

# Grievance Policy - Applicable to All School Staff



This policy is not intended for use by non-maintained schools. If extracts are used they should be attributed.



Foundation and Voluntary Aided Schools can adapt and adopt this policy or use an alternative.



This policy is for use by Community and Voluntary Controlled schools. Governing Bodies are asked to adopt this policy. Should a Governing Body wish to adopt an alternative policy please ensure that a copy is supplied providing assurance that it is legally compliant.

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## **1.0 Policy Statement**

1.1 The school believes that all employees should be treated fairly and with respect, however, they recognise 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 The Grievance Policy has been developed in line with the Acas Code of Practice - Grievance Procedures.

## **2.0 Scope**

2.1 This policy applies to both teaching and support staff in community and Voluntary Controlled schools following adoption by the Governing Body. It also applies to ex-employees who raise a grievance in writing within four weeks of leaving the school.

A similar policy is in place for all non-schools Milton Keynes Council employees.

## **3.0 Purpose**

3.1 The Grievance Policy will:

- make it possible for employees to raise concerns they may have about work or their working environment
- ensure that effective arrangements exist for dealing with employee grievances
- enable grievances to be dealt with quickly, fairly and consistently and at as low a level, as possible, within the school

## **4.0 Roles and Responsibilities**

### **4.1 Chair of Governors**

- Treat all grievances seriously, dealing with each one fairly, consistently and sensitively
- Own the grievance process (if a grievance is raised against a Headteacher) ensuring that it proceeds within the timescales of the Grievance Policy

- Notify the Headteacher, when a informal or formal grievance has been raised against him/her
- Notify the Corporate Director for Children and Families when a grievance is raised against a Headteacher
- Ensure that the grievance procedures are followed correctly, seeking advice, when required, from the school's HR provider
- Use all available guidance and advice to gather a clear understanding of the policy and legal context to grievance situations
- Ensure that records of investigations and meetings are sent to the HR Department, Milton Keynes Council to be placed on the appropriate file
- Maintain confidentiality and keep records of all relevant conversations and decisions

#### 4.2 **Headteacher**

- Ensure a working environment where all employees are aware of grievance procedures
- Ensure that all employees within the school are supported and assisted in resolving issues they have in terms of their employment
- Attempt to resolve all issues informally before they become formal grievances
- Treat all grievances seriously dealing with each one fairly, consistently and sensitively
- Own and take responsibility for the grievance process for all school staff and ensure that it proceeds within the timescales of the Grievance Policy
- Ensure that the grievance procedures are followed correctly, seeking advice from the school's HR provider
- Chair a formal grievance meeting, as appropriate
- Use all available guidance and advice to gather a clear understanding of the policy and legal context to grievance situations
- Appoint an Investigating Officer and, if internal, arrange for them to have suitable release time from their day to day duties to facilitate a timely completion of the investigation
- The Headteacher, Governing Body or Interim Executive Board (IEB), depending on the approach taken, will appoint a Clerk to keep a management record of any formal grievance meeting or appeal.
- Ensure that records of investigations and meetings are sent to the HR Department, Milton Keynes Council to be placed on the appropriate file
- Maintain confidentiality and keep records of all relevant conversations and decisions

**Note:** for the purposes of implementing the grievance policy, 'Headteacher' means, in the absence of the Headteacher, a representative who is either a Deputy Headteacher or another senior member of staff who has formally been nominated by the Headteacher. In exceptional circumstances, where Governors do not deem it appropriate for a member of staff to lead the process, it means the Chair of Governors or his/her representative

#### 4.3 **Governing Body or IEB**

- Ensure that appropriate grievance procedures are in place within the school and are followed in a fair and reasonable manner
- On an annual basis the Governing Body or IEB will determine their committee structure as follows:

- a) Appoint a Hearings Committee and Appeal Committee consisting of three governors (in exceptional circumstances this may be reduced to two). The Chair of Governors must not be a member of either the Hearings Committee or the Appeal Committee
- b) Delegate responsibility to a Headteacher for chairing a grievance meeting
- c) May collaborate with another school's Governing Body or IEB

These decisions will be formally minuted.

