



# BJS Federation of Schools

## Grievance Policy

Policy Adopted by Executive Headteacher: Summer 2022

Signed 

Ms A. Parker, Executive Headteacher

Signed 

Mrs F. Morris, Chair of Full Governing Board

Date	Revision/Amendment Details & Reason	Author
Spring 22	New version of policy	Lambeth Council

# Grievance Policy and Procedure

April

2022

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# 1. Introduction

## 1.1 Aim

- 1.1.1 The aim of the Grievance Policy and Procedure is to promote and encourage a working environment in which school employees feel comfortable to raise their concerns without fear of reprisal or recrimination.
- 1.1.2 It is fundamental to this procedure that no employee shall suffer any detriment as a result of raising a grievance in good faith.
- 1.1.3 The procedure provides a framework in which employees can have their concerns and grievances resolved in a fair and timely manner.

## 1.2 Scope, Application and Terms of Reference

- 1.1.4 The Grievance Policy and Procedure applies to all Council/School employees.
- 1.1.5 *Grievances are defined as concerns, problems and complaints that employees raise with their managers (ACAS).*

### 1.1.6 Exemptions

This procedure is not intended to deal with:

- 1.1.6.1 Matters where an alternative process exists for resolving a dispute e.g. For support staff grading the process is outlined in the **GLPC job evaluation procedure**, processes about teachers' pay are outlined in the **pay policy**;
- 1.1.6.2 Matters concerning performance management and / or appraisal and / or pay decisions are dealt with by the council/school's **performance management policy, appraisal scheme or pay policy**.
- 1.1.6.3 Where an employee wishes to complain about malpractice or any other serious matter as a protected disclosure (for example criminal offences, unlawful practice, health and safety or environmental concerns), they should use the council's **whistleblowing procedure**.
- 1.1.6.4 Where an employee alleges bullying / harassment / victimisation by a colleague this may sometimes lead to the **disciplinary process** being followed rather than the grievance process. It will be at the employer's discretion whether to use the disciplinary process, the grievance process, or both.
- 1.1.6.5 The grievance must affect the individual making the complaint. If the matter affects other employees also, for example pay and conditions of service, or if a lot of individuals have complained about the same issue, then the collective grievance process may be appropriate (see section 4.2).

# 2. Responsibilities

- 2.1 Employees are responsible for attempting, where appropriate, to resolve issues informally with their Headteacher/line manager prior to invoking the formal stages of the procedure.
- 2.2 Headteachers/line managers/investigating officers are responsible for:
- Taking concerns raised by employees seriously;
  - Attempting to resolve matters informally as part of their normal management processes;
  - Maintaining confidentiality throughout the process;



- Acting as a role model, promoting a working culture where colleagues and managers treat each other with respect;
- Notifying schools human resources upon receipt of a formal grievance;
- Ensuring that responses are swift wherever possible, and delays are kept to a minimum.

2.3 Schools Human Resources (HR) is responsible for:

- Providing impartial advice and support throughout the process;
- Monitoring the application of the procedure, reporting any trends of concern to the governing board.

## 3. Principles and Definitions

### 3.1 Principles

3.1.1 This grievance policy and procedure has been adopted by the governing board in accordance with legislation<sup>1</sup>. Care has been taken to ensure that the policy is consistent with relevant legislation and with ACAS Code of Practice on Disciplinary and Grievance Procedures.

3.1.2 This policy has been negotiated and agreed with School Trade Unions

### 3.2 Definitions and terminology

3.2.1 References to 'the policy' or 'this policy' mean to Schools Grievance Policy and Procedure.

3.2.2 References to 'colleague' means an employee working at the same school or federation.

3.2.3 References to 'employee' mean the individual who has made the complaint.

3.2.4 References to 'investigating officer' means the officer with responsibility for investigating and deciding on the grievance outcome. This may be the Headteacher, or the Headteacher may delegate this role to a colleague.

3.2.5 References in this document to 'line manager' usually mean the employee's immediate line manager but could also include that manager's manager, or anyone else who has an overall line management responsibility for an individual's work or role.

3.2.6 The person or issue complained about will be referred to as the 'subject' of the grievance.

### 3.3 Complaints about the head teacher or Chair of Governors.

3.3.1 If the complaint is about the Headteacher or governor then the Chair of Governors will take or will appoint a governor to take on the role of investigating officer.

