



GRIEVANCE PROCEDURE POLICY (HCC)

Signed – Governor

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Dawn Laverick-Brown

Print Name

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1. Introduction

We recognise that from time-to-time employees may wish to seek redress for concerns relating to their employment. The aim of this policy is to achieve fair and equitable treatment of all employees and to support the resolution of grievances in the workplace.

It is our belief that most grievances can be resolved informally, and we advocate the use of informal dispute resolution. It is however recognised, that where informal resolution is not possible that the formal procedure set out in this policy may need to be adopted.

This policy and procedure applies to all employees of the school. It does not form part of any employees' contract of employment, and it may be amended at any time.

2. Scope

This policy is applicable to concerns relating to employment, such as the contract of employment, a working relationship, an employee's own work, health and safety in the workplace and the application of policies (please note this list is not exhaustive).

An employee will be unable to raise a grievance concerning issues that are more than three months old, unless there are exceptional circumstances and, in the eventuality that there are claimed extenuating circumstances, the school will exercise its discretion as to whether a grievance is or is not heard.

The policy may not be used for concerns relating to the below, as these matters are covered in our other policies:

- disciplinary action
- termination of employment
- pay, including NI, tax and pension
- performance capability and appraisals
- harassment and/or bullying
- whistleblowing (unless the employee is directly affected by the matter in question or where the employee feels they may have been victimised for an act of whistleblowing).

In addition, an employee will be unable to raise a grievance:

- on grounds that have been cited or heard in an earlier grievance, under any other policy
- to lodge a complaint about the outcome of any other formal procedure which has its own appeal process.

This policy does not apply to complaints submitted by former employees. We reserve the right to deal with such complaints as it deems appropriate.

3. What a grievance is and is not

A grievance is a legitimately held concern, problem, or complaint that an employee raises with their employer with a view to resolving the issue.

A grievance should be raised with the aim of achieving an appropriate outcome and resolution to the concern, such as the restoration of a working relationship or the understanding of differences of opinion and agreement to work amicably, for example.

A grievance should not be used as a punitive measure by either the employee raising it or the employer.

The outcome of a grievance and what resolution looks like will depend on the specifics of the case, and in some circumstances may result in other formal procedures being enacted, such as the disciplinary procedure.

A grievance being raised does not mean that the employer or named subjects of the grievance will automatically be held accountable for any allegations made. An investigation may or may not need to take place, depending on the nature of the grievance raised, to determine where there may be substance to any claims made. Where an investigation is required, this will be completed by an appropriate member of staff or an appropriate external third party and will be undertaken without unreasonable delay.

4. Overlapping disciplinary and grievance issues

If an employee raises a grievance whilst they are subject to disciplinary and/or capability proceedings, it will not prevent us from continuing with or concluding these processes, other than in exceptional circumstances, and this will be at our discretion.

5. Collective grievances

Where a group of employees raise a grievance regarding the same subject matter, this may be regarded and heard as a collective grievance at our discretion.

6. Vexatious, malicious, and frivolous grievances

A frivolous grievance will be regarded as such if we have reasonable grounds to believe it is unfounded, whether this is intentional or unintentional.

The school will not consider any malicious or vexatious grievances, or any repeat complaints, including frivolous complaints which have already been responded to, and any evidence of malicious or vexatious grievances, or repeat frivolous grievances, may result in formal disciplinary proceedings.

7. Raising a grievance

Employees are encouraged to first raise concerns informally and without unreasonable delay, to an appropriate person who is not the subject of their grievance.

We will accept verbal and/or written grievances, however if the grievance proceeds to the formal stage, this must be provided by the employee in writing, and we will request this if it was first raised verbally (see form – notification of grievance form).

It is a requirement of the school that all formal grievances are in writing and in the circumstances where an employee refuses to comply, the grievance procedure may not proceed.

When submitting a grievance, the employee should give as much detail as possible, including the outcome they are seeking.

If the employee is asking for the grievance to be heard formally, they should evidence that the informal stage has not led to a satisfactory resolution of the concern. The employee should endeavour to submit evidence that the informal stage has been undertaken and where this has not happened the aggrieved party should explain clearly why they do not feel able to go through the informal stage.