#### **4.4 Human Resources**

- Maintain close contact with the Chair of Governors/Headteacher/Investigating Officer throughout a grievance process
- Provide advice and guidance on meetings, investigation reports, appeals and standard documentation
- Advise on the grievance procedure to ensure compliance with the law, fairness and consistency
- Attend grievance meetings and appeal meetings in an advisory capacity
- Records of investigations and meetings should be placed on the appropriate file held by the School's HR provider
- Maintain confidentiality

#### **4.5 Employee**

- Seek to resolve issues informally before raising a formal grievance
- Engage with Headteacher to genuinely seek resolution to a grievance
- Co-operate in any investigation being carried out
- Attend grievance meetings
- Maintain confidentiality

#### **4.6 Investigating Officer**

- Liaise with the Headteacher and HR provider to gain a full understanding of the nature and scope of an investigation
- Provide a complete investigation report, within a recommended timeline
- Maintain impartiality and ensure there is no conflict of interest that might prejudice a fair investigation
- Maintain confidentiality

### **5.0 Grievances against the Governing Body**

5.1 Every effort should be made to resolve the issues by using the informal stages of this Grievance Policy. If the matter remains unresolved, advice should be sought from the Corporate Director for Children and Families.

### **6.0 Principles**

6.1 The school will take seriously any reported grievance and employees who have genuine grievances are encouraged to raise them without fear of recrimination.

6.2 Any employee or group of employees can present a grievance. This can be in relation to specified situations that directly affect them.

6.3 This could mean one of the following:

- Terms and conditions of employment, working conditions or working hours
- Unfair treatment
- Health and safety
- Work relationships or personal issues that are connected with work
- Issues with contract staff e.g. catering, cleaning staff etc.

6.4 Issues which are not covered by this policy:

- Dignity at Work – (Tackling Bullying and Harassment)
- Matters which are not work related
- Disagreement with school policy

(The above lists are not exhaustive)

6.5 Grievances should be raised when “something is believed to be wrong or unfair”. Employees should be aware that they must not use the Grievance Policy to raise concerns without good cause or with the intention of causing distress to others.

6.6 Malicious grievances may be considered as gross misconduct by the school and where it is considered that the grievance is malicious, the matter may be investigated under the Disciplinary Policy.

6.7 A malicious grievance is defined as follows:

- The investigation has shown the original grievance to be without foundation and that the grievance has been submitted vexatiously or as a means of frustrating another process
- The investigation can demonstrate that the complainant in making his/her grievance, knowingly lied to the Investigating Officer

6.8 The provisions of the Equality Act 2010 will be applied throughout the implementation of this Policy.

6.9 Employees can find guidance at [Equality Act - Guidance for Schools](#). This provides protection for the employee characteristics covered by equality legislation:

- Age – covers all age related issues
- Disability, including making reasonable adjustments
- Gender Reassignment - from the moment transition starts
- Race, Religion or Belief
- Sex – things associated with being male or female
- Sexual Orientation - including feelings, sexuality as well as identity
- Marriage and Civil partnership status
- Pregnancy and Maternity

6.10 There may be occasions where it is not immediately apparent that issues which are raised under the Grievance Policy should be managed under it. In some

circumstances it may be appropriate to refer to and investigate the issues under another policy, for example:

- Managing Underperformance
- Dignity at Work Policy – Tackling Bullying and Harassment (this policy is currently being updated and the link will be included shortly). The link to the current Policy is Harassment and Bullying Policy
- Managing Attendance
- Milton Keynes Council – Code of Conduct
- Guidance issued by the relevant regulatory body in relation to teaching staff
- Whistleblowing Policy

