



Services for schools, owned by schools

G9-GRIEVANCE PROCEDURE FOR ALL STAFF IN COMMUNITY SCHOOLS AND FOR TEACHERS IN NEWHAM

September 2016

The Governing Body of _____ School

adopted this Policy on _____ [insert date]

Document review date: September 2017

APPENDIX G9

Introduction

Employers are required to have a procedure for settling grievances by individual employees.

1. Under the Local Management of Schools provisions, the governing body of each school with a statutory delegated budget is responsible for establishing such procedures which give staff the opportunity to seek redress of grievances relating to their employment.
2. The Authority and the trade unions consider it important that there is a grievance procedure which sets out:
 - (i) a preliminary process which may enable a grievance to be resolved informally and without recourse to any subsequent stage;
 - (ii) a formal procedure where the preliminary procedure is inappropriate or has failed.
3. This grievance procedure is recommended by the Authority and the trade unions to governing bodies for adoption as the school's procedure. The procedure has also been adopted by the Authority to apply to all its teachers who are employed other than on the complement of LMS schools.
4. Grievances are concerns, problems or complaints that employees raise with their employers. This grievance procedure is intended to deal with all individual grievances excluding matters that are dealt with under other HR procedures (e.g. capability and disciplinary), income tax, National Insurance, the rules of pension schemes and collective disputes. It applies to grievances with school management, the governing body, governors, and staff when acting in a management capacity and the Local Authority. It should not be used to restart proceedings within 6 months of receiving a decision on a related matter, unless it is because management action under a previous decision has not been implemented.
5. Staff are advised to consult their union representative before using the grievance procedure.

Informal Procedure

6. Where a member of staff's grievance concerns a work colleague, s/he should first of all endeavour to resolve the matter by directly approaching the member of staff

involved. This does not preclude the right of the employee to raise the matter directly with a senior member of staff.

7. Where a member of staff has a grievance which does not involve another work colleague, s/he should approach directly her/his Head of Department, supervisor or other senior member of staff.
8. Where the Head Teacher is the subject of the grievance, then the informal procedure would be for the Head teacher to meet with the employee (if applicable) or provide a written response.

9. **Mediation**

This may include using mediation which is informal, confidential, impartial, voluntary and may be undertaken by a qualified workplace mediator. All parties need to agree to having mediation.

Formal Procedure

10. Where the matter has not been resolved under the informal procedure referred to above, the member of staff concerned should submit a formal written grievance on the grievance form to the Head Teacher, and give a copy to any implicated colleague or request the Head Teacher to do so. The member of staff should keep a copy.
11. The member of staff must raise their grievance as soon as possible after the event(s) they are complaining about. A formal grievance must be received within 4 weeks of the occurrence which is the subject of the complaint or within 4 weeks of the time you became aware of the matter.
12. The Head Teacher (or designated alternative person) should establish that the preliminary procedure has been followed and arrange a personal interview with the employee to discuss her/his grievance. This should be held within five working days of the form being submitted. This time limit may be extended by mutual agreement. The member of staff has the right to be accompanied by a union representative or work colleague. If the grievance alleges harassment or discrimination, the Head Teacher (or designated alternative person) should, where possible, be supported by a colleague of the other gender/race as appropriate.
13. The Head Teacher (or designated alternative person) should seek to resolve the problem personally or, by mutual agreement, in consultation with other member(s) of staff. At this meeting the employee should be allowed to explain their complaint and say how it should be settled. The Head Teacher (or designated alternative

person) should also seek advice from the officers of the Authority or consult with representatives of their union(s) concerned as may be thought appropriate. A response from the Head Teacher (or designated alternative person) should be given within 5 working days. If it is not possible to respond within this time limit the employee should be given an explanation for the delay and told when a response can be expected.

14. Where the Head Teacher is the subject of the grievance, the complaint will be investigated by an independent person, appointed by the Chair of Governors. Once the investigation is concluded, the investigator will submit their written conclusion to the Chair of Governors with their recommendation as to whether or not the grievance should proceed to a formal hearing .

