



The Skinnners' School

Grievance Procedure

1. Policy statement

- 1.1. The Employment Act 2002 and the Employment Act 2002 (Dispute Resolution) Regulations 2004, SI 2004/752 provides for the operation of a minimum three stage statutory grievance procedure:-
 - i) Employee notifies employer of grievance
 - ii) Employer convenes meeting to hear grievance
 - iii) Employee may request appeal hearing, which employer must grant, if employee dissatisfied with outcome
- 1.2. The procedure has been adopted by the Governing Body and is designed to enable grievances to be resolved quickly and to minimise any prospect of long-term damage to relationships at the Skinnners' School.
- 1.3. Wherever possible, a grievance should be raised INFORMALLY with the employee's Line Manager/Headmaster as appropriate. This can often lead to a speedy and mutually acceptable resolution to the problem.
- 1.4. Where the informal process fails or where the aggrieved person feels this to be inappropriate, the FORMAL procedure should be invoked.
- 1.5. A record should be kept of the outcome of all meetings involving these procedures.

2. Scope

- 2.1. This procedure applies to ALL teaching and support staff in the Skinnners' School irrespective of position and nature of contract of employment.
- 2.2. The procedure covers staff complaints, matters of alleged discrimination, harassment or victimisation of employees.
- 2.3. Redundancy, disciplinary, pay and capability issues are the subject of separate procedures.

3. Post employment

- 3.1. The grievance procedure will continue to apply after the termination of employment.
- 3.2. A modified (two step) procedure may be applied in circumstances where the standard grievance procedure would otherwise apply but where the employment has ended and EITHER:
 - 3.2.1. the employer was not aware of the grievance before the employment ended; or
 - 3.2.2. the employer was aware, but the standard grievance procedure had not started; or
 - 3.2.3. it had not been completed by the time the employment ended; and
 - 3.2.4. the parties must have agreed in writing that the modified, rather than the standard, grievance procedure shall apply
- 3.3. Step One – The employee must set down in writing the nature of the alleged grievance and send this to the employer.

- 3.4. Step Two – The employer must set out a response in writing and send it to the employee.
- 3.5. The modified procedure is appropriate since it would be unreasonable to oblige the parties to follow the standard procedure, including attending meetings, where there is no ongoing employment relationship and both parties mutually agree they have no interest in following the standard procedures.

4. Representation

- 4.1. Throughout the process both parties to a grievance have the right to be accompanied by a recognised trade union representative or work colleague except for 4.3 below.
- 4.2. It is the employee's responsibility to make arrangements to be accompanied.
- 4.3. Informal discussions (see 1.4) or counselling sessions do not attract the right to be accompanied unless they could result in formal warnings or other actions.

5. Informal stage – all staff

- 5.1. Where an employee has a grievance with an Skinners' School colleague, other than the Headmaster, he/she should try to resolve this by a direct approach to the colleague.
- 5.2. If not practicable or the approach fails to resolve the problem, the employee should discuss with a member of the Senior Leadership team or the Headmaster who should endeavour to resolve the problem personally.
- 5.3. A request for a discussion at 5.2 should be met, wherever possible, within 5 working days.
- 5.4. Where the grievance is with the Headmaster, or the Governing Body, the employee should seek a meeting with the Headmaster. This request should be granted, wherever possible, within 5 working days.
- 5.5. At any meeting, the employee has the right to be accompanied by a recognised trade union representative or work colleague. Likewise, the Headmaster may invite a member of the Senior Leadership team or an advisor.
- 5.6. Where the Headmaster has a grievance with either a colleague or Governor(s), every effort should be made to resolve the matter by a direct approach to the colleague or the Chair of Governors.
- 5.7. If the grievance is not resolved through the informal route, the employee may invoke the formal procedure.

6. Formal stage

- 6.1. The employee should submit the grievance in writing to the Headmaster, setting out the details of the grievance and with any supporting documentation/evidence. This should be submitted, wherever possible, within 10 working days of the act or omission giving rise to the complaint.
- 6.2. It is not sufficient to generalise. The nature of the grievance should be explained in specific terms; what is alleged to have occurred, when and by whom.
- 6.3. The employee should state what outcome is sought by raising a formal complaint.
- 6.4. The Headmaster or nominated representative or Chair of Governors (where the grievance is against the Headmaster) should, wherever possible, hear the case within 10 working days (see note below). If an investigation is deemed appropriate, the Headmaster or Chair of Governors shall appoint an Investigating Officer. Following the investigation a further meeting will be held, wherever possible, within 10 working days of the conclusion of the investigation.
- 6.5. Both parties will be entitled to attend and with representation (see 4.1, 4.2 and 4.3).
- 6.6. All documentation, statements and names of witnesses will be distributed at least 3 working days before the hearing.