- 6.11 Similarly, it may be more appropriate for issues to be addressed within an existing appeal mechanism, for example, pay disputes.
- 6.12 In these circumstances, the Headteacher or Chair of Governors will make a decision on which policy should be applied.
- 6.13 An expectation of this policy is that before individuals invoke the formal stages of this procedure, they first attempt to resolve their grievance informally by discussing it with the Headteacher or another suitable person.
- 6.14 Prior to any informal or formal meetings taking place, the Headteacher or member of staff against whom the grievance has been raised, will be notified of the grievance.
- 6.15 It is not intended that the Grievance Policy should be used to raise a counter claim against management action being taken under other school policies such as: Disciplinary, Managing Underperformance and Managing Attendance Policies etc.
- 6.16 However, in some circumstances, there may be indications that the issue is being managed in a vexatious or discriminatory manner. In these cases, the Headteacher (or Chair of Governors if the grievance is against the Headteacher) will determine whether:
- the employee may have a credible grievance
  - the Grievance Policy should be invoked
  - it is appropriate to temporarily suspend the relevant process in order to deal with the grievance
- 6.17 It is recommended that advice is sought from the School's HR provider on this point.
- 6.18 In these circumstances, the Headteacher (or Chair of Governors, if the grievance is against the Headteacher) will thoroughly evaluate the grievance, using the following information as a basis for making his/her judgment.
- The content of the Statement of Grievance Form
  - The intention of the employee - it is appropriate that the Headteacher or Chair of Governors arranges an informal meeting with the employee. This will enable him/her to glean the appropriate information on what took place by listening intently to the employee, paying attention to his/her body language and asking

themselves questions, for example, does the evidence indicate that they are merely trying to frustrate a process

- The capability and the management style of the individual against whom the grievance has been raised and the likelihood or not that they may have acted in a vexatious or discriminatory manner

6.19 The Headteacher or Chair of Governors will then make a judgment on whether:

- the grievance should be dealt with at the same time as the relevant policy i.e. Disciplinary, Managing Underperformance, Managing Attendance etc.
- the grievance merits investigation under the Grievance Policy
- the relevant process should be temporarily suspended to deal with the grievance

Suspending the relevant process will only take place in exceptional circumstances.

6.20 It is important to note that grievances raised in these circumstances should not be rejected without being given proper evaluation.

6.21 If the grievance concerns an employee's manager and it is not resolved at the informal stage, the employee should formally raise their concern with the next level of management.

## **7.0 Safeguarding Vulnerable Groups Act 2006**

7.1 Under the Safeguarding Vulnerable Groups Act 2006, the School has a legal duty to refer information to the Independent Safeguarding Authority (ISA) where they have removed an individual from working or volunteering or have concerns in respect of contact with children or vulnerable adults. If appropriate, the ISA will refer to the relevant regulatory body in relation to teaching staff.

## **8.0 Collective Grievances**

8.1 If a collective grievance arises, involving a group of employees and relating to the same issue, this may be dealt with through the Grievance Policy and the group of staff may nominate a spokesperson to represent their case.

8.2 As long as the issue is the same in each case, it will be necessary to hold only one meeting at each stage.

## **9.0 Raising a Grievance when the Employee has left the School**

9.1 Whenever possible a grievance should be dealt with before leaving the school. However, if an employee has already left and raises a grievance within four weeks of leaving, and the standard grievance process has not commenced, there is an option of using a modified grievance process whereby both parties agree to follow the modified grievance process as follows:

- **Step 1 - Statement of Grievance**

The employee must set out in writing:

1. The details of the grievance and
2. The basis for it

The ex-employee must send the grievance to the Headteacher or, if the grievance is against the Headteacher, the employee must send the grievance to the Chair of Governors.

- **Step 2 – Response**

The Headteacher or Chair of Governors will acknowledge receipt of the grievance in writing, normally within two working days of receiving it and will ask the ex-employee whether or not he/she wishes the grievance to be dealt with under the normal or the modified grievance process.

The ex-employee must confirm in writing within five working days that they agree that the grievance should be managed under the modified process. The Headteacher or Chair of Governors will then investigate and respond in writing with the decision normally within four weeks of receiving the grievance.

If, however, the ex-employee opts to have the grievance managed under the standard grievance process, the standard Grievance Policy will apply.

## **10.0 Raising a Grievance against a Trade Union Representative**

10.1 Where a grievance is raised against a trade union representative, the circumstances must be reported to the HR provider, who will inform the full time official of the union concerned.