7.1. Raising a grievance against a line manager

If an employee needs to raise a concern about their line manager, they should speak to another appropriate senior person.

8. Dispute resolution at the informal stage

Upon receipt of a grievance, our preference is that it is resolved through informal dispute resolution.

Dispute resolution is not a defined process and how it is approached will depend on the nature of the grievance raised. We will therefore adopt local and sensible practices at this stage to determine what actions are taken, with a view to achieving an appropriate outcome for all parties involved.

The benefit of informal dispute resolution is that it provides us and involved parties with the opportunity to resolve matters as early and constructively as possible.

We will convey the outcome of the grievance to the employee who raised it. There is no right to appeal at the informal stage, however if the employee feels that the concern has not been satisfactorily resolved through informal interventions, they can request it is heard formally. Employees are encouraged to seek to understand the outcome of informal conclusions before requesting the matter is heard formally.

9. Formal grievance procedure

The formal procedure will be followed upon receipt of a formal grievance request where a concern is of a more serious nature to warrant immediate formal action or where attempts at informal resolution have been unsuccessful.

In the case where a request is made for the grievance to be heard formally straight away, we may consult with the employee to understand whether following the formal procedure is required immediately or whether informal dispute resolution could be adopted first.

9.1. Roles and responsibilities

There is no requirement for us to prescribe specific roles in a grievance procedure; we will therefore appoint appropriate persons to address the grievance. Broad guidelines are below:

9.2. The grievance manager

An appropriate manager, provided they are not the subject of the grievance, will oversee the procedure and decide the outcome.

9.3. Chair of Governing Board/Trustees

Where the Headteacher is the subject of the grievance, the Chair of the Governing Board will assign an appropriate manager to oversee the grievance process.

9.4. Right to be accompanied

The employee has the right to be accompanied at a formal grievance meeting by a trade union representative or appropriate work colleague.

The employee should provide the name of the representative within three working days of a meeting. Where the chosen companion is unavailable on the day scheduled for the meeting, the employee may request the meeting is rescheduled for an alternate date within 5 working days of the original date. If the employee is unable to attend a meeting in this timeframe, the meeting may take place in a timeframe at the discretion of the school. If the representative remains unavailable, the employee may be asked to choose another representative.

There is no right to be accompanied at informal meetings or during the informal dispute resolution. This will only be permitted where it is deemed to be in the interests of an early resolution and where there are circumstances in which an employee needs additional support. In such cases an independent note-taker may also be present. In an informal meeting, a delay to allow the attendance of a companion is discretionary.

9.5. Formal grievance meeting

The grievance manager will arrange a meeting, without unreasonable delay, to discuss the grievance with the employee.

The purpose of the grievance meeting is for the employee to explain their grievance and how they feel it may be resolved and to give the employee the opportunity to state their case before any decisions are made.

Should facts need to be gathered into the concern raised, it may be concluded that an investigation needs to take place before a conclusion may be provided.

9.6. Investigation

The person managing the grievance will take all necessary steps to investigate appropriately, if required.

The timing and nature of any investigation will differ dependent on the content of the grievance. It is at the discretion of the grievance manager to decide what is appropriate in each case.

It is possible that the grievance manager investigating the concern will need to give the aggrieved employee, or other employees, the opportunity to respond to any information or facts ascertained from the investigation. This will be judged on a case-by-case basis by the grievance manager.

9.7. Outcome

A decision will be reached as soon as reasonably practicable, and the employee will be informed of the outcome in writing within seven calendar days or as soon as reasonably practical.

9.8. Appeal

The employee has the right to appeal against the outcome of the formal grievance. To exercise this right, they must write to the person specified clearly stating the grounds for appeal, within 7 calendar days from receipt of the letter.

Where possible, the appeal will be heard by an appropriate person or panel of individuals, with no prior involvement in the case.

At our discretion, the appeal will be a rehearing or a review of the original decision. The decision of the appeal hearing will be final. It will be confirmed to the employee in writing with seven calendar days or as soon as reasonably practical.

New evidence will only be considered if relevant and there is sufficient reason why it was not presented earlier.

10. Mediation

The school recognises that, in certain circumstances, it may be appropriate to explore the use of mediation. This can be as an outcome of both informal and formal procedures.

