

**We follow in the footsteps of Jesus as
we live, love and learn together.**



Grievance Procedure

This policy will be reviewed regularly and re-presented to The Governing Body as appropriate if significant changes are made.

Policy reviewed: April 2019

To be reviewed : Summer 2021

Reviewed by:

Date:

Signature:

Date:

Chair/Vice of Governors Signature:

Date:

**GRIEVANCE PROCEDURE
FOR
SCHOOL BASED STAFF**

<u>CONTENTS</u>	<u>PAGE NO.</u>
1. POLICY STATEMENT	2
2. INTRODUCTION	2
3. THE PROCEDURE	
3.1. The Informal Stage (except Headteachers)	3
3.2. The Informal Stage (Headteachers)	4
3.3. The Formal Stage	4
4. GRIEVANCE HEARINGS	5
5. APPEAL HEARINGS	5
<u>APPENDICES</u>	
APPENDIX A - PROCEDURE FOR THE CONDUCT OF A FORMAL HEARING	7

GRIEVANCE PROCEDURE FOR SCHOOL BASED STAFF

1. POLICY STATEMENT

- 1.1. The Governing Body of ...St Lukes Catholic Primary School is committed both to providing education of the highest quality for all its pupils and to exercising its responsibilities for managing employees in a positive and supportive way. These commitments require the Governing Body to ensure that a fair and established procedure should exist whereby a grievance related to a person's employment may be aired, with a view to its resolution.
- 1.2. Grievance procedures are necessary for promoting fairness and order in the treatment of individual grievances or disputes and for ensuring the application of consistency in the management of such grievances.
- 1.3. This procedure has been adopted by the governing body of ...St Luke's Catholic Primary School following consultation with staff and their trade union/professional association representatives. This procedure supersedes any procedure previously in place in this School either formally or through custom or practice for the management of grievances.

2. INTRODUCTION

- 2.1. This grievance procedure is separate and distinct from the disciplinary procedure. The grievance procedure should not be used as a means of imposing any disciplinary penalty on the employee. If, however, the question of disciplinary proceedings arises as a result of the hearing of a grievance, it should be dealt with in accordance with the school's disciplinary procedure. Similarly, disciplinary proceedings shall not be affected or interrupted by the employee invoking the grievance procedure.
- 2.2. Grievances can arise from a variety of sources. They can be of a relatively simple nature or of fundamental importance. To meet these different situations, it seems desirable to set out an informal procedure that may enable a grievance to be resolved informally and without recourse to a formal procedure.
- 2.3. The Governing Body shall appoint a Committee, referred to as the First Committee, consisting of not less than three governors, with delegated powers to deal with grievance matters that reach the formal stage and an Appeals Committee to make decisions on subsequent appeals. A representative of the Director of Education and Lifelong Learning will advise the First Committee. Ordinarily this will be a Human Resource

Officer. The Appeals Committee must contain the same number of governors as the First Committee and will be advised by a representative of the Director of Education and Lifelong Learning. Ordinarily this will be a Human Resource Officer. No governor who has served on the First Committee can serve on the Appeals Committee. The Headteacher should not be a member of either Committee. Given the potential involvement of the Chair of the Governing Body in grievance issues at a stage prior to the Hearing (see 3.2 below) it would also be appropriate for the Chair not to be a member of either Committee. The school should make arrangements for notes to be taken of the First Hearing and of any subsequent Appeal Hearing. The notetaker should not be any member of the Governors panel nor should it be the Adviser to the Panel. Such notes will be typed up within five working days of the First/Appeal Hearing and will be signed by the Chair of the Panel as a record of the proceedings. Such notes will be distributed to all parties who attended the Hearing, for information, as soon as possible thereafter but within five working days of being signed by the Chair. Governors may still make their own notes during the course of a Hearing to assist in their decision making on the conclusion of the Hearing.

- 2.4 For the purposes of this procedure 'mutually convenient date' signifies acceptance by all parties of a particular date, within a reasonable period of time, giving due regard to minimum timescales where indicated.