## **11.0 Informal Process**

11.1 If a grievance involves another member of staff, the school strongly encourages employees to seek a personal resolution by making a direct approach to the member of staff concerned.

11.2 If this is not possible, or if the grievance does not involve another member of staff, employees may discuss the issue with the Headteacher or any other member of staff to see if the matter can be resolved informally without invoking the formal grievance process.

11.3 However, where the incident is sufficiently serious, it may be decided that the formal stage should be invoked straight away. In such cases a completed **Statement of Formal Grievance Form (Appendix 1)** will be required. Advice should be sought from the school's HR provider on this point.

11.4 If the Headteacher has a grievance, he/she should raise the matter with the Chair of Governors.

11.5 If an employee has a grievance related to the Chair of Governors, he/she should raise the matter, in writing, with the Corporate Director for Children and Families, Milton Keynes Council.

11.6 The Headteacher will make every effort to resolve issues in school informally as part of their day-to-day management responsibilities. Employees must undertake the informal route initially as this approach will often result in a quicker and more satisfactory resolution for both parties.

- 11.7 An informal grievance should normally be raised within four weeks after the act or the decision that is being complained about, or the last significant act or decision if the grievance relates to a series of linked events. The employee must understand that the longer they leave the issue before informally raising it; the less credibility will be assigned to the grievance.
- 11.8 Where the informal process is the first step, i.e. no formal process has been entered into; it is essential that, without delay, the Headteacher informs the employee who is the subject of the grievance that an informal grievance has been raised. Generally speaking as much information as possible should be provided to the employee who is the subject of the grievance, although this will depend on the sensitivities of each case. Advice on the amount of detail to share in each particular case should be sought from the school's HR provider.
- 11.9 An informal approach may be that the Headteacher (or Chair of Governors if the grievance is against the Headteacher) will hold a confidential meeting to discuss the grievance with one or both of the parties to establish whether there is any foundation to the grievance and try to resolve the matter. The Headteacher (or Chair of Governors if the grievance is against the Headteacher) should be aware of, and be prepared to explore, alternative methods of resolving any grievances that arise by discussing the issue and examining a range of possible solutions with the employee.
- 11.10 All parties may find it useful to keep a note of this discussion.
- 11.11 In an attempt to resolve the matter, the Headteacher (or Chair of Governors, if the grievance is against the Headteacher), may be required to carry out further informal enquiries into the matter.
- 11.12 The Headteacher (or Chair of Governors if the grievance is against the Headteacher) will communicate verbally and, in writing, the outcome of an informal grievance process to the employee who has raised the grievance and the employee against whom the grievance has been raised.
- 11.13 If the grievance is related to a working relationship and the employee feels that the informal meeting has not resolved the situation to their satisfaction, the Headteacher (or Chair of Governors if the grievance is against the Headteacher) may discuss mediation with them.
- 11.14 Mediation is another option within the Informal Stage. However it is only feasible if both parties agree to undertake the process with the intention of finding a solution.
- 11.15 The schools HR provider will be able to provide details of the mediation services available and the appropriate charge. If mediation is not pursued at the informal stage then it will remain an option for the parties to pursue upon conclusion of any formal investigation. Mediation will only succeed if the parties display a genuine willingness to engage with the process and demonstrate a readiness to examine their respective positions. All parties involved in a grievance must be fully aware of what the issues are, prior to entering into mediation.
- 11.16 It is only in very exceptional circumstances that formal grievances will be accepted without initial actions being taken to resolve the matter informally in the first instance.

## 12.0 Formal Process

### 13.0 Stage 1 - Registering a Formal Grievance

13.1 When grievances are not resolved to an employee's satisfaction at the informal stage or if the complaint is considered sufficiently serious, the employee can register a formal grievance.

13.2 To register a formal grievance, employees must complete a Statement of Formal Grievance Form (**Refer to Appendix 1**) and submit the form and any relevant evidence/documentation to the Headteacher (or directly to the Chair of Governors where the Headteacher is the subject of the grievance or is the complainant).

