



**London Borough  
of Hounslow**

# **Grievance Policy and Procedure for School Based Staff**

**Issued by Schools & Commercial HR Team  
Effective from September 2021**

## 1 Introduction

- 1.1 The Governing Body believes that all employees should be treated fairly and with respect, however it recognises that from time to time employees may wish to seek resolution for grievances relating to their employment.
- 1.2 The grievance process can be defined as: “a means of dealing with concerns, problems or complaints that employees raise with the employer”.
- 1.3 This policy sets out:
- lawful, non-discriminatory, fair and effective arrangements for dealing with employee concerns or grievances
  - employee responsibilities when raising problems and concerns
  - Headteacher responsibilities for the resolution of issues quickly and consistently in order to maintain good working relationships
- 1.4 The Governing Body is committed to ensuring:
- that no employee will suffer any detriment in the form of victimisation by asserting their statutory right to raise a grievance.
  - that witnesses are protected against detriment as a result of acting as a witness during a grievance process.
- 1.5 This policy sets out the arrangements for the management of grievances submitted by teaching and non- teaching employees and has been developed in line with the ACAS Code of Practice.
- 1.6 This policy is intended for the management of grievances and employee complaints.
- 1.7 Most issues and complaints can be resolved informally. It is the expectation; in the spirit of working well together that employees seek to resolve issues informally, either through discussion and/or informal means.
- 1.8 This policy has been consulted on with the trade unions recognised by the school and is committed to the governing body for adoption.
- 1.9 In this policy, the term ‘governing body’ refers to appropriate bodies in all schools, including academies and free schools.

## 2 Scope

- 2.1 This policy applies to all employees of the school.
- 2.2 Complaints raised by or in relation to agency workers, including supply teachers should be raised with their employing agency or organisation. Should an investigation be required, this may require joint working between the school and the Schools & Commercial HR Team and the employment agency. Guidance should be sought from the Schools & Commercial HR Team in these instances.

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### 3 Matters covered and not covered under this policy

- 3.1 Grievances are defined in the ACAS Code as being 'Problems or complaints that employees raise with their employer'. These may include the following: terms and conditions of employment, health and safety, new working practices, working relationships and bullying and harassment.
- 3.2 This policy deals solely with employee complaints lodged in relation to terms and conditions of employment, health and safety, new working practices and general work-related matters.
- 3.3 Complaints in relation to working relationships and bullying and harassment are not covered by this policy and should be dealt with under the Schools Dignity and Respect at Work policy.
- 3.4 Complaints in relation to redundancy dismissals are excluded from the scope of this policy and should be addressed under the Schools Reorganisation, Redeployment and Redundancy policy.
- 3.5 Employees wishing to raise concerns about malpractice at work (e.g. fraud, corruption, financial malpractice, serious health and safety breaches) can alternatively refer to the Whistleblowing Policy.
- 3.6 Employees cannot raise a grievance about the fact that the school may take disciplinary action against them, however If the subject matter of the grievance is connected to the subject matter of the disciplinary proceedings, the issue should be considered at the disciplinary hearing.
- 3.7 When an employer is informed of a grievance from an employee who is to be the subject of disciplinary procedures, the employer should consider:
- whether the subject matter of the grievance deals with the same subject matter as the disciplinary hearing;
  - whether the grievance involves an issue that the employer was unaware of.
- 3.8 The only exceptions would be a grievance that claims the disciplinary action amounts to or would amount to unlawful discrimination or some other breach of statutory duty. In any cases where a grievance is raised by an employee who has been subjected to the disciplinary procedure, advice should be sought from the Schools & Commercial HR team before proceeding.
- 3.9 The Grievance procedure cannot be used to address an anonymous grievance; if an employee wishes to raise an anonymous grievance the individual should refer to the School's whistleblowing procedures.
- 3.10 The Grievance procedure should also not be used to question any decisions taken under any other employment procedure e.g. to be used to raise a counter claim against management action being taken under other school policies such as: Disciplinary, Performance Management and Absence Management Policies

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- 3.11 Grievances should be raised when “something is believed to be wrong or unfair”. Employees should be aware that they must not use this Policy to raise concerns without good cause or with the intention of causing distress to others.
- 3.12 A grievance that is not upheld is not necessarily one that could be deemed as frivolous, malicious or vexatious but could have been a subject of misunderstanding.
- 3.13 If a grievance has been defined as frivolous, malicious or vexatious, the matter may be investigated under the Disciplinary Policy.
- 3.14 This procedure does not apply to ex-employees, however if they have concerns they wish to raise they can request an exit interview with either a nominated governor from the Local Governing Body or in exceptional circumstances a representative of the school's accountable body e.g. Local Authority or Academy Trust Board/Director

## **4 Abuse of the Grievance policy**

- 4.1 The school will not tolerate any form of abuse of this policy. Any employee found to have harassed or treated another employee less favourably for them having invoked this policy, they may be subject to disciplinary action under the Schools Disciplinary policy.
- 4.2 Any employee found to have made a malicious or vexatious complaint under this policy may be liable to disciplinary action. This may include repeated unfounded complaints or submitting grievances as a means of deliberately frustrating the application of management action.

