

# Grievance Procedure

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## Document information

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Owner	Human Resources - Schools		
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Purpose	The procedure aims to ensure that grievances are dealt with promptly, in a fair and supportive manner, and as near as possible to the point of origin. Governors should be aware that their involvement in the early stages of this procedure is likely to limit their involvement at a later stage.		

## Document accessibility

If you would like this information in another language or format please speak to your Headteacher/Principal.

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## 1. Introduction

- 1.1 It is important that suitable rules and procedures are in place which will promote fairness and consistency in the treatment of individual employees and which reflect the relevant policy on equal opportunities and appropriate legislation regarding individual employment rights.
- 1.2 This procedure should be followed when dealing with a grievance or dispute in relation to an individual's employment including bullying and harassment. The procedure does not apply to matters relating to:
- Dismissal, disciplinary or capability matters
  - Allegations of health and safety issues, unethical conduct, conduct that is an offence, fraud, corruption or financial malpractice (Confidential Reporting (Whistleblowing) Procedure).
  - Applications for grading, re-grading and appeals (Job Evaluation and Grading Procedure)
  - Any situation where alternative appeal procedures exist
  - Complaints from parents or students
- 1.3 The procedure aims to ensure that grievances are dealt with promptly, in a fair and supportive manner, and as timely as possible. The grievance must be raised within three months of the incident or action giving rise to it. Any grievance raised outside of that time limit will not be considered unless there are exceptional circumstances. Governors should be aware that their involvement in the early stages of this procedure is likely to limit their involvement at a later stage.
- 1.4 Grievances can arise from a variety of sources, and it is important to recognise that many potential problems and difficulties can and should be resolved informally and as quickly as possible. Formal procedures are intended to be used for problems which are serious in themselves, or serious because they remain unresolved after informal steps have failed to achieve a satisfactory outcome.
- 1.5 The procedure should be made known to all staff within the school/academy and all employees have the statutory right to representation.
- 1.6 The procedure has been implemented following consultation with the Joint Negotiating Committee for Schools and Academies (Schools and Academies JNC) (including representatives from the recognised school and academy unions) and may be amended from time following further consultation.

## 2. Equalities

- 2.1 If an employee has difficulty at any stage of the procedure because of a disability, they should discuss the situation with their line manager so that adjustments can be made accordingly
- 2.2 In addition to their work colleague or a representative of a trade union/professional association where employees who need a carer (for reasons of their disability), or an interpreter/translator to attend a meeting with them, arrangements should be made with the person hearing the case.
- 2.3 An employee who requires assistance accessing a meeting should inform the person requesting their attendance and appropriate venues allowing access will be made available.

- 2.4 The School is committed to fairness and equality of treatment for all employees and will comply with the requirements of the Equality Act 2010 in the implementation of these procedures.

### **3. Informal Procedure**

- 3.1 Every effort should be made to resolve grievances through an informal process.
- 3.2 Where an employee is aggrieved on any matters involving other staff, they should discuss the matter initially with the individual concerned, if appropriate. If they feel unable to do this or if this fails to resolve the matter, it should be raised with their line manager.
- 3.3 If necessary, an approach may be made to another senior member of staff and/or to a representative of a professional association/trade union in order to assist in trying to resolve the situation informally. As the matter is in the informal stage any meetings will normally involve the employee and line manager only. The employee will need to confirm what outcome they require to resolve their grievance.
- 3.4 Where the Headteacher has a grievance, a similar procedure should be followed. To resolve the matter informally, a direct approach should first be made to the person concerned. Additional support in seeking to resolve the matter may be sought from a Governor or other senior colleague.
- 3.5 Some grievances may not involve other members of staff but may lie with the School Governors. In this case, the individual may make a direct approach to the Headteacher in accordance with the formal procedure. A written record should be made of each meeting.
- 3.6 If the matter remains unsolved the employee may then move to the formal stage. If the matter is sufficiently serious enough, such that misconduct may have taken place following the informal stage, a referral to the disciplinary policy can be made.

