bringing someone and provide their name and contact details.
- 3.3 The companion will have the right to address the meeting, put the employee's case, sum up and respond on the employee's behalf, but does not have the right to answer questions for the employee.
- 3.4 The Authority's Occupational Health Services are available to any member of staff who feels they may benefit from a referral.

## RAISING CONCERNS INFORMALLY

- 4.1 Where a member of staff has a grievance they should first of all endeavour to resolve it either by speaking directly to the person or asking a workplace colleague to intervene on their behalf. Written records of this should be kept by those to whom the grievance is brought.
- 4.2 If the grievance is against the headteacher the member of staff should raise it with the Chair of Governors.
- 4.3 If the grievance is not resolved following 4.1, the member of staff should then raise the concern, in writing to the Head of Department, a senior manager or the headteacher, setting out the nature of the grievance and a desired outcome. Any supporting documentation should also be enclosed. The manager will investigate the grievance and propose a resolution.
- 4.4 If the member of staff feels that the grievance is still not resolved, they can then raise the matter formally before the Governing Body.
- 4.5 Where, under 4.3, the member of staff raises the matter formally, this should be done in writing, setting out the nature of the complaint and a desired outcome. Any supporting documentation should also be sent at this time. See Section 5.0

## RAISING THE GRIEVANCE FORMALLY

- 5.1 If, following steps contained above, the grievance remains unresolved, the member of staff has the right to raise the matter formally.
- 5.2 The member of staff will provide to the delegated individual/committee, written details of the grievance setting out in full the matters to be considered; provide copies of any supporting
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# Grievance Policy

documents to be relied upon and provide a summary of the steps taken to resolve the grievance to date.

## 5.3 WHO HEARS THE GRIEVANCE?

5.4 It is the statutory responsibility of the Governing Body to hear a member of staff's grievance and any subsequent appeal. The Governing Body will identify an individual/committee, which ever is more appropriate, with the delegated responsibility of hearing the grievance, and separate individual/committee for hearing the appeal.

5.5 The Governing Body will normally seek to establish a Grievance Committee and an Appeals Committee which will have separate membership.

5.6 The delegated individual/committees will not include the Chair of Governors if they have had detailed prior involvement in the matter that means they could not act without prejudice

5.7 The delegated individual or committee will acknowledge receipt of the grievance and arrange to meet with the member of staff normally within five working days of receiving the grievance.

5.8 Depending upon the perceived complexity of the issues raised, the delegated individual/committee may commission an investigation which may be carried out by an independent investigator, prior to the grievance meeting being arranged.

5.9 If 5.8 is applied, then to assist at the meeting, the investigating officer will provide the written report to the delegated individual/committee and the member of staff raising the grievance. Where appropriate the investigating officer may be called upon by the delegated individual/committee to present their findings at the meeting.

## THE FORMAL MEETING

6.1 The member of staff and/or their representative will make every effort to attend on the meeting date offered. Where a member of staff persistently fails to attend the meeting, the delegated individual or committee will meet and make a decision on the evidence available and provide a written response.

6.2 The purpose of the meeting is to have an open discussion of the issue, factual information available and potential resolutions. Where it is clear that further information is required the meeting will be adjourned to a later date. Any written reports following an investigation will be shared with the relevant parties.

## 6.3 ARRANGEMENTS AT THE MEETING

6.4 The delegated individual/committee will attend the meeting with a note taker. Upon request of the delegated individual/committee the meeting can be attended by Officers of the LA as appropriate in an advisory capacity.

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# Grievance Policy

6.5 In certain cases it may be appropriate to consider allowing witnesses to the meeting where those witnesses will assist in allowing the member of staff to put their case and for the parties to understand the issues. In most cases witnesses will not be necessary as the issues in the grievance will have been established in any investigatory process (see 5.8).

6.6 The delegated individual/committee will determine whether witnesses will be asked to attend the meeting.

6.7 The hearing will open with an explanation by the delegated individual/committee Chair of the procedure to be followed, the roles of each person present, and any arrangements which may apply to the meeting such as breaks etc

6.8 Any questions of procedure that are not covered by this Policy will be determined by the delegated individual/committee hearing the grievance.

6.9 The member of staff or his/her representative will then be invited to present their grievance and refer to any documentary evidence.

6.10 The member of staff or his/her representative against whom the grievance has been raised will then be invited to present their response and refer to any documentary evidence

6.11 The delegated individual/committee may seek clarification on any item from any party during the meeting.

## THE DECISION

7.1 Following the meeting the delegated individual/committee will consider all the information provided and inform the member of staff in writing of the decision reached. This will normally be within 5 working days of the date of the meeting. The member of staff will also be given the right of appeal.

7.2 The decision will cover whether or not the grievance is upheld; any recommendations for action to be taken by the Governing body, and/or headteacher in the light of the decision; any recommendations for changes to school policies or procedures

7.3 The delegated individual/committee in reaching a decision and any recommendations will have regard to the limitations of their powers in accordance with the School Government (Terms of Reference) (Wales) Regulations 2000.

## THE APPEAL MEETING

8.1 If the member of staff is dissatisfied with the outcome of the meeting, they have the right to appeal. The appeal, and the reasons for it, must be given in writing to the Chair of Governors within five working days of receiving the nominated individual/committee's written decision.

8.2 The appeal will normally be heard within ten working days of receipt of the notice of appeal.

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# Grievance Policy

8.3 The purpose for the appeal meeting is to have an open discussion of the issues and to understand why the member of staff is dissatisfied with the outcome of the grievance meeting.

8.4 Where it is clear that further information is required the appeal meeting will be adjourned to a later date.

8.5 The procedure for the hearing will be as in 6.0 above

8.6 The decision will be the final outcome of these procedures

## **RECORD KEEPING AND CONFIDENTIALITY**

9.1 All documentation associated with individual grievance matters will be kept in accordance with data protection legislation. The Governing Body will keep records detailing: the nature of the grievance raised, the management response, any action taken and the reason for it.

## **ACTION TO BE TAKEN WHEN A MEMBER OF STAFF HAS LEFT SCHOOL**

10.1 Where a member of staff leaves and then decides to raise a grievance regarding their employment, this should be done in writing to the Chair of Governors within four weeks of leaving the school's employment.

10.2 The statement should detail the nature of the complaint and an explanation of how the matter might be resolved.

10.3 The complaint will be investigated and a decision made by the delegated individual/Committee as to what action is to be taken as a result of the complaint.

10.4 The decision will be confirmed in writing to the individual by the Chair of Governors normally within 20 working days of receipt of the complaint.

10.5 As there is no right of appeal this represents the end of the grievance procedure.

## **CENTRALLY EMPLOYED STAFF**

A member of staff who is employed by the Local Authority i.e. 'centrally employed' will have their grievance heard at (5) by a Senior Manager, with any appeal at (7) will be heard by the Chief Office – Education and Youth or their representative.

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