3.3.2 If the complaint is about the Chair of Governors then the vice chair will take on the role of investigating officer.




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<sup>1</sup> See School Staffing (England) Regulations 2009.

### **3.4 Confidentiality**

- 3.4.1 At all stages the process will be kept confidential, and information will only be shared on a 'need to know' basis. For example, the governing board as a whole may receive statistical information about types of grievances but would not normally receive a report giving information such as the name of the employee making the grievance.
- 3.4.2 At no stage should copies of the grievance paperwork be distributed to multiple members of the governing body (other than the appeal panel members where applicable) as this may impact the investigation of the grievance.
- 3.4.3 The investigating officer will consider whether all or part of the grievance allegations should be shared with a witness. For example, if the grievance includes confidential and personal information about the employee, that information won't normally be shared with a witness unless it is pertinent to the witness's evidence. The investigating officer will need to balance the need to conduct a thorough investigation, with a requirement to share confidential information on a 'need to know' basis.
- 3.4.4 Employees or witnesses giving information in relation to a grievance should be aware that the information they give will not usually be confidential from those involved in the grievance process. For example, notes of statements from witnesses are likely to be shared with all those attending grievance hearings and may be referred to in written outcomes. In particular circumstances, it may be appropriate to try to keep the names of witnesses confidential, but this will not be the usual practice.

## **4. Particular types of grievance**

### **4.1 Trade union activities**

- 4.1.1 If the substance of the grievance relates to the activities of a trade union official or a trade union member undertaking union activities, the Headteacher must contact Lambeth Schools HR before proceeding. Lambeth Schools HR will normally arrange a meeting with the relevant Branch Secretary or regional officer before any action is taken.

### **4.2 Collective grievances**

- 4.2.1 In circumstances where a complaint affects more than one employee, it may be appropriate for a collective grievance to be raised. Collective grievances will be dealt with on a case-by-case basis in consultation with the trade unions. The overriding principles of this policy will be followed. Where one or two employees are speaking on behalf of a group making a collective grievance, an authorisation signed by each individual in the group should be provided giving the names of the individuals involved and the scope of the issues to be discussed (this does not apply to trade union representatives as they do not need to provide a signed authorisation).

### **4.3 Malicious grievance**

- 4.3.1 All employees have the right to bring a grievance and it is a fundamental principle of this policy that no employee shall be subject to any detriment for having raised a grievance in good faith. However, if an employee is found to have used this procedure frivolously, maliciously vexatiously or excessively without legitimate grounds, disciplinary action may be considered. The Headteacher should seek advice from Schools HR before taking any action.



#### **4.4 Complaints about third parties**

- 4.4.1 Where the employee raises a grievance about the actions of a third party, e.g. another organisation or their employee, the employer may agree to investigate under this policy. However, the employee should be made aware of the limited remedies available to the Council/School.

#### **4.5 Repeated grievances**

- 4.5.1 If the employee raises a grievance that is the same or substantially the same as a grievance that has been considered already, the employer may decide not to consider the grievance. If the employee has a history of raising grievances that are without merit the employer may decide not to consider further grievances. However, if new allegations made are different to the allegations in previous grievances, for example if there are allegations of recent bullying and harassment that have not previously been considered, then the employer will follow the grievance process again unless there are exceptional circumstances.

### **5. Time scales and sickness absence during the process**

- 5.1 A grievance must be raised within 4 calendar months of the event or matter occurring. In some circumstances, the employer may exercise discretion to consider older allegations. For example, an allegation of historic behaviour could be considered if it is relevant to present events.
- 5.2 The Headteacher/line manager /investigating officer/ appeal panel must as far as is practicable, adhere to the timescales as set out in this procedure. Exceptionally where there are compelling reasons for the delay at the formal stages of this procedure the investigating officer or appeal panel must write to the employee concerned to advise of these reasons; informing them of any reasonably revised timescales, which must not usually extend any stage of the procedure by more than 10 working days.
- 5.3 If the employee is not able to raise a grievance or attend meetings due to sickness, consideration should be given to extending time scales set out in this document. If the employee states they are too unwell to attend meetings then advice should usually be sought from occupational health about when the employee is likely to be well enough to attend a meeting. Consideration should be given to making adjustments to the process in light of the employee's health, for example attendance by video meeting, consideration of written submissions, or attendance by representative rather than the employee. Where the employee is on long term sickness leave it may be appropriate to conclude the grievance process without the employee's attendance at a meeting. In addition to considering the employee's position, account should also be taken of the impact of delay in the process on any individuals who are the subject of the grievance. Where appropriate Schools' HR should be asked to advise on reasonable adjustments that should be made.

