



Staff Grievance Policy & Procedure

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Linked Policies: Staff Code of Conduct, Staff Disciplinary Policy & Procedure. <i>When monitoring and reviewing we ensure compliance with the school's Equality Policy.</i>	

Adopted Model Policy from West Berkshire Local Authority

Our Christian vision:

Built on the rock of Christian faith, we work as a community to create an environment which enables all to flourish. Jesus welcomed all and we embrace diversity, celebrating our different gifts and successes. Like St Peter, we are motivated by our values, learn from our mistakes and strive for the best outcome for everyone.

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1. Overview

- 1.1. These advice notes have been produced to provide you with some guidance in using the West Berkshire Model Grievance Procedure for Schools.
- 1.2. These notes have been written for schools who buy the West Berkshire HR service and reflect the support which they offer under their service level agreement with schools.
- 1.3. If you require further clarification or advice please contact Human Resources.
- 1.4. The grievance procedure does not apply to the following types of grievance:
 - 1.4.1. Group complaints or grievances - these are dealt with under employee relations arrangements agreed between the School and its recognised trade unions.
 - 1.4.2. Grievances related directly to matters being dealt with under disciplinary procedures –these will normally be considered as part of the disciplinary process.
 - 1.4.3. Grievances related directly to matters being dealt with under capability procedures –these will normally be considered as part of the capability process.
 - 1.4.4. Grievance related to selection for redundancy – employees may appeal against selection for redundancy under the school's redundancy procedure
 - 1.4.5. An issue which is actually a whistleblowing concern
 - 1.4.6. Grievances related to action under the Sickness Absence Policy – employees can appeal any formal action under that procedure.
 - 1.4.7. Grievances related to a teachers' pay decision – these appeals should be raised under the school's Pay Policy.

2. General Principles

- 2.1. Always attempt to resolve complaints informally before they turn into formal grievances. (See section 3 below for further details)
- 2.2. If any disability or language issues affect the employee or his/her representative address these so that he/she/they can take part in the procedure.
- 2.3. The time limits within the grievance procedure may be altered by mutual agreement.
- 2.4. Only disclose information about the grievance to those that have a justifiable reason to know. If the grievance relates to the behaviour or conduct of another school employee or governor, advice should be sought from West Berkshire HR before informing them about the grievance.
- 2.5. Ensure that written records relating to the grievance are kept securely. The employee should be given a copy of the investigation report. Any formal minutes taken at hearings held under the grievance procedure should be made available to the employee.

3. Informal Complaints

3.1. You should always encourage two-way communication with employees in day-to-day management, and by being available for one-to-one meetings. This will enable employees to raise concerns at an early stage before they become more serious. If an employee raises an informal complaint you should:

3.1.1. Take their complaint seriously.

3.1.2. Meet the employee, normally within 5 working days of being informed of the complaint. Meet in private and ensure that there will be no interruptions.

3.1.3. Discuss the issues with the employee, ask questions to gain a full understanding.

3.1.4. Ask the employee how he/she would like to see the matter resolved.

3.1.5. Where you need more time to investigate the issues, explain this to the employee and let him/her know when you anticipate being able to respond to his/her concern.

3.1.6. Ask the employee if there is anything that he/she thinks should be included in the investigation.

3.1.7. Meet with the employee to inform him/her of your response. Discuss the reasons for your response with the employee.

3.1.8. Ensure any action required as a result of your decision is carried out.

3.1.9. Keep a brief record of the complaint and the reasons for your response.

3.1.10. Monitor the resolution of the complaint through any follow-up meetings and day-to-day management.

4. Formal Grievances

4.1. If an employee decides that his/her grievance cannot be handled informally, or where he/she has tried an informal approach but still remains aggrieved he/she may raise the grievance formally by writing to the Headteacher or Chair of Governors, as described in the grievance procedure (Section 3).

5. Hearing a Formal Grievance

5.1. If you are chairing the hearing you should arrange to hold it at a mutually convenient time, within 20 working days of the date on which the headteacher or chair of governors received the written grievance. When arranging the hearing you should:

5.1.1. Book a room that will be private and free from interruptions.

5.1.2. Allow for the hearing to last long enough for the employee to fully explain his/her grievance and how he/she would like to see it resolved.

5.1.3. Arrange a note taker to be present at the hearing.

5.1.4. Write to the employee to confirm the date, time and venue of the hearing, reminding the employee of his/her right to be accompanied by a trade union representative or work colleague.