13.3 A grievance should normally be raised within four weeks of:

- the occurrence of the incident about which the employee is aggrieved or
- the date the employee first raised it informally with the Headteacher and no action has been taken. This is presuming that the employee initially raised the issue within four weeks of the incident occurring

The employee must understand that the longer they leave the issue before raising it, the less credibility will be assigned to the grievance.

13.4 This deadline can be extended by the agreement of both the employee and the Headteacher or, if mediation has been undertaken and no satisfactory resolution has been reached.

13.5 The Statement of Formal Grievance should include the following:

- The nature of the grievance – what is alleged to have occurred
- Actions taken to resolve the matter informally and the reason for dissatisfaction with the informal solution (if appropriate)
- The outcome the employee is seeking
- Any witnesses to the matters complained about

13.6 Normally within five working days of him/her receiving the Statement of Formal Grievance, the Headteacher or Chair of Governors, if the grievance is against the Headteacher, will write to the employee, acknowledging receipt of the grievance and stating that a formal grievance meeting will be convened to discuss the matter.

13.7 If the grievance has been raised against another employee, the Headteacher will meet with them, normally within five working days of receiving the formal grievance, to inform them that a formal grievance has been raised against them and will confirm this discussion in writing.

13.8 If the grievance has been raised against the Headteacher, the Chair of Governors will meet with him/her, normally within five working days of receiving the formal grievance, to inform them that a formal grievance has been raised against them and will confirm this discussion in writing.

- 13.9 Depending on the sensitivities of each case, consideration of disclosure and confidentiality will be dealt with on a case by case basis. It will, therefore, be necessary to determine whether any particular document should be shared in full or in part with some or all of the persons named in the grievance. By signing the Statement of Formal Grievance Form, employees are indicating their understanding that they are giving permission for appropriate sections of the form to be copied to anyone named on it.
- 13.10 Advice on the amount of detail to be shared in each particular case should be sought from the school's HR provider.
- 13.11 Depending on the nature of the case and if required, it may be appropriate for the Headteacher to appoint an individual to provide support to the employee raising the grievance. It may also be necessary for the employee who is the subject of the grievance to be provided with support as well. These support roles should be undertaken by different people.
- 13.12 The Headteacher must also make both individuals aware of the confidential counselling service available from the Teacher Support Network on 0800 056 2561.
- 13.13 Advice should be sought from an HR provider at this point.

#### **14.0 Stage 2 - Preparing For and Conducting the Grievance Meeting**

- 14.1 Within ten working days of receiving the Statement of Formal Grievance Form (or otherwise by mutual agreement), the Clerk to the grievance meeting will write to the employee to arrange a formal grievance meeting. The employee will be given at least ten working days written notice of the date of the grievance meeting and the Headteacher will advise the Chair of Governors that a formal grievance has been submitted.
- 14.2 Within ten working days of receiving the Statement of Formal Grievance Form (or otherwise by mutual agreement), if the grievance is raised against the Headteacher, the Clerk to the grievance meeting will write to the employee to arrange a formal grievance meeting. The employee will be given at least ten working days notice of the date of the grievance meeting.
- 14.3 If a grievance is raised against the Governing Body, every effort should be made to resolve the issue by using the informal process above. If the matter remains unresolved then advice should be sought from the Corporate Director for Childrens and Families.
- 14.4 The Headteacher will conduct a formal grievance meeting, provided they have not been involved as a witness or they are not the subject of the grievance.
- 14.5 If it is not appropriate for the Headteacher to conduct the grievance meeting, the Chair of Governors will inform the Hearings Committee that they will be required to hear the formal grievance.
- 14.6 If a grievance is raised against a Headteacher, the Hearings Committee will conduct the grievance meeting.
- 14.7 When a grievance meeting is chaired by the Hearings Committee, the Headteacher may be asked to prepare a statement which:

- sets out the steps he/she has taken to resolve the matter informally
- their view of the grievance
- how the grievance might best be resolved