### **6. Informal stage**

#### **6.1 Raising an informal grievance**

- 6.1.1 Employees should attempt to resolve their grievance informally with the Headteacher/line manager in the first instance, except where this is inappropriate having regard to the





circumstances.

6.1.2 An informal grievance might be labelled as 'informal grievance', or it may simply be the raising of a concern with a view to that concern being addressed by management. If an employee wants this grievance process to be followed, the employee should confirm in writing to their manager or the Headteacher that they are raising an informal grievance. Where a grievance is raised informally the employee should state what outcome they are seeking.

## **6.2 Responding to an informal grievance – Process**

- 6.2.1 When an employee raises an informal grievance, the Headteacher/line manager will meet with the employee and discuss the issue(s) raised within 7 working days. If this is not possible, the employee should be advised of the delay.
- 6.2.2 The Headteacher/line manager will ask the employee for their desired outcome, if this is not already clear, so as to attempt to resolve the issues in a way that is acceptable to the employee.
- 6.2.3 The Headteacher/line manager will take appropriate action to follow up and clarify facts which may include discussions with other members of staff and/or seeking advice from Schools HR.
- 6.2.4 Examples of informal resolution might include engaging in informal discussions with the employee, introducing team building sessions; offering team training; mediation sessions or other appropriate options depending on the specific circumstances of the grievance.
- 6.2.5 The Headteacher / line manager will aim to complete the investigation within 10 working days of the complaint. The Headteacher/line manager will advise the employee of the outcome of the informal grievance in writing within 5 working days of the conclusion of the investigation. If these time scales are not possible the employee will be advised in writing of the likely alternative time scales.
- 6.2.6 If the employee does not feel that the matter has been resolved satisfactorily, they may proceed to the formal stage of the procedure.

## **7. Formal Stage**

### **7.1 Raising a formal grievance**

- 7.1.1 Where an employee feels that their grievance has not been resolved satisfactorily at the informal stage, or where an informal approach would have been inappropriate, they may proceed to the formal stage of the procedure.
- 7.1.2 The employee should submit the reasons for their grievance in writing as follows:
- To their Headteacher/line manager;
  - If the complaint is about the Headteacher, to the Chair of Governors;
  - If the complaint is about the Chair of Governors, to the vice Chair of Governors

7.1.1 The grievance should be on the grievance form and should set out the basis for the complaint or concern, along with the employee's suggested remedies for resolution.



7.1.2 Where an employee is raising a formal grievance without having sought an informal resolution, they should also set out the reasons why an informal grievance would, in their opinion, have been inappropriate.

7.1.3 The employee should forward documents in support of their grievance with their grievance form, or at least 5 days before the grievance meeting.

## **7.2 Responding to a formal grievance – Process**

7.2.1 Upon receipt of the formal grievance an investigating officer will be appointed to deal with it. If the employee did not submit the grievance form, the investigating officer will forward a form to the employee and request that the employee completes this. The investigating officer will write to the employee with an invitation to a meeting to discuss their grievance. This meeting shall usually take place within 10 working days of submission of the grievance. The investigating officer will arrange for a note taker to attend the meeting. The employee will be entitled to be accompanied at the meeting by a trade union representative or a work colleague. The trade union representative or work colleague does not have the right to answer questions on the employee's behalf or address the meeting. The investigating officer may be accompanied by a Schools HR Officer. The normal arrangement is for witnesses to be interviewed by the investigating officer after the grievance meeting (see notes below about witness interviews). However, in some circumstances the investigating officer may interview witnesses before the grievance meeting, or a witness could be invited to the grievance meeting by the investigating officer or the employee.

7.2.2 At the outset of the meeting the investigating officer will:

- Introduce all those present;
- State the purpose of the meeting;
- Go through the go through the meeting 'housekeeping' such as expected duration of meeting, arrangements for breaks, reminder to switch off mobile phones, reminder that recording is not permitted; emergency evacuation instructions, confidentiality reminder;
- Summarise the process to be followed at the meeting and
- Answer any questions concerning the procedure.

7.2.3 The employee will be invited to explain their complaint fully and suggest how they would like to see it resolved. Consideration will be given to adjourning the meeting for any investigation that may be necessary. The investigation may include interviewing other members of staff.