6. At the Hearing

6.1. The purpose of the hearing is to allow the employee to fully explain his/her grievance and the resolution that he/she would like to see. Often the hearing may need to be adjourned to allow further investigation before a decision can be made.

6.2. An adviser from West Berkshire Human Resources can support you at the hearing to advise you on procedural matters. This is included in your SLA where a school buys the HR service.

6.3. At the hearing you should:

6.3.1. Introduce those present and where appropriate explain their role at the hearing.

6.3.2. Explain the purpose of the hearing

6.3.3. Ask the employee to explain his/her grievance, providing supporting evidence where appropriate – remember that he/she may be upset and, within reason, need to let off steam.

6.3.4. Ask the employee how he/she would like his/her grievance to be resolved.

6.3.5. Ask questions to gain clarification where necessary.

6.3.6. Summarise the issues discussed.

6.3.7. Ensure that notes are taken

6.3.8. Decide whether an adjournment is appropriate – either to investigate the matter further or to consider the options and possible implications of any decision.

6.3.9. If you decide to adjourn the hearing, explain the reasons for this to the employee. Explain when the hearing is likely to be reconvened.

6.3.10. Ask the employee if there is anything that he/she thinks should be included in the investigation.

6.4. Where the hearing is adjourned pending investigation, the chair of the hearing will often carry out the investigation themselves. Alternatively, s/he may appoint an Investigating Officer. This will depend upon the amount and complexity of investigation that needs to take place.

6.5. It is important to consider the grievance carefully, however, if you are able to answer the grievance at the hearing, explain your decision to the employee, and that you will confirm this decision in writing within 5 working days of the hearing. Where the resolution sought by the employee has not been granted, inform the employee that he/she may appeal against your decision by writing to the clerk to the governors within 5 working days of receiving written confirmation of the grievance hearing decision. Include a copy of any formal minutes taken at the hearing.

7. Resolutions

7.1. As the person hearing the grievance you are also responsible for ensuring that your recommended resolution can and will be implemented. This may involve you talking to managers or the headteacher (if you are a governor investigating), or seeking advice from elsewhere about the potential resolution. These discussions should take place before the reconvened hearing, so you can be confident that the resolution presented to the employee can be implemented. However, you will need to carefully consider the confidentiality of the employee's grievance in undertaking these discussions, and explain your need to do so with the employee if the grievance is sensitive.

7.2. At the reconvened hearing, you will need to discuss with the employee to agree how relevant people should be notified of the outcome of the hearing, and discuss the resolution with appropriate individuals. It is assumed that the resolutions and recommendations will normally be shared with the headteacher and chair of governors, including in cases of bullying and harassment. In exceptional circumstances greater restrictions in sharing may be agreed.

8. Investigation

8.1. The WBC HR document *Guidance for investigating Officers* provides further advice on conducting an investigation, and the investigating officer can be supported by an HR adviser from West Berkshire HR.

8.2. The investigation should be recorded in a report which will be shared with the employee at or before the reconvened hearing. West Berkshire HR can provide a template and advice on the drafting of the report.

9. At the reconvened hearing (If you adjourned the first hearing)

9.1. The purpose of the reconvened hearing is to inform the employee of the findings of your investigation and the likely outcome of their grievance.

9.2. You can consider their response to the investigation in finalising your outcome. If they believe you need to undertake further investigations you may consider that. If you decide to do further investigation the reconvened hearing will be adjourned again until that has taken place.

9.3. At the hearing you should:

9.3.1. Introduce those present and where appropriate explain their role at the reconvened hearing.

9.3.2. Summarise the main issues raised at the initial hearing and explain that the investigation is now complete.

9.3.3. Explain the findings of the investigation.

9.3.4. Ask the employee if he/she has any questions about the investigation and ask him/her to comment upon the findings of the investigation.

9.3.5. Having listened to the employee's response, consider whether there are any further issues that need to be investigated. If necessary adjourn the meeting again.

9.4. Write to the employee to inform him/her of your decision within 5 school days of the hearing (West Berkshire HR can provide a template and support with this letter). This should include a copy of any formal minutes taken at the reconvened hearing.

9.5. Where the resolution sought by the employee has not been granted, inform the employee that they may appeal against your decision by writing to the Clerk to the Governors within 5 working days of receiving written confirmation of your decision.

10. Bullying and Harassment

10.1. Where the employee's grievance amounts to an allegation of bullying, harassment or discrimination by a school employee, you should take the following action in response to the employee's grievance.