### **4. Formal Procedure**

- 4.1 Where the informal procedure has failed to resolve the matter or the matter is sufficiently serious, the employee should submit details of the grievance in writing to the Headteacher within 3 months of the incident occurring, including details of any attempt to resolve the matter informally.
- 4.2 The Headteacher or Governor or an appointed senior member of staff will investigate the grievance. This should not be the manager who met with the employee at the informal stage. If the grievance is against the Headteacher, or the Headteacher is the aggrieved party, the written grievance should be submitted to the Chair of Governors, or other nominated Governor.
- 4.3 The Headteacher or Governor (or a manager nominated by the Headteacher) will arrange to meet with the employee in order to try and resolve the matter, with advice from a human resources advisor and/or other representative. It may be necessary to convene a meeting, or series of meetings, with those involved in the grievance.
- 4.4 The Headteacher or Governor (or a manager nominated by the Headteacher) should invite the individual to attend a formal meeting in order to discuss the grievance. The individual should be informed in writing of the date, time and

place of the meeting and confirmation of the right to be accompanied by a work colleague or representative of their professional association/trade union.

- 4.5 During the meeting the individual should explain their grievance and say how they think it should be resolved. The Headteacher or Governor (or a manager nominated by the Headteacher) considering the matter and the employee will seek to resolve the grievance at this meeting. Possible outcomes may be to move the matter back to the informal stage if this option has not been exhausted, to uphold or reject the grievance, to recommend more investigation or to recommend mediation.
- 4.6 If the full nature of the grievance has been established and further investigation is required the meeting should be adjourned to allow the investigation to continue. Where further investigation is necessary then any meetings arranged with the subject of the grievance or witnesses should be carried out as soon as possible and the individual should be informed in writing of the reason for the meeting and given the date, time and place of the meeting and the right to be accompanied by a work colleague not already involved in the grievance or representative of their professional association/trade union.
- 4.7 Employees should be reminded that the procedure and issues discussed are confidential and that their statement may be used in the report and at any future disciplinary hearing that might arise out of the grievance. Witnesses may be required to attend any hearing as a witness, if appropriate.
- 4.8 On completion of the investigation, the Headteacher or Governor (or a manager nominated by the Headteacher) will produce a report and make a decision based upon its contents. The decision should be provided in writing to the employee, where appropriate setting out what action they intend to take to resolve the grievance. The employee should also be informed in writing that they can appeal if they are not satisfied with the process or the decision. The employee who is the subject of the complaint should also be informed in writing of the outcome.
- 4.9 Employees who abuse the grievance policy and process by making a malicious or vexatious complaint will be liable to disciplinary action.
- 4.10 If an employee has a grievance against the Governing Body of a maintained school, the grievance should be directed to the Director of Children's Services, or in other schools, to the appropriate designated body.

## **5. Mediation**

- 5.1 The Headteacher or Governor (or manager nominated by the Headteacher) may decide to recommend mediation, if appropriate, and not previously attempted at the informal stage. Mediation can only take place if all parties are in agreement. Mediation seeks agreement from both parties to act in a manner that is acceptable to each other so there is no appeal against this outcome so long as the mediator confirms that agreement has been reached.
- 5.2 Your HR Advisor can make arrangements for the mediation to take place. There may be an additional cost for this service.

## **6. Rights of Appeal**

- 6.1 The aggrieved employee has the right to appeal. If they choose to do so they will use the Appeals Procedure by giving the required notice to the Chair of the Appeals Committee, setting out their grounds of appeal.
- 6.2 The decision of the Appeals Committee is final and there is no further right of appeal within school/academy procedures.

## **7. Grievances against the employer**

- 7.1 If a grievance falls outside the remit of the Governing Body and relates specifically to the employer, the employee should write to the employer, outlining the nature of the complaint.

## **8. Collective Grievances**

- 8.1 A collective grievance is a grievance which is common to more than one employee. Collective grievances will be dealt with in line with the grievance procedure.
- 8.2 Where there are more than two employees with a collective grievance the employees should nominate representatives to represent their interests at meetings throughout the process. The maximum number of nominated representatives shall be:

Number of employees with the collective grievance	Maximum number of nominated representatives
2 to 5	1
6 to 15	2
16 and above	3