7.2.4 The emphasis of the investigation will be to find ways to resolve the grievance and alleviate the employee's concerns. The investigating officer should check the following:

- The exact nature of the grievance
- Any potential witnesses
- The employee's desired outcome

7.2.5 A note taker will usually be present at the meeting or when any witnesses are interviewed. Notes will not be verbatim. A copy of the notes taken at the meeting will be provided to the employee and witnesses as soon as is reasonably practicable to be checked for accuracy.

7.2.6 The investigating officer will also meet with any other persons they deem necessary.



- 7.2.7 If meetings with others take place, then usually a note-taker will be used.
- 7.2.8 Witnesses will be advised that a note will be taken of what they say and may be shared with the employee.
- 7.2.9 The witness will be advised that they will not normally be informed of the outcome of the grievance due to employee confidentiality.
- 7.2.10 The witness will be asked to confirm the accuracy of the note – for example by signing a statement or confirming accuracy by email.
- 7.2.11 The potential outcomes of the formal grievance are as follows:
- Grievance upheld;
  - Grievance not upheld; or
  - Grievance partially upheld; and in some circumstances
  - A recommendation e.g. For a change in practice and/or use of a mediator.
- 7.2.12 The investigating officer will advise the employee of the outcome of their grievance in writing and will give reasons for the decision. This will usually be within 5 working days of the completion of their investigation and within 20 working days of the raising of the formal grievance. The investigating officer may also wish to meet with the employee to explain verbally their decisions/outcome, particularly where they have not upheld the grievance.
- 7.2.13 Where a grievance has been raised about a work colleague or colleagues, the investigating officer may opt to suggest mediation as a means to improve working relationships where all parties are willing to cooperate with this. Guidance on mediation may be sought from Schools HR.
- 7.2.14 In the event that the investigating officer has not responded to the grievance within 20 working days of the grievance being raised formally, and the employee has not received a written explanation for any delay, it shall be open to the employee to take the grievance to the second stage (appeal).

## **8. Appeal/Second stage formal grievance**

### **8.1 Lodging an appeal**

- 8.1.1 If the employee is dissatisfied with the outcome of the grievance investigation at the formal stage, or if no response has been received within 20 working days, they may pursue the grievance to the next stage (appeal).
- 8.1.2 The employee must submit their written notice of appeal within 10 working days of receipt of the grievance outcome letter to the Chair of Governors. An employee may appeal in the event that the grievance outcome letter or a written explanation for delay has not been received within 20 working days of the grievance having been raised formally.
- 8.1.3 The employee shall clearly state the reasons why they wish to continue to pursue their grievance to the appeal stage.



## 8.2 The appeal process

- 8.2.1 The Chair of Governors or their nominee shall arrange for the grievance to be heard by a governor panel. The governing board will select three governors who have not had any prior involvement in the matter and will nominate one of them to be chair of the panel. The chair of the panel shall be either trained or suitably experienced in chairing formal panels. If there are insufficient suitable governors available from the school's governing board, then governors from the governing boards of other schools may be appointed to the panel. The panel will make decisions by majority vote, although the chair or the panel may make decisions in relation to procedure for example postponements. If the Chair of Governors is not a member of the panel the Chair of Governors will be given brief information only about the matter, they will not be given full details in case the Chair of Governors is needed as a future decision maker in the matter.
- 8.2.2 A hearing shall be arranged within 20 working days of notification of the appeal, and the employee shall receive a minimum of 5 working days' notice of the date of the hearing. At least 5 working days prior to the grievance hearing, the employee should be sent the names of any witnesses the investigating officer intends to call and the documents to be considered at the appeal hearing. If the investigating officer is relying on documents used in the grievance hearing there is usually no need to make further copies of the same documents for those who already have them but management should make clear in advance which documents they intend to rely on and put any additional documents into an appeal bundle. Fresh copies of documents will need to be arranged for the appeal panel members. The employee should provide copies of any new documentation and names of any witnesses they wish to call at least 2 working days prior to the hearing. It is the employee's responsibility to inform their witnesses of the date, time and place of the meeting, and for the witnesses to obtain consent for the time to attend
- 8.2.3 The following shall attend a grievance appeal hearing;
- A panel of 3 governors who will hear the case;
  - A schools hr representative who shall act as an impartial advisor to the panel;
  - The employee and their representative;
  - The investigating officer presenting the case;
  - Schools HR adviser to the investigating officer;
  - Any other employee called as a witness, who shall be present only to give their evidence;
  - Any other employee at the discretion of the panel;
  - A note taker

