



Brodetsky Primary School
Governing Body Documents



Brodetsky Primary School Policies

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**Brodetsky Primary School
Staff Grievance Policy**

December 2019

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INDIVIDUAL AND COLLECTIVE GRIEVANCE POLICY AND PROCEDURE

1. INTRODUCTION

1.1 The aim of the school's Grievance Procedure is to resolve any staff grievances fairly, consistently and quickly, in order to minimise any conflict or disruption in the workplace.

1.2 The aim of this policy is to ensure that the school meets its moral and legal responsibilities by providing a straightforward and accessible method for members of staff to raise and resolve concerns about working conditions, a management decision or action or other unacceptable circumstances which does not involve behaviour which is perceived as personal bullying, harassment or victimisation (please refer to Bullying and Harassment Policy). In order to clarify which procedure is applicable, advice should be sought from your Union or Education Leeds HR (see paragraph 7.3 for contact details).

2. DEFINITION

Grievance - a complaint by an individual employee (or group of employees) about a matter related to their employment, for example working conditions, pay, management treatment, working relationships, changes in rules/regulations/procedures that they wish to resolve with management. This is in line with the requirements as stated in the School Teachers Pay and Conditions Document. Any written complaint from an employee relating to their employment should be considered under this policy and procedure.

Collective Grievance – a complaint by a group of employees about a matter related to their employment (see examples above). Where there is a collective grievance the case for the employees should be presented by one Trade Union Official. One representative of each Trade Union has the right to be in attendance at the Hearing.

3. SCOPE

3.1 The procedure will apply to all staff employed by the Governing Body of the school.

3.2 Where the grievance is against the Head Teacher, and informal processes outlined in section 8 have failed to resolve the situation, the employee may request the modified grievance procedure (see Section 11). All other rights and procedures as stated in this document apply.

3.3 Where the Head Teacher is submitting a grievance and informal processes outlined in section 8 have failed to resolve the situation, it should be given directly to the Chair of Governors who will assume responsibility for ensuring the policy and procedure are adhered to. The Chair of Governors may nominate an appropriate member of the Governing Body to respond on behalf of the school. All other rights and procedures as stated in this document apply.

4. RIGHT TO BE ACCOMPANIED

4.1 At every stage in the procedure, the employee, and any person against whom a complaint is made, may be accompanied by a Trade Union representative, colleague or friend, not employed in a legal capacity. Any person against whom a complaint is made may be accompanied by a support

person, who will take no part in the proceedings. If the chosen representative cannot attend on the proposed date, it is the employee's responsibility to propose an alternative date which is no more than five working days after the date originally proposed by the employer. Both parties must ensure there are no unreasonable delays to the process.

4.2 The representative may participate in meetings in support of the employee, but may not answer questions on their behalf.

4.3 When arranging a meeting, the school should be conscious of the need of the employee and of his/her representative, to be given adequate time to prepare the case and of the representative's commitments. If agreement on a date proves impossible, the employee's representative can choose an alternative date as long as that date is no more than 5 working days after the original date.

5. TIME LIMITS

5.1 The employee should lodge any grievance promptly or at least within 60 working days. If the grievance is lodged after this time the school will take no further action. If the school does not respond to the grievance within the time limits detailed in this procedure, the employee may take the grievance to the next stage. While this procedure is designed to deal with grievances as quickly as possible, there may be occasions when some flexibility is needed. In exceptional circumstances, the employee and the school may agree a revised time scale. This does not apply to the limit for lodging a grievance.

5.2 The time limits in this procedure also relate to working days. For the purpose of this procedure, a working day will mean any day between Monday and Friday (inclusive) irrespective of the employee's working pattern, but excluding public and bank holidays and school holidays.