Appeal Procedure

15. Where the member of staff feels the Head Teacher or independent person (in case of a complaint against the Head Teacher) has not resolved the matter, they should send their original grievance form together with their reasons why they are not happy with the Head Teachers' response to the Governor Services Section, within 5 working days of receipt of the written confirmation of the grievance outcome.
16. Each governing body will establish a Staff Appeal Committee to consider formal grievances on its behalf or include this within the terms of reference of another committee. The membership of the Committee should represent the different constituent groups of governors. The Committee will have full delegated powers to act on behalf of the governing body in determining a resolution of the grievance. However, if any member of the governing body has been previously involved in the substance of the grievance they should not attend as a member of the Staff Appeal Committee. Governors should not be involved in any discussions outside of the Committee proceedings.
17. The Committee will meet specifically to consider the grievance and this will be clerked. The procedure for the meeting is set out in Appendix 1. The Director or representative will attend this meeting. S/he will be responsible for advising on policy and procedural matters.
18. The meeting of the Committee should be held within twenty working days of the date of receipt of the grievance. Both parties will be given five working days notice of the meeting.
19. Either party may submit written evidence and/or call witnesses. Copies of the evidence and the names of witnesses to be called must be available to all parties at

least 3 days prior to the Committee meeting. Each side must arrange for its own witnesses to attend.

20. Both parties are entitled to be accompanied by a trade union representative or work colleague.
21. The responsibility for convening the Committee rests with the Chair of the governing body. If it is not called within the specified timescale, the Director - Children and Young People Services or representative will make the arrangements and call the meeting no later than a further 10 working days.
22. The matter shall end at this level except where the appropriate trade union consider that an important issue of principle arises which could be considered through the appropriate consultation procedures.

Head Teachers

23. A Head Teacher shall have the right to submit a formal written notice of grievance to the Chair of the governing body with a copy to the Director, Children and Young People Services.
24. In the case of a complaint about the personal conduct of another head teacher, either party can ask for a third party to be involved in seeking to resolve the complaint before it goes to the governors committee.

Teachers not employed on the complement of a school

25. For staff employed on the complement of a school that does not have a delegated budget, the procedure will operate as set out in this document.
26. For teachers not employed on the complement of a school, the appropriate Manager will carry out the role of Head Teacher defined in paragraph 6 to 14. The procedure as defined in paragraphs 15 to 22 is the responsibility of the Director, Children and Young peoples' representative .

**GRIEVANCE FORM FOR TEACHERS AND
FOR ALL STAFF IN COMMUNITY SCHOOLS**

TO: HEAD TEACHER _____ SCHOOL
(or Chair of Governors, if the complaint is against the Head teacher)

FROM: NAME _____

DESIGNATION: _____

DETAILS OF GRIEVANCE

OUTCOME REQUIRED

Signed: _____ Date: _____

Notes: (a) This form should be completed and submitted to the Head Teacher (*or Chair of Governors if the complaint is about the Head Teacher*). It cannot be accepted by the Head Teacher unless it is signed by the member of staff submitting it.

(b) The employee should keep at least one copy of this form when submitting it to the Head Teacher and either give a copy to any implicated colleague, or request the Head Teacher to do so.

GRIEVANCE APPEAL HEARING PROCEDURE

1. The Committee should elect a Chair for the meeting.
2. The Chair to call in all parties.
3. The Chair to explain procedure.
4. Chair to establish that all parties and Governors have any written evidence that was submitted beforehand and names of any witnesses to be called.
5. The Head Teacher to present their case, referring to written evidence and calling any witnesses. When witnesses are present, they should be questioned (in order):

Head Teacher

employee (or representative)

Governors

If agreed by all parties, witnesses will be released at the end of giving their evidence.

6. At the conclusion of the presentation of their case, the Head Teacher to be questioned (in order) :

employee (or representative)

Governors

7. Employee (or representative) to present their case, referring to written evidence and calling any witnesses. When witnesses are present they should be questioned (in order):

by employee (or representative)

by Head Teacher

by Governors

8. At the conclusion of the presentation of their case, the employee should be questioned (in order);

by Head Teacher

by Governors

9. The Head Teacher has the opportunity to summarise their case and respond to issues raised during the hearing without introducing any new evidence.
10. The employee has the opportunity to summarise their case and respond to issues raised during without introducing any new evidence.
11. Both parties will withdraw while the Governors consider the case. If they wish to clarify any points with either party, both parties should be recalled.
12. The Governors may advise both parties of their decision orally or may advise them that written notification will be given within five working days.
13. All proceedings of the Committee are confidential. The decision of the Committee should be reported as a matter of confidential information to the next Governing Body meeting.