West Model Grievance Procedure
Adopted by Spurcroft Primary School
10th June 2015

West Berkshire Council

Model Grievance Procedure for Schools

Version No 1.1
Issue Date March 2013‘

Document Control

Document Ref:	HRMGPS	**Date Created:**	March 2013
Version:	1.1	**Date Modified:**	
Revision due	March 2016		
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Change History

Version	Date	Description	Change ID
0.1	March 2013	Update references to equality legislation Update format	

Related Documents

Reference	Title	Tier
	Responding to Bullying and Harassment (staff) Policy and Guidance	

Contents

1. Purpose 4
2. Applicability 4
3. Roles and Responsibilities 4
4. General Principles 4
5. Step One – registering a grievance 5
6. Step Two – the grievance hearing 5
7. Step Three – appeal 6
8. Grievances from ex-employees 6

1. Purpose

1.1. This formal grievance procedure exists to ensure fair and consistent handling of grievances raised by staff within the school.

1.2. The governing body recognises the right of every employee to express a grievance and to be given a fair hearing.

2. Applicability

2.1. Grievances are concerns, problems or complaints that employees raise with their employers[1]. Issues that may cause grievances include:

- terms and conditions of employment
- health and safety
- work relations
- bullying and harassment
- new working practices
- working environment
- organisational change
- discrimination

2.2. This procedure applies to all employees of the school.

2.3. The grievance procedure does not apply when:

2.3.1. The employee wishes to complain about an actual or threatened dismissal

2.3.2. The employee raises a concern as a 'protected disclosure' such as whistle blowing in compliance with the public interest disclosure provisions of the 1996 Act

2.3.3. The employee wishes to complain about action short of dismissal to which the school's disciplinary procedure applies, unless the grievance is that this involves unlawful discrimination or is not genuinely on grounds of conduct.

3. Roles and Responsibilities

3.1. The head teacher has overall responsibility for ensuring that formal grievances are dealt with appropriately in accordance with this procedure.

3.2. Where the grievance raised concerns the head teacher, the chair of governors is responsible for ensuring that this procedure is followed.

4. General Principles

4.1. Employees may wish to raise complaints about their employment. These can often be resolved informally by their immediate line manager. However, where an employee states in writing his/her wish to raise a formal grievance this procedure must be followed.

4.2. A grievance may be raised by an employee personally, or on behalf of the employee by a trade union representative.

[1] Discipline and Grievances at Work – The Acas Guide

4.3. An employee raising a grievance may be accompanied and/or represented by a Trade Union Representative or a work colleague at meetings held at any stage of this procedure.

4.4. Written records will be kept during the process and treated as confidential. Formal minutes will be given to the employee if taken.

4.5. Time limits may be altered by mutual agreement

5. Step One – registering a grievance

5.1. If an employee decides that his/her grievance cannot be resolved informally, he/she should put the grievance in writing, with the help of a trade union representative if desired.

5.2. The written grievance should state clearly;

- the nature and extent of the grievance
- the resolution sought by the employee

5.3. The employee should address his/her written grievance to the head teacher. The head teacher will either decide to hear the grievance him/herself or choose to instruct another suitable person to hear the grievance.

5.4. In circumstances where the grievance relates directly to the head teacher, the employee should put the grievance in writing to the chair of governors. The chair of governors will identify a governor to hear the grievance.

5.5. Under the disability provisions of the Equality Act 2010 employers are required to make reasonable adjustments, which may include assisting employees to formulate a written grievance if they are unable to do so by themselves because of a disability.

6. Step Two – the grievance hearing

6.1. The person identified will arrange a grievance hearing to discuss the matter with the aggrieved employee. The hearing will take place no later than 20 working days after receipt of the written grievance by the head teacher/chair of governors. The employee will be informed by the person hearing the grievance of their right to be accompanied and/or represented by a trade union representative or work colleague.

6.2. The employee will be allowed to state his/her grievance at the meeting, and will be asked to indicate his/her resolution.

6.3. Where appropriate, the person hearing the grievance may adjourn the hearing in order to investigate the matter further. Where appropriate, the person hearing the grievance may appoint an investigating officer, not connected to the issue, to carry out the investigation.

6.4. The person hearing the grievance will respond to the employee's grievance in writing, within 5 working days of the hearing, or the reconvened hearing where there has been an adjournment. The response will inform the employee of his/her right to appeal if the resolution sought by the employee has not been granted.

7. Step Three – appeal

7.1. Where the employee is dissatisfied with the outcome of the grievance hearing he/she may appeal. The employee must register his/her appeal by writing to the clerk to governors within 5 working days of receiving the written outcome of the grievance hearing (or reconvened hearing where there has been an adjournment.)

7.2. The chair of governors, will arrange for the appeal to be heard by a panel of three governors who have not previously been involved in the grievance.

7.3. The chair of governors will arrange an appeal hearing and will inform the employee of his/her right to be accompanied and/or represented by a trade union representative or work colleague.

7.4. At the appeal hearing the employee will be able to explain why he/she remains aggrieved and how he/she believes the grievance should be resolved.

7.5. The person who heard the grievance hearing at Step Two will normally attend the appeal to explain his/her decision to the governor appeal panel.

7.6. Where appropriate the governor appeal panel may adjourn to investigate the matter further.

7.7. The chair of the appeal panel will notify the employee of the decision in writing, within 5 working days of the appeal hearing, or the reconvened appeal hearing where there has been an adjournment. This decision will be final.

8. Grievances from ex-employees

8.1. There is no legal requirement to deal with grievances raised by ex-employees. However, head teachers may want to consider dealing with such grievances in order to identify possible employment tribunal complaints and, where possible and appropriate, prevent those grievances from becoming tribunal complaints. Advice can be sought from the Human Resources Operations team.