## **5 Mediation**

- 5.1 Mediation is an alternative dispute resolution whereby an impartial third party facilitates a series of private and joint meetings with the aggrieved parties to identify a mutually acceptable resolution. It is a voluntary, non-binding process which seeks to address the underlying causes of a conflict.
- 5.2 Mediation can be arranged through a request being made to a Headteacher or governor, and it will entail the use of a trained external mediator through a third-party provider. Should mediation be considered as an option, please contact the Schools & Commercial HR Team to discuss whether this would be of benefit and any costs for this service.

## **6 Representation**

- 6.1 All employees have the right to be accompanied to formal meetings either by a trade union representative or workplace colleague to discuss their grievance. It is the responsibility of the employee to arrange this. There is no right to be accompanied to informal meetings.
- 6.2 Although investigation meetings for witnesses do not attract the right to be accompanied, they may request to be accompanied as it is understood that this can be a stressful process for some individuals.

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## **7 Informal process**

- 7.1 Employees who have a complaint should, where possible attempt to redress this matter through informal means. The employee in question should either raise this matter with their direct line manager, or if the line manager is the subject of the complaint, or if this is inappropriate with the Headteacher or another appropriate member of the leadership team. A Headteacher with a grievance should lodge this with the school's Chair of Governors in the first instance, or if this is not possible with another appropriate person on the Governing Body/Board of Trustees.
- 7.2 Should an employee not feel comfortable raising the matter directly themselves, they can request that another member of management or a trade union representative raise the matter on their behalf.
- 7.3 After the matter has been raised, a verbal conversation should take place between the employee and an appropriate member of the management team. The employee should advise the manager about the issue and advise about the resolution that they are seeking. The manager should take notes during this discussion and a copy of the notes should be provided to the employee. As this is an informal meeting, an employee does not have the right to be accompanied.
- 7.4 Where the complainant is a Headteacher, s/he should try to resolve the matter through discussing the matter with the vice chair of governors or another appropriate person on the Governing Body/Board of Trustees.
- 7.5 Where informal steps have not successfully resolved the issue, or where an informal approach would be inappropriate, due to the nature of the complaint, the employee may wish to progress directly to the formal stage of the grievance procedure.

## **8 Formal process - 'Stage 1'**

- 8.1 Where a grievance has not been resolved through the informal route an employee may then submit a formal written grievance to the Headteacher, If the grievance is in relation to the Headteacher, the grievance should be submitted to the school's Chair of Governors, who should inform the Director of Children's and Adult Services that a grievance against the Headteacher has been received.
- 8.2 The Chair of Governors should then consult with the Schools & Commercial HR team to determine how the matter can be resolved.
- 8.3 Where the Headteacher wishes to submit a formal grievance, this should be submitted to the school's Chair of Governors and a copy provided to the Director of Children's and Adult Services.
- 8.4 A full description of the complaint should be provided by the complainant either by completing the Grievance Submission Form at Appendix 1 or via a formal letter setting out the grievance. The submission should be accompanied by details of any

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witnesses to any incidents and supporting documentation. Any formal written grievance must be signed and dated. **Anonymous grievances will not be accepted.**

- 8.5 Written confirmation of receipt of a formal written grievance should be provided to the complainant, along with details as to how the complaint will be handled **within five working days**. This should be sent by the Headteacher/Chair of Governors or relevant member of the school's management team who has been commissioned to conduct the investigation.
- 8.6 The Headteacher/Chair of Governors or appropriate investigating manager will, after having discussed the matter with the Schools & Commercial HR team to arrange for the complaint to be investigated and a response provided to the complainant.
- 8.7 In some cases, where a full investigation is required, this may also be supported by a member of the Schools & Commercial HR team. The investigation may include interviewing the complainant, any witnesses and gathering other information. After all information has been gathered, the investigating manager will provide a full written response to the complainant. **The intended timescale for this process should not exceed 28 days.**
- 8.8 Should the process take longer than this timeframe, the employee should be advised of this in writing and advised of the reason(s). The response will advise the complainant, with a detailed explanation if their grievance is either:
- Upheld
  - Not upheld
  - Partially upheld
- 8.9 In cases where any written grievance is partially or not upheld, the employee will be advised that they have the right to appeal the decision.
- 8.10 There are some instances in which an employee may raise an issue; either verbally, or in writing which may constitute a formal grievance, though they have not explicitly referred to it as a formal grievance. Examples of this can be issues raised in a letter of resignation, comments made in a meeting or issues raised in written format, such as in an e mail. An employer is required to treat such communications as a grievance even when it has not been explicitly referred to as being a formal grievance.