10.2. With the employee who has raised the grievance:

10.2.1. Before the grievance hearing, the Headteacher or Chair of Governors should explain that the employee whose behaviour has been complained about will be informed that a grievance has been raised about their conduct which could be considered bullying, harassment or discrimination. Be clear that their name, as complainant, will be shared with that employee but no further details of the grievance will be shared until after the grievance hearing.

10.2.2. At the grievance hearing, the Investigating Officer should explain that his/her grievance amounts to an allegation of misconduct. The investigating officer should explain that he/she intends to carry out some investigation under the grievance procedure to determine whether there is sufficient initial evidence to warrant a disciplinary investigation into the concerns raised.

10.2.3. The investigating officer should explain that, as part of the hearing, he/she will agree a summary of the grievance which will be shared with the employee who is the subject of the concerns before their investigation meeting. It should be clear that other evidence e.g. emails and documentation, may also be shared with the other employee at that meeting.

10.3. With the employee whose behaviour is being complained about:

10.3.1. The headteacher or chair of governors should inform them when the grievance is received that a complaint has been made about their conduct under the grievance procedure which could be considered bullying, harassment or discrimination. The name of the complainant should be shared but the details of the grievance should not be shared at this point.

10.3.2. The process should be explained to the employee, providing the Procedure and Advice for Employees. Explain that further information will be provided following the grievance hearing and before they attend an investigation meeting.

10.4. The headteacher or chair of governors may wish to consider amending the working arrangements of the two members of staff during the grievance process. Consideration should also be given to what support can be put in place for both members of staff during the process.

10.5. The investigation will normally include an investigation meeting with the employee whose behaviour is being complained about. This meeting is an investigation meeting under the grievance procedure, not part of a disciplinary investigation. The employee can choose to be accompanied by a trade union representative or a workplace colleague at this meeting. At the meeting documentary evidence may also be shared. After the meeting a period of time, usually a week, will be given to allow you to provide further information or comments to the investigating officer.

10.6. If the initial investigation does indicate that a disciplinary investigation should be undertaken, the grievance hearing should be reconvened. Ask the employee if he/she is satisfied with this approach to their grievance. If so this is the remedy to the grievance. The employee does not have a right to know the outcome of any disciplinary action.

10.7. If the initial investigation does not indicate that a disciplinary investigation should be undertaken this should be explained at the reconvened grievance hearing. Care must also be taken to communicate this to the employee whose behaviour was complained about shortly after the reconvened grievance hearing.

10.8. Confirm this decision in writing within 5 working days of the hearing. Where the employee was not satisfied with this approach to their grievance, inform him/her that he/she may appeal against your decision by writing to the clerk to governors within 5 working days of receiving written confirmation of the grievance hearing decision. Include a copy of any formal minutes taken at the hearing.

10.9. Seek advice and support from West Berkshire HR on conducting a disciplinary investigation.

10.10. Where the employee's grievance relates to bullying, harassment or discrimination by a governor, you should take the following action in response to the employee's grievance.

10.11. With the employee:

10.11.1. Before the grievance hearing, the Chair of Governors, or the governor receiving the grievance, should explain that the governor will be informed that a grievance has been raised about their conduct which could be considered bullying, harassment or discrimination. Be clear that their name, as complainant, will be shared with that governor but no further details of the grievance will be shared until after the grievance hearing.

10.11.2. At the grievance hearing, the investigating officer should explain that he/she intends to carry out some investigation under the grievance procedure to determine whether there is sufficient initial evidence to warrant further action about the concerns raised.

10.11.3. It should be explained that, as part of the hearing, the investigating officer will agree a summary of the grievance which will be shared with the employee who is the subject of the concerns before their investigation meeting. It should be clear that other evidence e.g. emails and documentation, may also be shared with the other employee at that meeting.

10.12. With the governor whose conduct has been complained about:

10.12.1. The Chair of Governors, or the governor receiving the grievance, should inform them when the grievance is received that a complaint has been made about their conduct under the grievance procedure which could be considered bullying, harassment or discrimination. The name of the complainant should be shared but the details of the grievance should not be shared at this point.

10.12.2. Explain the process to the governor, providing the procedure and this advice note. Explain that further information will be provided following the grievance hearing and before they attend an investigation meeting.

10.13. The chair of governors or the governor receiving the grievance may wish to consider any contact or working arrangements of the employee and the governor during the grievance process. Consideration should also be given to what support can be put in place for both

during the process.