3. THE PROCEDURE

3.1 **The Informal Stage (all employees except Headteachers)**

- 3.1.1. Where an employee has a grievance that involves another member of staff, endeavours should first be made to resolve the matter by making a direct approach to the member of staff concerned. Where such discussion does not resolve the problem, or where the employee does not feel comfortable in making a direct approach to the member of staff concerned, the employee should bring the matter to the attention of the Headteacher. Where appropriate, the Headteacher may refer the matter to a Head of Department or other senior nominated officer to manage. In these circumstances, for the purposes of this procedure, any following reference to Headteacher may also be taken to mean Head of Department or other senior nominated manager.
- 3.1.2. Where an employee requests a personal interview with the Headteacher it shall be granted within five school working days of the request being made.
- 3.1.3. The Headteacher should seek to resolve the matter personally, or, by mutual agreement, with other member(s) of staff. The Headteacher may

also, with the consent of the employee expressing a grievance, seek consultation with the Chair of the Governing Body, and with any other appropriate person(s) who may be in a position to help to resolve the matter informally.

3.1.4. Where a grievance does not relate to an employee of the school but involves a member of the Governing Body or officers or Members of the local authority, the employee should first endeavour to resolve the matter by direct approach to the person(s) involved, keeping the Headteacher fully informed of any such approach and all subsequent developments.

3.1.5. Where the matter is not resolved under the informal procedure the employee should proceed to the formal stage.

3.2. The Informal Stage (Headteachers)

3.2.1. Where a Headteacher has a grievance that involves another member of staff, endeavours should first be made to resolve the matter by making a direct approach to the member of staff concerned. Where the matter remains unresolved, the Headteacher should, where appropriate, discuss it with the Chair of the Governing Body, who may, with the consent of the Headteacher, seek consultation with any other appropriate person(s) who may be in a position to help.

3.2.2. Where a grievance does not relate to an employee of the school but involves a member of the Governing Body or officers or Members of the local authority, the employee should first endeavour to resolve the matter by direct approach to the person(s) involved, keeping the Chair of the Governing Body fully informed of any such approach and all subsequent developments.

3.2.3. Where the matter is not resolved under the informal procedure the Headteacher should proceed to the formal stage.

3.3. The Formal Stage

3.3.1. Where the matter has not been resolved under the procedures referred to above, the employee may move into the formal stage by submitting a formal written notice of the grievance to the Headteacher. A copy of this formal written notice shall be given to the member of staff or other individual with whom the employee has a grievance. Where the Headteacher has the grievance s/he should submit a formal written notice of the grievance to the Chair of the Governing Body. Again, a copy of this formal written notice shall be given to the member of staff or other individual with whom the Headteacher has a grievance. The Headteacher or Chair of the Governing Body should then prepare a formal report to the

written grievance outlining the attempts made thus far to resolve the grievance informally. This report together with the employees written submission should be addressed to the First Committee and sent to the Clerk to the Governors within ten school working days of receipt of the formal written notice

- 3.3.2. The Clerk shall make arrangements to convene a meeting, on a mutually convenient date, of the First Committee to consider the grievance. The meeting for this purpose shall take place within ten school working days of the receipt of the papers from the Headteacher or Chair of the Governing Body by the Clerk. The parties concerned shall be given no fewer than five school working days notice of the time and place of meeting. The parties concerned shall also be furnished at this time with copies of all the documents received thus far that are to be placed before the First Committee (subject to the provisions of 3.3.3. below). For the purposes of this procedure the parties concerned will include the employee who is aggrieved, the Headteacher / Chair of Governors who addressed the grievance through the initial informal procedures, and, may include the member of staff whose action or inaction gave rise to the initial expression of grievance. Each of the parties may be accompanied by a friend or representative of her/his professional association/trade union. This right does not however include the right to be accompanied/represented by a solicitor or other legally qualified representative; a former employee of the school/Council who has previously been dismissed for misconduct or gross misconduct, nor a member of the School Governing Body or Elected Member of Knowsley MBC.
- 3.3.3. Due to the provisions for calling a hearing and subsequent distribution of papers (3.3.1. and 3.3.2. above) it may not always be possible for all relevant papers to have been received by all parties by the five day deadline. Where this has not been the case despite the best endeavours of all concerned the First Committee may allow papers to be tabled on the day, subject to the agreement of all parties in attendance. Where agreement is not reached a judgement will need to be made by the Chair of the First Committee as to whether or not to allow papers to be tabled on the day taking all reasonable considerations into account.