## 9 Appeals - 'Stage 2'

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- 9.1 If an employee is dissatisfied with the outcome of their grievance, they have the right to appeal against the decision. Appeals must be submitted to the Chair of Governors. If the Headteacher was the complainant, they must submit their appeal to the appropriate person in the management structure. Written appeals must be submitted **within 10 working days** of the date of the stage 1 outcome letter.
- 9.2 The employee will be required to set out the grounds of their appeal in writing providing as much information as possible. For an appeal to be considered, the employee should confirm that their appeal fulfils one or more of the following criteria:
- **Procedure:** Where failure to follow the correct procedure has had a material effect on the decision made the disciplinary panel;
  - **Facts of the case:** Where the investigating manager formed a conclusion based on a material point of fact, which no reasonable person would have reached;
  - **New Evidence:** New evidence has become available that could not have reasonably been presented to the investigating manager during the course of the initial investigation process. This newly available evidence would have had a material effect on the outcome of the initial grievance investigation.
- 9.3 Any accompanying information should be included either with the written appeal, or be received **no later than 3 working days** ahead of the date of an appeal hearing to allow all parties to read through and consider the information.
- 9.4 Appeals will be considered by an appeals committee and should consist of governors or appropriate members of the management team who have had no prior involvement in the case.
- 9.5 An appeal hearing will be set up **within 10 working days** of the receipt of the written appeal. If this timescale cannot reasonably be met, the employee must be advised of this and the reasons for the delay provided. The Appeals Panel will consist of the Chair of Governors, if not previously involved, and one other Governor or senior manager who has had no prior involvement in the case. A member of the Schools & Commercial HR team may also be in attendance as the HR adviser to the panel. The manager who undertook the initial investigation into the grievance will be required to attend in the capacity as the presenting manager at an appeal hearing.
- 9.6 The employee will be given at least **5 working days' notice** of the date of the appeal hearing. Should the appellant wish to call any witnesses to the appeal hearing, they must obtain the permission of the witness to attend and ensure that the witness is available to attend the hearing. The appellant is then required to confirm the names of the witnesses to be called to the hearing **at least 5 working days** in advance. The Headteacher will then arrange for the witnesses to be available to attend the hearing.
- 9.7 The Headteacher should arrange for a clerk to attend and take notes at the hearing. A copy of the notes will be made available to the employee, along with the hearing outcome letter from the panel chair. A HR representative from the Schools &

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Commercial HR Team may attend the hearing as a HR adviser to the Stage 2 Appeals Panel and may also ask questions during the proceedings.

9.8 The Stage 2 Appeals Hearing will run in the following sequence:

- The chair of the panel will open the hearing- advise that it is a Stage 2 appeals hearing held under the School's Grievance policy;
- All parties present will introduce themselves and confirm their part in the hearing;
- The employee who lodged the appeal will present their case;
- The employee may call witnesses at this point;
- The panel will ask questions of the employee;
- The presenting manager will have the opportunity to ask the employee any questions.
- The presenting manager will then present their response to the grounds of the appeal;
- The presenting manager may call witnesses at this point;
- The panel will ask questions of the presenting manager;
- The employee will also have the opportunity to ask questions of the presenting manager;
- Both sides will sum up
- The hearing will be adjourned.

9.9 Following the adjournment, the Appeals Panel will deliberate on the evidence presented at the hearing. The outcome may be conveyed verbally to the employee on the same date or by letter after the date of the hearing. In all circumstances, written confirmation of the outcome of the hearing and rationale for the decision made by the panel chair must be provided to the employee no later than **5 working days** after the date of the hearing.

9.8 The decision of the appeal panel is final, and there is no further internal stage.

9.9 In cases where the complainant has either resigned or been dismissed from employment with the school, there will be no right to an appeal hearing, however, the documents relating to the grievance investigation may be reviewed by a Governor and HR Adviser who have no prior involvement.

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**Once completed the form and any supporting information should be submitted to the Headteacher, or in the cases involving the Headteacher, to the Chair of Governors**

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Have you attempted to resolve this matter informally?