Mediation is a tool used by an independent third-party to aid two or more parties in the resolution of a dispute and is voluntary.

APPENDIX 1 – NOTICE OF GRIEVANCE

**HERTFORDSHIRE COUNTY COUNCIL
NOTICE OF GRIEVANCE**

EMPLOYEE’S NOTIFICATION OF GRIEVANCE

This form should be used to submit a grievance in accordance with Stage 1 of the formal Grievance Procedure, adopted by the Governing Body of your school.

You and your trade union representative should complete the form and hand it to your Headteacher, the person against whom the grievance is being brought and the Chair of Governors. You are advised to keep a copy.

1.

Name: School:

Post held: Section/Department:

2. Describe briefly:

- a) The nature of your grievance.
- b) When did you first raise your grievance, and with whom?
- c) What action has been taken on your grievance at the informal stage?

3. Has your trade union or professional association representative been informed? YES/NO

If YES: (a) do you wish the representative to receive correspondence? YES/NO

(b) please identify the representative and where he/she may be contacted

Signed: Date:

APPENDIX 2 – PANEL OF TRADE UNIONS’ AND PROFESSIONAL ASSOCIATION’ REPRESENTATIVES FOR ATTENDANCE AT GRIEVANCE HEARINGS:

UNISON	Mr Keith Price The Flats County Hall Hertford SG12 8DN (Tel: 01992 556260)	Mr Brian Ruggles The Flats County Hall Hertford SG12 8DN (Tel: 01992 556260)
NASUWT	Mr C Surrey 31 Horn Hill Whitwell Herts (Tel: 07725 704487)	
ATL	Mr A Hathway 30 Webb Close Letchworth Herts SG6 2TY (Tel: 07823 888613)	
NAHT	Mr Rod Woodhouse Essendon CE Primary School School Lane Essendon AL9 6HD	
VOICE (formerly PAT)	Mr D Colligan 2 St James Court Friar Gate Derby DE1 1BT (Tel: 01384 349211)	
ASCL	Ms T Nickson Bishop’s Hatfield Girls’ School Woods Avenue Hatfield Herts AL10 8NL (Tel: 01707 275331)	Ms A Saunders Simon Balle School Mangrove Road Hertford Herts SG13 8AY (Tel: 01992 410400)
NUT	Mr F Breheny 131 Ashcroft Road Stopsley Luton LU2 9AY (Tel: 07549 251497)	

APPENDIX 3 – GUIDANCE FOR HEADTEACHERS, LINE MANAGERS AND GOVERNOR PANELS

Conducting a Grievance Meeting

- Hold the session in private, away from interruption
- Listen carefully to what the employee has to say
- Stay calm, especially during any more emotional moments
- Find out precisely what the grievance is about, i.e. don't concentrate solely on the facts; try to understand the feelings behind them
- Ask open questions (i.e. questions that can't be answered with a simple 'yes' or 'no')
- Carefully summarise what the employee has said
- Look for solutions
- Once feelings have cooled down – and it is possible that all the person wanted to do was to let off steam – begin to look for constructive solutions to the problem by:
 - encouraging the person to suggest constructive solutions;
 - making your own suggestions to solve the problem;
 - seeking an adjournment if necessary;
 - thinking carefully before taking a decision;
 - considering whether or not the issue should go to the Headteacher (if the meeting is being conducted by a line manager);
 - accepting that it may not be possible to satisfy everything the employee wants.
- Follow up the session by writing a summary of the key points and the agreed actions to the employee and, subsequently, by checking that actions promised (if any) actually took place

What the law says

On 6th April 2009 the statutory dispute resolution procedures were repealed in their entirety and there is no legal requirement now to follow a set statutory procedure when dealing with grievances. However, it is recommended to follow the basic practical guidance which is provided by the Acas Code of Practice on Discipline and Grievance. This sets out principles for handling grievance situations in the workplace, and has been adopted in these procedures. A failure to follow the 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. Tribunals will also be able to adjust any awards made in relevant cases by up to 25 per cent for unreasonable failure by either party to comply with any provision of the Code.

Headteachers should ensure that all grievances are dealt with whether or not the grievance is presented in writing. Headteachers should also be aware that almost any document is capable of amounting to a grievance, e.g. a flexible working request, resignation letter, a letter of complaint or a letter from the employee's solicitor. It doesn't have to be on a form to count as a grievance.