- 14.8 The Headteacher/Hearings Committee will be advised by the HR provider.
- 14.9 The employee has a right to be accompanied at the formal grievance meeting by a trade union representative, professional association representative or work colleague.
- 14.10 Management notes will be taken by an appointed clerk to the meeting.
- 14.11 In some cases, it may be appropriate to hold the grievance meeting with both the employee that has raised the grievance and the employee against whom the grievance lies being present.
- 14.12 In these circumstances, both the employee/Headteacher raising the grievance and the employee/Headteacher who is the subject of the grievance will have the right to be accompanied at the grievance meeting by a trade union representative, professional association representative or work colleague and any documents related to the grievance should be shared with the employee against whom the grievance lies at least five working days before the formal grievance meeting.
- 14.13 These meetings can, on occasions, be emotional and stressful for the employees concerned; therefore, it is preferable that the formal grievance meeting is held for the employee to present their grievance and the employee against whom the grievance lies will be given the opportunity to respond by means of the formal investigation process.
- 14.14 If the employee raising the grievance or their representative cannot attend at the agreed time and date, an alternative time can be proposed which must be within five working days of the original meeting or otherwise by mutual agreement.
- 14.15 If, however, this second meeting is cancelled for no valid reason by the employee, then no further meetings will be arranged and it will be taken that the grievance has either been resolved or withdrawn. The Headteacher/Hearings Committee reserves the right to determine what a valid reason may be.
- 14.16 Witnesses may be called to give evidence at a grievance meeting on issues of factual dispute or where a person's statement is considered to be crucial to the matter being considered. The final decision as to whether or not it is appropriate for a particular witness to be called before a grievance meeting to give evidence in person lies with the Headteacher/Hearings Committee.
- 14.17 The formal meeting will be used to determine the grievance outcome that the employee is seeking, listen to the facts relating to the issue, and gather any relevant information.
- 14.18 The Headteacher/Hearings Committee will take advice from the HR provider but will be responsible for making the final decision. It is important to demonstrate that the final decision has been made by the Headteacher/Hearings Committee and that suitable justification has been provided for the decision.
- 14.19 As a result of the grievance meeting the Headteacher/Hearings Committee may decide that:

- an impartial and thorough formal investigation is required into the background facts of the grievance and will appoint an Investigation Officer or
- further informal investigation is required and that the Headteacher/Hearings Committee will carry this out or
- the grievance is not upheld or
- the grievance is upheld and recommend what steps should be taken to resolve it.

14.20 The outcome may be given at the grievance meeting; however, if this is not appropriate, the outcome will be communicated to the employee in writing, within five working days of the grievance meeting by the Clerk to the grievance meeting. A copy of the grievance decision letter will be retained on the employee's personal file.

14.21 Depending on the complexity of the grievance, it may be necessary to hold a further meeting with the employee to convey the outcome.

14.22 If the grievance has been raised against another employee, the Headteacher/Hearings Committee will meet with him/her to inform them of the decision and will confirm this in writing within five working days of the grievance meeting.

14.23 It will be the responsibility of the Headteacher/Hearings Committee to ensure that any management recommendations which are identified as an outcome of a grievance are passed on for consideration and, if practicable, implemented.

## **15.0 Investigation**

15.1 If a formal investigation is considered appropriate, the Headteacher/Hearings Committee, with advice from the HR provider, will appoint an Investigating Officer.

15.2 If the grievance has been raised against the Headteacher, the Chair of Governors will liaise with the Corporate Director for Children and Families, Milton Keynes Council when appointing an appropriate Investigating Officer.

15.3 It is important that the Investigating Officer has suitable release time from their day to day duties to carry out the investigation. This facilitates a foundation for a thorough and prompt investigation and sets out expectations in relation to timeframe. In normal circumstances this will not exceed four weeks.

15.4 An Investigating Officer will be responsible for investigating the grievance, including the events surrounding or leading up to the submission of the grievance. This will necessitate the Investigating Officer meeting with the employee against whom the grievance has been raised to give them the opportunity to respond and any other employees who may have been witness to the grievance.