6. RESPONSIBILITIES

6.1 Governors:

- Respond promptly and effectively to any complaint submitted by the Head Teacher.
- Establish an Appeals Committee from the Governing Body who will retain responsibility for hearing any appeals under this procedure. The Governing Body Appeals Committee may only change its membership following a specific request from, or agreement with, the employee raising the grievance / appeal. This would usually be due to a Governor's inability to attend or a personal connection to the employee or the grievance.
- Respond promptly and effectively to any complaint referred to an appeal hearing.
- Ensure that the Grievance Policy and Procedure are adhered to.
- Consider resolutions to any complaint and ensure that they are implemented quickly and effectively.
- Refer any employee complaint to the lowest appropriate level of authority who may resolve it.

6.2 Head Teacher:

- Respond promptly and give due consideration to any employee complaint, either verbal or written.
- Try to resolve the grievance at the earliest opportunity and the lowest level of the procedure.
- Ensure that the Grievance Policy and Procedure are adhered to.

- Consider resolutions to any complaint and ensure that they are implemented quickly and effectively.
- Provide required information, resources or referrals in support of the employee submitting the grievance.

6.3 Employees:

- Make every reasonable effort to resolve their grievance at the earliest possible opportunity and the lowest level of the procedure.
- Present a clear and detailed complaint with a suggested resolution.

7. SUPPORT

7.1 Raising a complaint at work can be a very difficult time both for the employees involved and their colleagues, whether it is tackled informally or formally. The school is committed to supporting all members of staff and will ensure that additional support is provided as requested.

7.2 When employees choose to proceed to the formal stage, it is recommended that they first contact their Trade Union or other representative.

7.3 The following resources are available to all staff:

- Unions – (see appendix 5)
- Education Leeds Human Resources – 0113 247 5590
- Carefirst – Counselling service (available through school management or HR)
- ACAS – www.acas.org.uk or 08457 474747

8. INFORMAL GRIEVANCE RESOLUTION

8.1 Where an employee or group of employees are aggrieved about a matter relating to their employment, they should raise the matter with the person against whom they have the grievance at the earliest opportunity. This may be either verbally or in writing. The employee must be clear about the nature and details of the grievance and a possible resolution. Both parties will attempt to resolve the grievance informally, conducting any necessary discussions or enquiries. This should be completed as soon as possible.

8.2 If the employee is dissatisfied with the outcome, he/she may then progress the grievance to a Formal Grievance and complete the first half of the Grievance Form (see appendix 2).

9. FORMAL GRIEVANCE RESOLUTION

9.1 It is expected that wherever possible employees will have attempted to address grievances informally before pursuing the formal procedure. This is because the purpose of this procedure is to resolve issues of concern and resorting to the formal procedure can:

- Extend the process longer than necessary
- Increase the feelings of conflict between the parties
- Increase the feelings of anxiety for all parties

9.2 Where the employee is dissatisfied with the outcome of the informal resolution, they must complete sections 1 to 3 of the Grievance Form (Appendix 2), as soon as possible, but no later than 60 working days after the cause of the grievance, and submit it to the Head Teacher or nominated

person. The form should state specific details of the complaint and the resolution which they are seeking. Where the Head Teacher wishes to submit a formal complaint, they should follow the same procedure but submit it to the Chair of Governors or a representative of Education Leeds Human Resources if necessary.

9.3 In order to fully consider and resolve the grievance, the Head Teacher or nominated person will ensure that the attached process is followed (Appendix 3) and a hearing will be held within 10 working days, ensuring that the employee has a minimum of 5 working days notice (in writing) to prepare. The Head Teacher / nominated person will conclude the hearing with one of the following options:

- Agree with the resolution proposed by the employee.
- Decide on an alternative resolution.
- Dismiss the grievance.

9.4 The Head Teacher or nominated person may adjourn the meeting to request more information or evidence at any point, but the meeting should be reconvened within a maximum of 5 working days.

9.5 The Head Teacher or nominated person will then confirm the outcome of the meeting to both parties, and their representatives where appropriate, in writing within 5 working days, informing the employee of their right to appeal against the decision. No other party has the right to appeal against a decision taken under this procedure.