4. GRIEVANCE HEARINGS

- 4.1. The procedure to be followed in respect of a formal grievance hearing is attached as APPENDIX A.

5. APPEAL HEARINGS

- 5.1. The employee will have the right to appeal against the decision of the First Committee. The appeal should be lodged, in writing to the Clerk to the Governors, within ten working days of receipt of the written confirmation of the First Committee decision. It would be desirable for the appellant to submit any further documentation in support of their appeal at this time.
- 5.2. The Clerk shall make arrangements to convene a meeting, on a mutually convenient date, of the Appeals Committee to consider the appeal. The meeting for this purpose shall take place within ten school working days of receipt of the appeal. The same parties present at the first hearing (save for the First Committee panel members) shall be present at the Appeal Hearing. The parties concerned shall be given no fewer than five school working days notice of the time and place of the appeal hearing. The parties concerned shall also be furnished at this time with copies of all documentation received thus far that is to be placed before the Appeals Committee. This will include all papers previously submitted in evidence to the First Committee. As with the First Committee, the Appeals Committee may allow papers to be tabled on the day, subject to the provisos in 3.3.3. above.
- 5.3. Each of the parties may be accompanied at the Hearing as described in 3.3.2. above.
- 5.4. The procedure to be followed in respect of an appeal hearing will mirror that in APPENDIX A.
- 5.5. The decision of the Appeal Committee shall be final and shall be implemented in relation to any matter under the control of the Governing Body.

PROCEDURE FOR THE CONDUCT OF A FORMAL HEARING

The Clerk to the Governing Body or other officer appointed by the school for this purpose shall minute the hearing

1. All business connected with the meeting should be discussed in the presence of all concerned, except when the appropriate Governors Committee consider their decision in accordance with Paragraph 10 below.
2. Introduction by the Chairperson and reminder to members and all present of the Procedure under which the hearing has been called, the manner in which the hearing will be conducted as set out below in paragraphs 3-12 and the degree of confidentiality required. The Governors Committee must have sight of the relevant documentation required at each stage of the procedure.

The Chairperson shall also remind all of those present at the hearing that the Chairperson shall control the hearing at all times and that decisions on procedure, (including the admissibility of evidence and the calling of witnesses) and the conduct of parties and their representatives present at the hearing made by the Chairman shall be binding on all.

3. The Chair shall invite the employee to state their grievance/grounds for appeal and submit any supporting documentation and call any witnesses as s/he sees fit.
4. The Governors Committee may then ask the employee for clarification of any points arising from their submission.
5. The Headteacher/Chairperson of the Governing Body shall state the reason for their initial decision and submit any supporting documentation and call any witnesses as s/he sees fit.
6. The Governors Committee may then ask the Headteacher/Chairperson of the Governing Body for clarification of any points arising from their submission
7. The employee shall then have the right to ask any questions of the Headteacher/Chairperson of the Governing Body and to make a summary statement

8. The Headteacher/Chairperson of the Governing Body shall then have the right to ask any questions of the employee and to make a summary statement
9. The Governors Committee may then ask questions of either party.

NOTE: If the member of staff whose action or inaction gave rise to the initial expression of grievance is in attendance at the hearing then the Chairperson of the appropriate Committee may suitably modify the above procedure to afford them the opportunity to make representation and be questioned upon that representation by other parties as considered appropriate.

10. Consideration of the matter by the panel, in the presence of the Clerk of the hearing [if applicable] and any human resource advisor [acting in that capacity only]. If further information is required of any of the persons who have left the hearing then all such persons should return to the hearing when such information is being obtained. An opportunity should be given to each party to question or comment upon this additional information.
11. Recall of parties concerned to hear the decision of the Governors Committee orally. This should be written as a statement and agreed by the Governors Committee as a record of the decision
12. Subsequent confirmation of decision of the panel in writing to the parties concerned. This will occur within 10 days from the date of the hearing.