Yes/No

Please indicate what steps you have taken so far to resolve your grievance, including any actions to resolve this matter informally

Please indicate the resolution(s) that you are seeking/

Please provide the names of any witness(es) you believe may be able to provide information to support your grievance.

Please advise of any dates that you will be unavailable

.....

**Confirmation by complainant:**

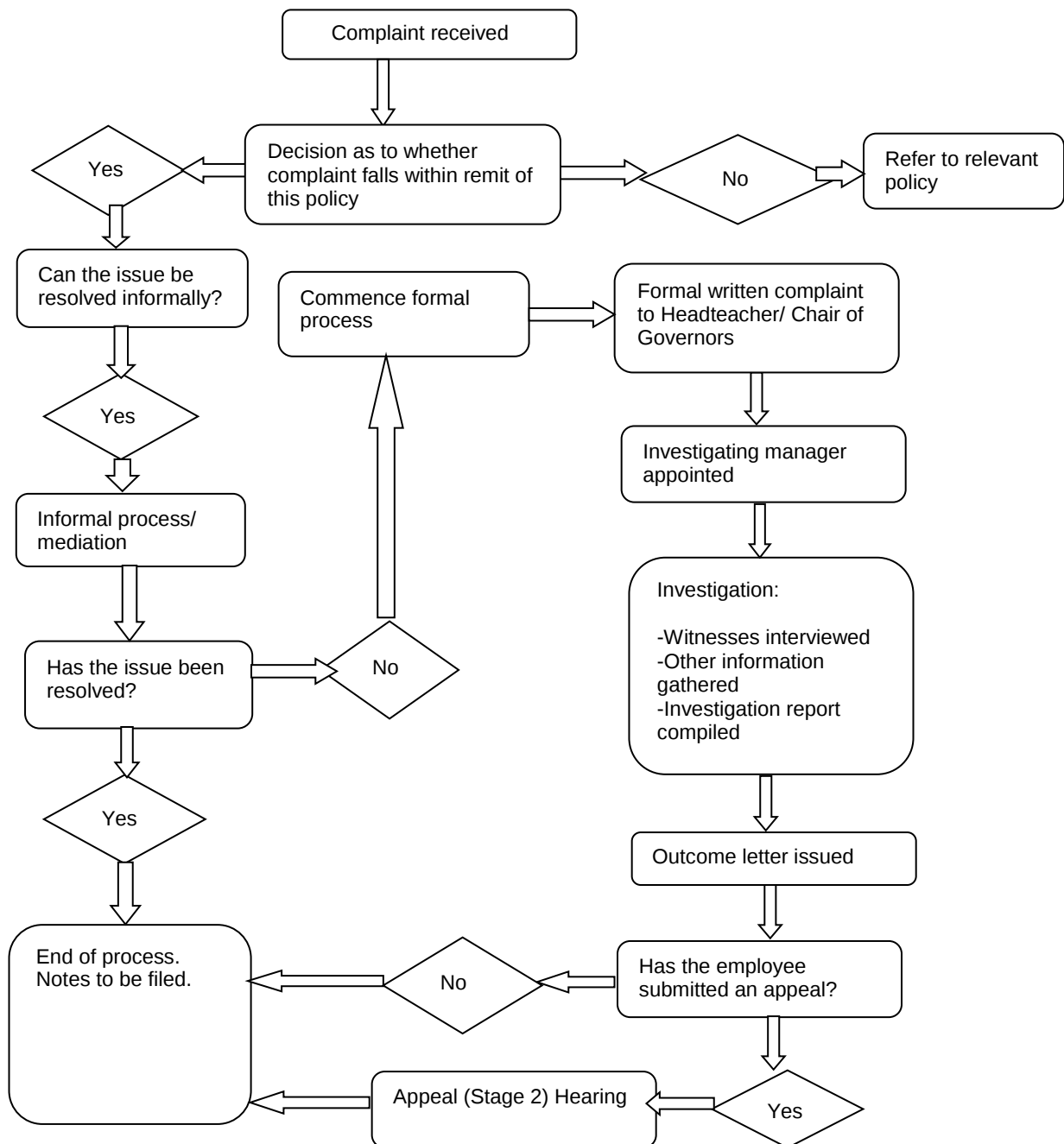
I confirm that the information that I have provided on this form is given in good faith and is as accurate as possible. I understand that intentionally providing false information may result in disciplinary action being taken against me. ☐

Signed.....

Date.....

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## Appendix 2: Process Flow Chart Schools' Grievance Procedure



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