10. RIGHT OF APPEAL

10.1 If the employee wishes to appeal against the decision, they must do so within 10 working days of receipt of the formal outcome. The employee must complete section 4 of the Grievance Appeal Form (Appendix 2) and submit it to the Head Teacher (or where the Head Teacher is submitting the appeal, to the Chair of Governors) for referral to the Governing Body Appeals Committee. The form should state specifically why the employee feels that the Formal Grievance resolution is unsatisfactory and what outcome they are seeking.

10.2 In order to consider the appeal, the Governing Body Appeals Committee will ensure that the attached process is followed (Appendix 3) and a hearing will be held within 10 working days, ensuring that the employee has a minimum of 5 working days to prepare. The Governing Body's Appeals Committee will conclude the appeal hearing with one of the following options:

- Uphold the appeal and implement the resolution proposed by the employee.
- Uphold the appeal and implement an alternative resolution.
- Dismiss the appeal and accept the decision of the original hearing.

10.3 The Governing Body Appeals Committee may adjourn the meeting to request more information or evidence at any point, but the meeting should be reconvened within a maximum of 5 working days.

10.4 The Governing Body Appeals Committee must then confirm the outcome of the meeting to parties, and their representatives where appropriate, in writing within 5 working days.

11. MODIFIED GRIEVANCE PROCEDURE

11.1 The modified procedure may apply under the following circumstances:

- Where the employee has submitted a formal grievance but is then unable to attend a hearing within a reasonable timescale. It is important for all concerned that the process is not unduly delayed and if a mutually acceptable timescale can not be reached, the complaint should be referred to the modified procedure.
- Where the employee has left employment with the school.
- Where the employee has a grievance against the Head Teacher.
- Where the employee submitting the complaint specifically requests this procedure to be adopted. This may be for a number of reasons and the request should be considered on an individual basis.

11.2 The employee must complete the sections 1-3 of the Grievance Form (Appendix 2) and submit it to the Head Teacher or nominated person. This must be done as soon as possible or within 60 working days of the original cause for grievance. The form should state specific details of the complaint and the resolution which they are seeking. At this point, the employee should also include any evidence they can provide in support of the complaint.

11.3 The Head Teacher or nominated person will collect any further information required to clarify the grievance and produce a written response within 15 working days.

11.4 Any current employee has the right of appeal against this decision and should revert to the standard grievance appeal procedure outlined above. An individual who has left employment has no further right of internal appeal.