If a Headteacher receives a letter of resignation from an employee which states what he/she considers to be a grievance, the Headteacher should write to the employee and ask him/her whether they would like a response to their grievance.

Support for employees

When an employee is setting out their grievance in writing, help should be given to those whose first language is not English, or those who have difficulty expressing themselves on paper. In these circumstances, the employee should be encouraged to seek help from a work colleague or trade union representative.

Managers requesting or arranging a meeting of any nature relating to a grievance must ensure that they give consideration to any special arrangements that the employee might require in order to ensure their full involvement in the meeting. For example, special allowance may need to be made for employees whose first language is not English, employees who have any disabilities or employees with little experience of working life.

Selecting a Governor Panel

A useful model for the selection of a panel is as follows:

The Governing Body formally resolves that a first panel will be chosen on each occasion from the membership of the Personnel (or equivalent) Committee by the Chair of that Committee who may also be a member of the panel.

The Governing Body also resolves that any subsequent (including appeal) panel will be chosen on each occasion from the membership of the Governing Body, excluding members of the Personnel (or equivalent) Committee, by the Chair of Governors.

In all cases, governors selected for a panel must have had no previous involvement in the case.

Record keeping

At any interview at the informal stage or any hearing at the formal stage , the Headteacher, manager or the chair of the panel (as appropriate) will be responsible for ensuring that, as a minimum, a written record of the main points and of any actions that are agreed or determined is kept. The written record will be copied to the aggrieved party and to the person who is the subject of the grievance within 3 working days of the hearing. Either party may, if there is disagreement with the record, suggest amendments in writing. Such suggestions will be considered by the Headteacher, manager or chair of the panel (as appropriate); if agreed, an amended record will be sent to all parties. If there is no agreement on the suggested amendments, then the suggestions will be attached to each copy of the authorised record.

The Headteacher, manager or chair of the panel (as appropriate) may choose that a note-taker attend the hearing in order to record the main points and actions.

All written records are confidential to the parties involved and will be held securely in confidential files

APPENDIX 4 – GUIDANCE FOR EMPLOYEES ON HOW TO RAISE A GRIEVANCE

What is a grievance?

Anyone working in a school may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management. Examples of a grievance include (but are not limited to): conditions of employment, health or safety, relationships at work and new working practices. If you are a member of a trade union or professional association, you should seek advice from your representative at the earliest stage some concerns are dealt with through different procedures, and you need to check section 2.3 of this procedure before setting out on a formal procedure.

What should I do if I have a grievance?

Always try to resolve the grievance at source, if necessary by talking it through with your line manager. This allows for problems to be resolved quickly and normal working relationships to resume.

What is the informal process for handling a grievance?

Talk to your line manager at one of your regular one-to-one meetings or, if such a meeting is a long way off, by requesting a special meeting for this purpose.

What do I do if the grievance cannot be resolved informally?

Complete the Notice of Grievance (Appendix 1) and follow the instructions.

What information should I include in the Notice of Grievance?

- What the grievance is about. (Be clear and specific)
- Who is involved and when
- Why the grievance has not been resolved at an earlier stage
- How you think the grievance can be resolved

What happens once I have submitted the Notice of Grievance?

A meeting will be arranged at which you have the opportunity to set out your grievance and the other party will do the same. This is Stage 1 of the procedure. Both parties may be accompanied or represented by their trade union or professional association representative or by a work colleague and no one else. The chair of the meeting will tell you what the outcome is.

What happens if I don't like the outcome of this meeting?

The job of the panel at a formal meeting is to reach a conclusion that is fair and equitable to all sides. If either party feels that the outcome is not fair, then a further meeting (with a different panel) can be requested. This is an Appeal. The decision of the panel at this stage is final: there are no further hearings.

GDPR stipulates that Grievance is personal/ sensitive data. Our school provides Data Subjects (individuals to whom "personal data" relate) with a right to data held about themselves, including those obtained by means of this report. Requests for Data Subject Access should be made to our data protection officer Katie Harris (gdprkarris@gmail.com) or the Head Teacher Mr Kemp (head@batchwood.herts.sch.uk)