## 8.3 Order of Business

- 8.3.1 At the beginning of the appeal hearing chair of the panel will
- Introduce all those present;
  - State the purpose of the hearing,
  - Go through the meeting 'housekeeping' such as expected duration of the meeting, arrangements for breaks, reminder to switch off mobile phones, reminder that recording is not permitted, evacuation instructions, confidentiality reminder,
  - Summarise the order of the proceedings and
  - Answer any questions regarding the procedure



8.3.2 The order of business at a grievance appeal hearing will normally be:

- Presentation by employee/representative;
- Questions to the employee/representative by investigating officer and the panel;
- Presentation by investigating officer;
- Questions to investigating officer by the employee/representative and the panel;
- Summing up by employee/representative;
- Summing up by investigating officer;
- Decision of the panel;

8.3.3 The panel may adjourn a grievance hearing in order to obtain additional information, in which case the hearing shall be reconvened within 10 working days on a date to be agreed between the panel and the employee prior to the adjournment.

8.3.4 At the conclusion of the hearing, the panel shall deliberate in private and shall consider all the evidence, documents and submissions. The panel may reconvene to inform the employee of their decision, but this shall in any event be confirmed in writing within 5 working days of the conclusion of the hearing.

8.3.5 The decisions that may be arrived at by a panel are as follows;

- That the grievance is unfounded, in which case no action shall be taken;
- That the grievance is upheld in full or in part, in which case the panel may recommend appropriate remedial action;
- Any other reasonable recommendation – note that the outcome may be less favourable to the employee than the outcome of the grievance hearing.

8.3.6 The letter notifying the outcome of the panel's decision shall confirm that this concludes the grievance procedure. The decision shall be final.

## 9. Overlapping grievance and disciplinary cases

9.1 Where there is a disciplinary process and a grievance process ongoing at the same time, this does not mean that the disciplinary process will be automatically postponed. For example, if the grievance in fact constitutes a defence to the disciplinary charge, then it may be more appropriate for it to be considered as part of the disciplinary process rather than as a separate grievance. In some situations, it will be appropriate to run the grievance process and disciplinary process in parallel, this will depend on the circumstances.



## 10. Approval and Variation Process

- 10.1 Where the School/Council wishes to amend this policy, it will consult with the relevant trade unions with a view to reaching agreement over the proposed amendment(s). This policy may be amended by agreement with the relevant trade unions at any time. Where agreement has not been reached with the relevant trade unions arising from consultations, the School/Council reserves the right to implement its proposed amendment(s) by giving one month's notice to employees of its proposal(s).

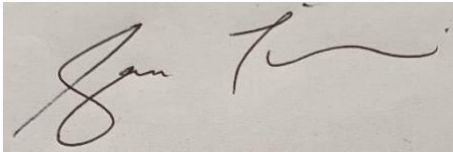
This Policy is approved and signed by:



Director, Education & Learning

Name: Abrilli Phillip

Date: April 2022



On behalf of Trade Unions: Sara Tomlinson Lambeth Trade Union's Joint Education Secretary

Name: Sara Tomlinson

Date: April 2022

Chair of Governors of School or Federation .....

Name:

Date:



## Appendix 1 – Version Details.

	Version date: April 2022
<b>Section</b>	<b>Summary of changes from 2009 version.</b>
Section 1	Clarifying when to use alternative processes rather than the grievance process.
Section 2 and 3	Clarifying definitions and responsibilities.
Section 3.3	Clarifying dealings with complaints against HT and COGs.
Section 3.4	New section on confidentiality.
Section 4	Particular types of grievance – process explained.
Section 4.2	Collective grievances – added note about dealing with a representative of the group.
Section 5	New section on time scales and sickness absence
Section 6.2	Clarification of informal grievance process
Section 7.2	Formal grievance process set out in more detail
Section 8.2	Appeal process set out in more detail.
Section 9	Section on overlapping disciplinary and grievance process added
	Minor changes to some time scales
Appendix 1	Added a version history section
	Revised order to improve chronological flow
	Formatting changes
	Minor changes

Date of agreement with trade unions:

Scheduled review date: 4 years from agreement with trade unions.