15.5 The boundaries around confidentiality will be agreed at this point and all employees who are interviewed as part of the investigation will be asked to sign a Confidentiality Agreement. **(Refer to Appendix 2).**

- 15.6 All non-school employees who are interviewed as part of the investigation will be asked to sign a Confidentiality Agreement (**Refer to Appendix 4 - Confidentiality Agreement – for Interviewees who are not working at the School**)
- 15.7 Any employee (including a Headteacher), who is interviewed as part of a formal investigation, may be accompanied by a trade union representative, professional association representative or work colleague. If the employee or their representative is unable, for good reason, to attend the investigatory meeting on the date proposed, the manager will reschedule the meeting to take place no later than five working days after the date set for the original meeting. No further rescheduling will be considered unless the reason for non attendance is considered exceptional (e.g. hospitalisation)
- 15.8 If the Headteacher is not the subject of the grievance, the Investigating Officer should keep the Headteacher and the HR provider informed of any new developments that may come to light throughout the course of the investigation.
- 15.9 If the Headteacher is the subject of the grievance, the Investigating Officer should keep the Chair of Governors, the Corporate Director of Children and Families and the HR provider informed of any new developments that may come to light throughout the course of the investigation.
- 15.10 The Investigating Officer should discuss and agree the final draft version of the investigation report with an HR representative.
- 15.11 The Investigating Officer should send the final report to the Headteacher/Hearings Committee (as appropriate) and the HR representative.
- 15.12 The investigation report will be used by the Headteacher/Hearings Committee to determine the full facts and will facilitate a decision on the grievance outcome.
- 15.13 As a result of the investigation, the Headteacher/Hearings Committee may consider it appropriate:
- a) to arrange for the grievance meeting to be reconvened within ten working days of receipt of the investigation report, and the Clerk to the original grievance meeting will give the employee at least ten working days written notice of the date of the meeting.
    - The purpose of this meeting will be to seek clarification on any further issues that might have arisen in the light of the investigation and to allow the employee to comment on the findings of the investigation
    - If the employee raising the grievance or their representative cannot attend at the agreed time and date, an alternative time can be proposed which must be within five working days of the original meeting or otherwise by mutual agreement.
    - If, however, the second meeting is cancelled for no valid reason by the employee, then no further meetings will be arranged and the outcome of the grievance meeting will be given in writing. The Chair of the grievance meeting reserves the right to determine what a valid reason may be.
    - The Headteacher/Hearings Committee will be advised by the HR provider

- An appointed clerk to the meeting will attend to take management notes
- The employee has a right to be accompanied at the grievance meeting by a trade union representative, professional association representative or work colleague
- The Headteacher/Hearings Committee of the reconvened grievance meeting may arrange for the employee to receive the investigation report and any relevant documentation ten working days before the meeting
- The grievance outcome may be communicated at the conclusion of this meeting or, if this is not appropriate, it will be communicated to the employee in writing within five working days of the grievance meeting. The letter will offer the right of appeal.

OR

b) for the clerk of the original grievance meeting to inform the employee, in writing, of the outcome and the right of appeal, normally within five working days of receiving the investigation report. If this timescale is not realistic, the employee will be advised, in writing, when a response can be expected

15.14 The Headteacher/Hearings Committee may decide that:

- the grievance is not upheld or
- the grievance is upheld in whole or in part and recommend what steps should be taken to resolve it and what (if any) management recommendations should be made
- the grievance has been raised vexatiously and, therefore, the employee who has raised the grievance may be subject to disciplinary proceedings

15.15 If the grievance has been raised against another employee, the Headteacher/Hearings Committee will meet with him/her to inform them of the decision normally within five working days and will confirm this in writing.

## **16.0 Stage 3 – Formal Appeal**

16.1 If the grievance has not been resolved to the employee's satisfaction at Stage 2 of the formal process, the employee has the right of appeal to the Clerk of the original grievance meeting, within five working days of receipt of the grievance outcome letter.