12. RECORDS

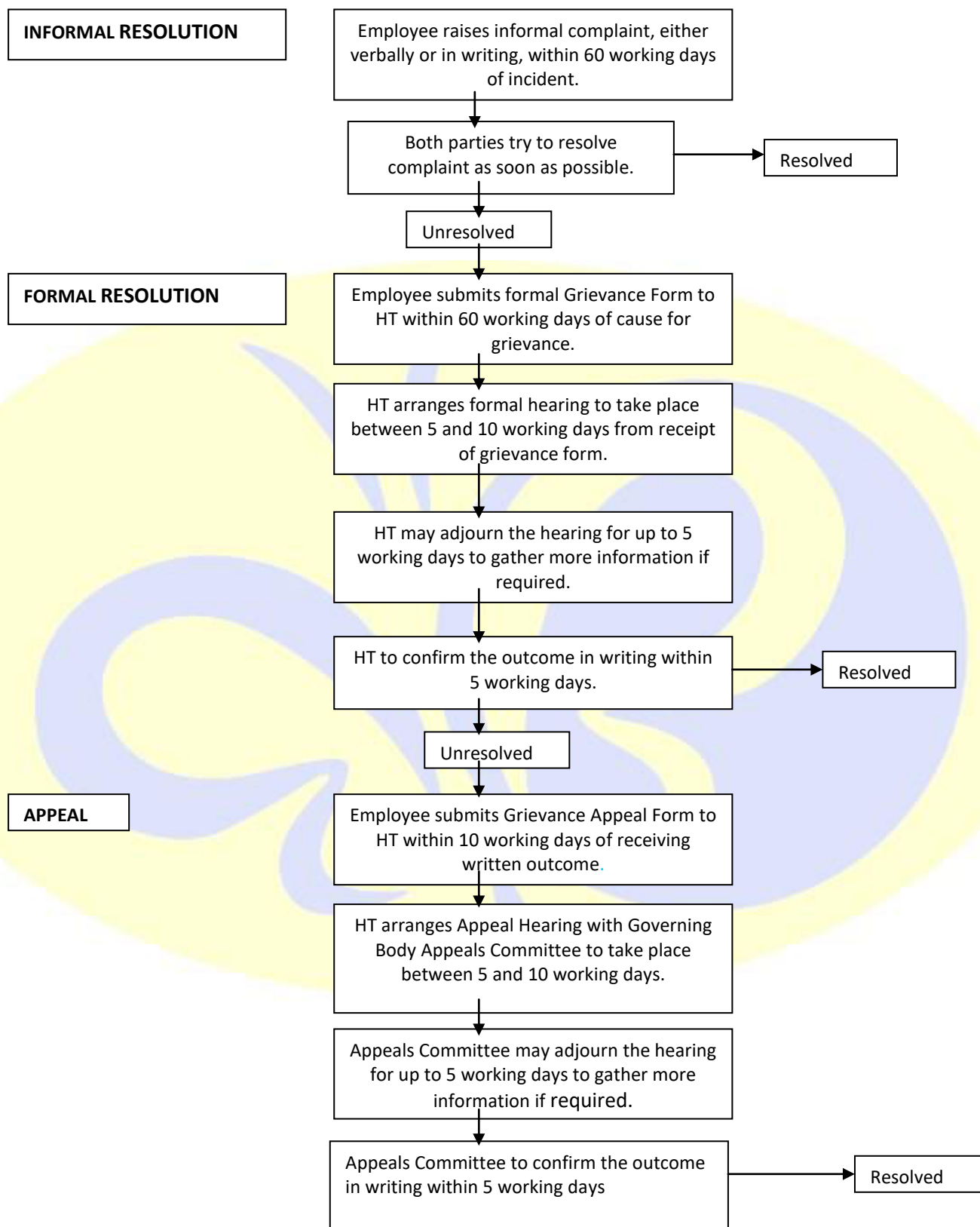
12.1 Records of meetings and discussions relating to the grievance should be written during, or as soon after the event as possible, to ensure the accuracy of the record. Written records should be circulated to all parties to allow amendments or clarifications as required. The employee may also wish to keep records of events to support their case.

12.2 All records relating to grievances should be kept on the individual's personal file. No duplicate records should be kept. All records will be retained in accordance with the Data Protection Act.

13. MONITORING

The school monitors the impact of its policies and procedures on its employees, in particular in relation to all aspects of Equal Opportunities in the work place. The Head Teacher has a responsibility to complete the '*Grievance Monitoring Form*' (Appendix 4) at the end of the process.