- 6.7. The outcome of the hearing should, wherever possible, be notified to the employee in writing within 5 working days.
- 6.8. If the grievance is not upheld, the employee must be advised of the right to appeal.

NOTE

If the Headmaster has a grievance, this should be submitted to the Chair of Governors (or, if the grievance is against the Chair to a nominated Skinners' School Trustee who is not the Chair) following the formal stages 6.1 to 6.8 above.

7. Formal stage – appeals procedure

- 7.1. If the employee is dissatisfied with the outcome of the hearing, written notification must be given to the person who heard the initial grievance (see 6.4).
- 7.2. This notification must be submitted within 5 working days of receipt of the outcome of the hearing and give specific reasons for the appeal and what outcomes are being sought.
- 7.3. The appeal will be heard by at least 3 members of the Governing Body (Education Committee) with advice from Human Resources advisers if required
- 7.4. A copy of the appeal notification, setting out the grounds and the original documents submitted, will be distributed to members of the appeal panel at least 3 working days before the appeal hearing
- 7.5. The appeal will be heard, wherever possible, within 20 working days of receipt of notification. The employee has the right to be accompanied by a recognised trade union representative or a work colleague
- 7.6. The panel's decision will be given verbally to all parties and confirmed in writing, wherever possible, within 5 working days of the hearing
- 7.7. The panel's decision shall be final

8. Appeals under Performance Management for teaching staff

- 8.1. Appeals may be made against the content of Planning and Review Statements but only after any moderation process has been completed
- 8.2. Initially, an informal approach should be taken and the teacher/reviewee should seek a meeting with the Headmaster. Wherever possible this request should be granted within 5 working days
- 8.3. The teacher/reviewee has the right to be accompanied by a recognised trade union representative or work colleague. Likewise, the Headmaster may invite a member of the Senior Leadership team or an advisor
- 8.4. If the Headmaster instructs the reviewer to make changes, the reviewer shall, within 10 working days of such an instruction, consult with the teacher/reviewee and prepare a revised Planning and Review statement
- 8.5. A copy will be passed to the teacher/reviewee who may add comments
- 8.6. The revised statement is signed and resubmitted to the Headmaster within 10 working days
- 8.7. The teacher/reviewee may appeal against the final copy of the statement
- 8.8. Again, every effort should be made to resolve the issue informally as described at section 5 above
- 8.9. If, however, the issue is not resolved through the informal route, the teacher/reviewee may invoke the formal procedure (see section 6 FORMAL STAGE and section 7 APPEALS PROCEDURE above)

9. Procedure for conducting an employee grievance hearing and appeal hearing

- 9.1. The hearing should follow a systematic sequence, achieving a balance between structure and informality and ensuring that the individual's views are fully explored.

- 9.2. The chairperson should check that everyone has the same papers
- 9.3. Explain the hearing structure, format and time constraints (if any)
- 9.4. Provide opportunity for clarification
- 9.5. The employee presents his/her grievance issue(s) and, in the case of an appeal hearing, why he/she was dissatisfied with the initial outcome
- 9.6. The panel may question the employee during or after his/her presentation
- 9.7. The employee may introduce witnesses who may, in turn, be questioned by the panel and/or the respondent.
- 9.8. The respondent and/or representative to the grievance may question the employee at the end of the presentation.
- 9.9. The respondent and/or representative will then have the opportunity to respond and the panel may ask questions during or after the presentation.
- 9.10. The employee and/or representative may ask questions at the end of the presentation.
- 9.11. Both parties, starting with the aggrieved employee, will then have the opportunity to sum up.
- 9.12. The panel will have a final opportunity to clarify any points and will then adjourn to consider the complaint.
- 9.13. All parties, except the panel and anyone advising them (see 7.3), will then withdraw.

10. Panel deliberations

- 10.1. The panel will consider all verbal and written submissions by all parties.
- 10.2. The panel, having considered the submissions presented, and deliberations held, then reaches a decision and verbally announces to all parties.
- 10.3. The panel's decision will be confirmed in writing within 5 working days.
- 10.4. The panel's decision is final and binding.

11. Record keeping

- 11.1. It is crucial that accurate notes are kept throughout the process including any initial informal stage.
- 11.2. As such issues are often particularly sensitive it is essential that information is held within the membership of the panel in a secure and confidential manner.

September 2009