10.14. The investigation will normally include an investigation meeting with the governor whose behaviour is being complained about. Before this meeting, the governor will receive a copy of the agreed summary of the concerns. At the meeting, any documentary evidence will be shared. Following the meeting, a further period, usually a week, will be given to allow the governor to provide any further information or evidence related to the investigation.

10.15. The governor can share the details of the investigation confidentially with a legal adviser. The governor would not normally be accompanied to the meeting.

10.16. If the investigation shows that there is evidence to support the concerns raised, this should be fed back to the employee who raised the grievance at the reconvened hearing with an explanation of who will need to consider the evidence and any appropriate action. The employee does not have a right to know the outcome of any process with the governor.

10.17. Confirm this decision in writing within 5 working days of the hearing. Where the employee was not satisfied with this approach to their grievance, inform him/her that he/she may appeal against your decision by writing to the clerk to governors within 5 working days of receiving written confirmation of the grievance hearing decision. Include a copy of any formal minutes taken at the hearing.

10.18. Seek advice and support from West Berkshire Governor Services on any process around the governor in question.

10.19. If the evidence does not show that there should be any further process with the governor, care should be taken to feed this back to the governor shortly after the reconvened grievance hearing.

11. Appeals

11.1. The purpose of the appeal is to allow the employee to explain why they are not satisfied with the decision made by the person who held the grievance hearing, and to allow the employee to explain how they would like the grievance to be resolved. The person who heard the grievance hearing will attend the appeal to explain the reasons for his/her decision at the earlier stage.

11.2. The panel hearing the appeal will then decide whether to uphold the previous decision or to resolve the grievance in some other way.

11.3. The appeal should normally be arranged to take place within 6 weeks of receipt of the grievance.

11.4. The employee should be informed in writing of the date, time and location of the appeal, and reminded of his/her right to be accompanied by a work colleague or a trade union representative.

11.5. A Human Resources adviser will attend the appeal to advise you on procedural issues.

12. At the appeal hearing

12.1. The chair of the panel should:

- 12.1.1. Introduce those present, and explain their role.
- 12.1.2. Explain the purpose of the appeal and outline the agenda.
- 12.1.3. Ask the employee to explain why he/she is not satisfied with the response to his/her grievance following the grievance hearing, and ask him/her to explain how he/she would like to see it resolved.
- 12.1.4. You may question the employee, as may any other members of a panel and the Human Resources adviser.
- 12.1.5. Ask the manager who heard the grievance hearing to explain his/her response to the grievance.
- 12.1.6. You may ask the manager questions, as may other members of a panel, the Human Resources adviser, the employee and/or his/her representative.
- 12.1.7. If you believe that further investigation should be carried out, you should explain this to the employee and adjourn the appeal hearing. Inform the employee when the appeal hearing is likely to be reconvened.
- 12.2. When the appeal hearing is reconvened you should explain the findings of the investigation and ask the employee and the manager that heard the grievance hearing to comment upon this.
- 12.3. If necessary you should adjourn the appeal hearing again whilst you/the panel reach a decision.
- 12.4. When a decision has been reached you should inform the employee of the panel's decision, and that this decision is final. This should be confirmed to the employee in writing within five school days of the appeal hearing (or reconvened hearing where there has been an adjournment). Human Resources have a template that can be used as a basis for this letter. Enclose a copy of any formal minutes taken during the appeal hearing.
- 12.5. The Chair of the appeal hearing is also responsible for ensuring that the resolution is implemented. This may involve talking to the employee to agree how relevant people should be notified of the outcome of the hearing, and discussing the resolution with appropriate managers within the appropriate individuals.

13. The Employee's Representative

- 13.1. At all stages of the formal process the employee will have the right to be accompanied by a representative who may be a relevant trade union representative or work colleague.
- 13.2. By agreement with the chair, the representative may confer with the employee during the hearing/appeal hearing, explain the employee's case, ask questions, sum up and respond to views expressed at the hearing so long as the employee is happy for him/her to do so. However the employee's representative has no right to answer questions on the employee's behalf except in exceptional circumstance.

14. Written Records

- 14.1. You should keep written records at all stages of the grievance procedure. Your written records should include:

- 14.1.1. A copy of the employee's written grievance
 - 14.1.2. A copy of the decision communicated to the employee in writing
 - 14.1.3. A copy of any investigation report
 - 14.1.4. A copy of notes made at any grievance hearing/appeal hearing
- 14.2. Records must be treated as confidential and be kept in accordance with the Data Protection Act 2018.