GRIEVANCE PROCEDURE FLOWCHART



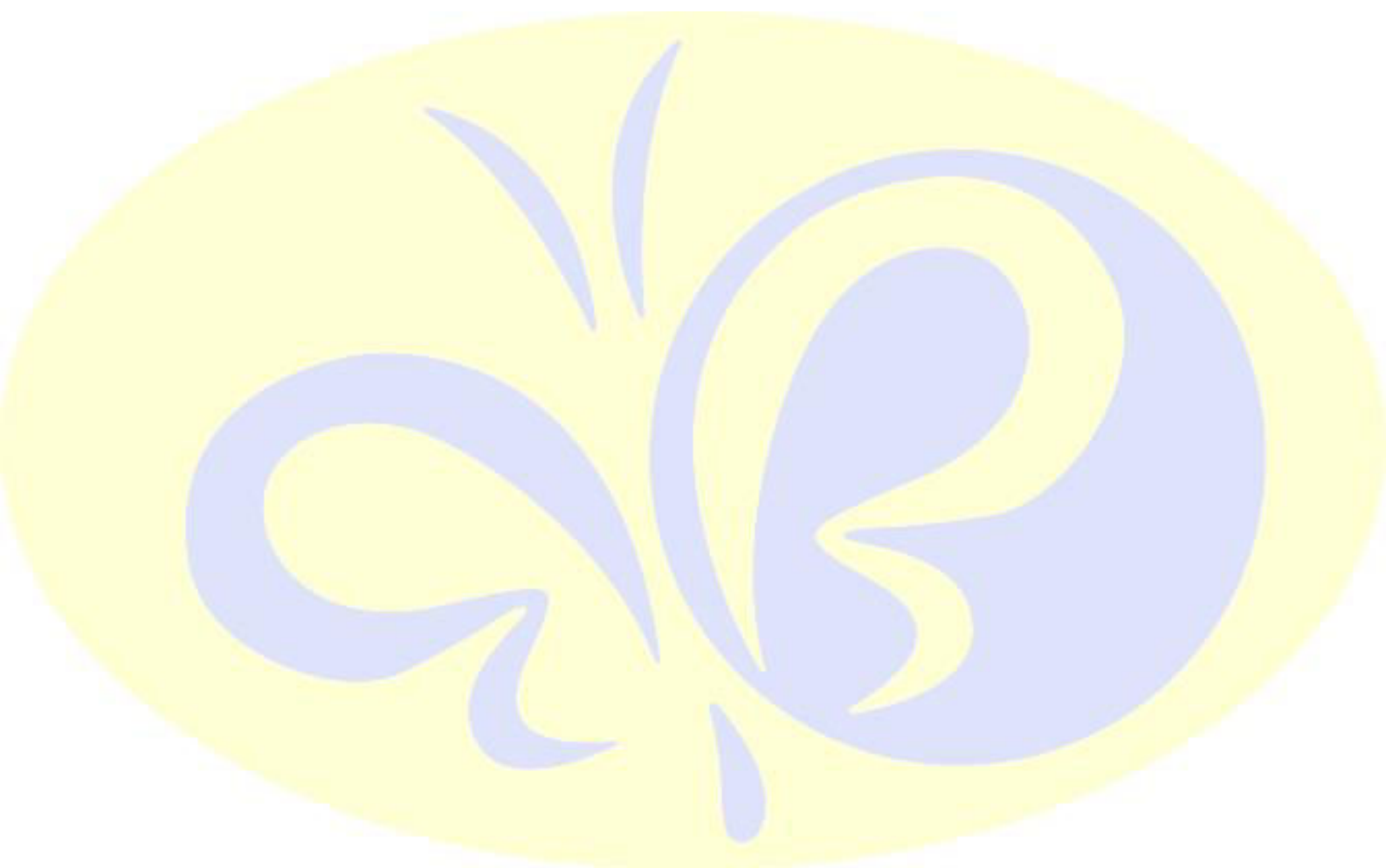
SECTION 1	GRIEVANCE FORM		
<i>This form should be used when submitting a grievance under the Formal Grievance Procedure. Wherever possible, a Formal Grievance should not be requested until the matter has been considered informally.</i>			
Have you tried to resolve this grievance informally?			YES NO
SECTION 2	EMPLOYEE DETAILS:		
SURNAME:	FORENAMES:	CONTACT NO. E-MAIL:	
JOB TITLE:			
ADDRESS: (external applicants only)			
I will represent myself - YES NO		My representative's name is: Union:	
I wish this grievance to be considered under the Modified Procedure Reason:			YES NO
SECTION 3	DETAILS OF GRIEVANCE		
DETAILS OF THE GRIEVANCE - TO BE COMPLETED BY EMPLOYEE Details of grievance including names and dates where appropriate: (Please continue on separate sheet if necessary)			
Details of resolution now requested:			
SIGNATURE OF EMPLOYEE/JOB APPLICANT			DATE
14. SECTION 4	15. APPEAL		
Date of outcome from Grievance Hearing:			
Details of further action requested from Appeals Committee			

