

# Grievance Procedure – School-based Employees

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## **1. Purpose**

- 1.1 The Grievance Procedure is designed to ensure that employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. This includes, by way of example, complaints about new working practices, working environment, health and safety, harassment and discrimination, interpersonal relationships or bullying. It supersedes all local protocols relating to the staff to which it applies.
- 1.2 All issues under this policy must be dealt with speedily, with no unreasonable delays to meetings, decisions or appeals. Reasonable advance notice must be given for any planned meetings and adequate time for preparation should be afforded to the employee.

## **2. Scope of the procedure**

- 2.1 This procedure applies to all Leicester City Council school-based employees. It also applies to all teachers employed directly by Leicester City Council, subject to appropriate amendments being made in the context of management responsibilities.

### **3. Using this procedure**

- 3.1 It is in everyone's interest for problems or concerns to be resolved before they develop into major difficulties for all concerned. Wherever possible, employees should try to resolve any concerns by raising them informally with their line manager. To facilitate this, managers should adopt an open policy for communication and consultation and seek to address and resolve problems and concerns quickly and fairly. However, sometimes this is not possible and this is where the grievance procedure should be used.
- 3.2 A grievance should be raised within a reasonable timescale of the decision or act causing the complaint. Where the complaint raises issues of a historical nature, it will not normally be dealt with under this procedure, except where the circumstances relate to an on-going matter.
- 3.3 If you have difficulty at any stage of the procedure because of a disability or because English is not your first language, you should discuss the situation with the manager dealing with the grievance as soon as possible.
- 3.4 This procedure does not apply to employment situations where another procedure can deal with the issue more appropriately. For example:
- (a) concerns raised in relation to a disciplinary process or outcome. The disciplinary procedure will be used.
  - (b) concerns raised in relation to a capability process or outcome. The capability procedure will be used.
  - (c) concerns raised that constitute a disclosure under the whistleblowing policy. The whistleblowing policy will be used.
  - (d) Any other complaint or concerns in relation to any other HR Policy or Procedure which has an appeal mechanism within it will be exempt from this procedure.
- 3.5 All grievances should be raised within the school in the first instance. However, if it becomes clear that the grievance is one which only the council can resolve, it should be referred to an appropriate senior council officer.

### **4. Mediation**

- 4.1 Mediation can play an important role in resolving problems between managers and employees and between employees themselves. Mediation can be particularly helpful in cases where interpersonal conflict or competing interests form an important element in the situation precipitating the grievance. Managers and employees are encouraged to consider using mediation both at an informal stage and, where appropriate, during the latter, formal stages of the procedure. Schools may purchase a mediation service from the council.

## **5. Raising a grievance informally**

- 5.1 In the first instance, managers and employees should always look to resolve problems in an informal manner and should take a problem-solving and constructive approach to concerns or complaints. As explained in 4.1, managers and employees may wish to consider whether mediation is appropriate whilst the complaint is at an informal stage.
- 5.2 Managers should adopt an open policy for communication and discussion and seek to address and resolve problems and concerns quickly and fairly.

## **6. Raising a formal grievance**

- 6.1 If the grievance cannot be resolved informally you should set out the grievance in writing to the Headteacher (who may delegate the matter to a member of the senior management team unless the matter concerns the Headteacher). Where it is not appropriate for the Headteacher to hear the grievance it may be heard by a member of the governing body or, if the grievance is one which only the council can resolve, by an appropriate senior council officer. A HR Advisor will normally be present.
- 6.2 If you are unable to set out the grievance in writing due to a disability please speak to your school's HR Advisor.
- 6.3 The grievance should set out the nature of the grievance including any relevant facts, dates and names of individuals involved.
- 6.4 The person dealing with the grievance will arrange a meeting to be held as soon as is reasonably practicable. He/she will liaise with you and/or your representative to arrange a suitable date and time for the meeting. You should make every effort to make yourself available for the meeting.
- 6.5 The purpose of the meeting is to enable you to re-state your grievance and how you would like it to be resolved and to assist the person hearing the grievance to reach a decision based on the available evidence and the representations made.
- 6.6 If required, the person hearing the grievance may wish to carry out an investigation following the initial meeting. The amount of any investigation required will depend upon the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing documents.
- 6.7 Following the meeting and/or investigation, you will be informed of the outcome of the grievance, with reasons, including any action as quickly as possible. This may be verbally at the close of the meeting and confirmed in writing or once a decision has been reached following further investigation or taking advice.

## **7. Right of representation**

- 7.1 You may bring a representative to any meeting held under this procedure. The representative may be either a trade union representative or a work colleague. At meetings the representative can make representations or ask questions but cannot answer questions on your behalf.
- 7.2 Meetings will not be unreasonably delayed due to the non-availability of a chosen representative. If a chosen representative is not available to attend a meeting within a reasonable time period you will be required to bring an alternative representative. Once arranged meetings will only be postponed in exceptional circumstances.

## **8. Raising an appeal**

- 8.1 Where you feel your grievance has not been satisfactorily resolved you may appeal within 10 working days of receiving notification of the outcome of the grievance meeting.
- 8.2 Your appeal should set out the grounds for appeal in writing to the person notified to you in the outcome letter.

## **9. Appeal meeting**

- 9.1 An appeal meeting will be arranged as soon as reasonably practicable with members of the governing body not previously involved or, in the case of a grievance which only the council can resolve, with a panel of council officers not previously involved.
- 9.2 The purpose of the appeal meeting is to enable you to re-state your grounds for appeal and explain why you are dissatisfied with the outcome of the first meeting providing any supporting evidence. The person who conducted the grievance meeting will be invited to respond to these grounds and should attend the appeal hearing in person, unless there are reasonable grounds not to do so or all parties agree that a written statement would be acceptable.
- 9.3 You will receive a decision on your appeal in writing, normally within five working days of the appeal meeting.

## **10. Retention of written records**

- 10.1 A written record of any grievance will be retained along with any decisions taken and any notes or other documents compiled during the grievance process. Records will be treated as confidential and be kept on the employee's personal file.

## 11. Review

11.1 This procedure will be reviewed and updated in line with relevant legislation, case law and emerging good practice.

### Document Control

<b>Implementation Date</b>	<b>Author</b>	<b>Summary of Changes</b>	<b>Date to be reviewed</b>
Agreed 7.11.2014 Individual school implementation dates subject to local determination	Jo Poynton	Revised procedure	January 2016