Procedure for Grievance and Grievance Appeal Hearing

- 1** The employee should submit her/his grievance to the Head Teacher.
- 2** The Head Teacher will convene a hearing within 10 working days of the receipt of the request from the employee, but giving the employee at least 5 working days notice of the arrangements.
- 3** The employee and, the representative of the school where appropriate, will be provided with all appropriate documentation and asked to produce any supporting documents and/or call witnesses. Copies of the documents should be provided, via the clerk to the hearing, to all parties, as soon as practicable before the hearing. Should this prove impossible, full consideration will be given to documents produced at the hearing although an adjournment may be called for all parties to consider new evidence. Details of the witnesses to be called should be provided prior to the hearing, if possible.
- 4** At the outset only the panel (or Head Teacher where they are hearing the case) and the Clerk to the Hearing will be in the room. The panel may arrange for someone to take notes at the meeting.
- 5** The panel will invite the parties to enter. The witnesses will remain outside the room until they are called. The Hearing should be conducted as follows:
 - a. The employee or her/his representative will present her/his case, calling witnesses and producing documents, as necessary.
 - b. The witnesses may be questioned by the representative of the school. Also the Clerk to the Hearing may, through the chair of the panel seek to clarify points made in evidence.
 - c. The school representative, where present, will then be given the opportunity to clarify any aspects of the grievance and present any evidence as appropriate.
 - d. The same procedure will be followed as for the employee, as regards witnesses, documents and questions.
 - e. Where appropriate, the school representative will then make a concluding statement.
 - f. The employee or her/his representative will make a concluding statement. If the representative has presented the case, the employee will be given the opportunity to make a final statement in support of the case if she/he so wishes.
 - g. After hearing the case the panel will ask all parties to withdraw so that they may consider their decision.
 - h. The Panel may seek guidance from the Clerk to the Hearing on matters of procedure but not on matters of fact. The Panel may wish to seek clarification from one or both parties, in either case both sides should be recalled.
 - i. All parties may request an adjournment to proceedings at any time.
 - j. After the panel has reached a decision, both parties will be recalled and the decision will be given. The decision will be confirmed in writing within five working days of the Hearing and the employee will be informed of her/his right of appeal.

Grievance Monitoring Form

This is currently under development and will follow shortly.



UNION CONTACT DETAILS

UNISON

160a Woodhouse Lane
Leeds
LS2 9EN
Tel: 0113 2458442
Fax: 0113 2343253
Email: branch@leedsunisonlg.org.uk

AEEU

4th Floor West
Civic Hall
Leeds
LS2 9EN
Tel: 0113 2474144

GMB

GMB Convenors Office
Ground Floor
Civic Hall
LS1 1UR
Tel: 0113 2474034
Fax: 0113 2474637
Email: lynn.brook@leeds.gov.uk

GMB

Grove Hall
60 College Grove Road
Wakefield
WF1 3RN
Tel: 01924 882255
Fax: 01924 881231

NUT

West Park Development Centre
Spenn Lane
LS16 5BE
Tel: 0113 230 4385
Fax: 0113 2747663
Email: leedsnut@btconnect.com

NASUWT

241 Leeds Road
Rothwell
Leeds
LS26 0GR
Tel: 0113 2014281
Fax: 0113 2014289
Email: : leedsnasuwt@nasuwt.net

NAHT

2 Eaton Hill
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