16.2 The employee can appeal on the following grounds only:

- That the grievance process has been applied defectively or unfairly
- That information related to the original grievance meeting has come to light that was not available at the previous grievance meeting. This information must be:
  - new and different in substance to the information that was presented at the original grievance meeting
  - able to provide a different "line" of discussion

➤ likely to make a difference to the outcome of the original grievance meeting

- 16.3 An employee cannot appeal simply because they do not agree with or like the decision.
- 16.4 The employee must ensure that the Grievance Appeal Form (**Refer to Appendix 3**) is completed in full and that it clearly demonstrates why he/she believes that the outcome of the grievance was mistaken or that the action taken as a result of the outcome was inappropriate.
- 16.5 Normally within five working days of the Clerk of the original grievance meeting, receiving the completed Formal Grievance Appeal Form, they will write to the employee acknowledging receipt of the appeal and stating that a formal grievance appeal meeting will be convened to discuss the matter.
- 16.6 If the grievance has been raised against another employee, the Headteacher/Hearings Committee who conducted the original grievance meeting will meet with the employee to notify them that an appeal has been submitted, and confirm this in writing, normally within five working days of receiving the appeal.
- 16.7 Normally within ten working days of receiving the Grievance Appeal Form (or otherwise by mutual agreement), the Clerk of the original grievance will write to the employee to arrange a formal grievance appeal meeting. The employee will be given at least five working days written notice of the date of the grievance meeting.
- 16.8 In cases where the Headteacher conducted the original meeting then an Appeal Committee would conduct the formal grievance appeal meeting.
- 16.9 In cases where the original grievance meeting was conducted by a Hearings Committee, then the grievance appeal meeting will be conducted by an Appeal Committee.
- 16.10 In all cases, the HR provider will provide advice at the appeal meeting.
- 16.11 If the employee or their representative cannot attend the appeal meeting at the agreed time and date, an alternative time can be proposed which must be within five working days of the original appeal meeting or otherwise by mutual agreement.
- 16.12 If, however, the second appeal meeting is cancelled for no valid reason by the employee, then no further meetings will be arranged and it will be taken that the grievance appeal has either been resolved or withdrawn. The Chair of the grievance appeal meeting reserves the right to determine what a valid reason may be.
- 16.13 The Headteacher/Hearings Committee who chaired the original grievance meeting will attend the appeal meeting and will present the management case.
- 16.14 The employee may be accompanied at the grievance appeal meeting by a trade union representative, professional association representative or work colleague.
- 16.15 In some cases, it may be appropriate to hold the grievance appeal meeting with both the employee that has raised the grievance and the employee, against whom the grievance lies, being present.

16.16 In these circumstances, both the employee/Headteacher raising the grievance and the employee/Headteacher who is the subject of the grievance will have the right to be accompanied at the grievance appeal meeting by a trade union representative, professional association representative or work colleague and any documents related to the grievance appeal meeting should be shared with the employee against whom the grievance lies at least five working days before the formal grievance meeting.

16.17 In some cases it may be appropriate for the Investigating Officer to attend the appeal meeting in order to present the Investigation Report.

16.18 The Headteacher/Hearings Committee of the original grievance meeting and the employee should provide the Clerk with any written material to be used at the appeal meeting at least three working days before the meeting. Any extension on the timeframes must be agreed in advance by both parties.

16.18 The Appeal Committee will:

- consider the information which was presented at the grievance meeting, together with any new evidence presented and the employee will be allowed to comment on this
- consider any representations made by the employee, the Headteacher/Hearings Committee from the original grievance meeting and the Investigating Officer
- consider whether further investigations are required
- make a decision based on this information, together with any facts that may have come to light during the grievance appeal meeting, on whether or not to uphold the original grievance decision
- convey the outcome at the conclusion of the meeting or, if this is not appropriate write to the employee with the decision within five working days. If it is not possible to give an decision in this time, the employee will be given an explanation for the delay and told when the decision can be expected

16.19 If the grievance has been raised against another employee, the Headteacher/Hearings Committee will meet with him/her to inform them of the decision and will confirm this in writing, within five working days of the decision being made. If this timescale is not realistic, then the employee will be given an explanation for the delay and informed, in writing, when a decision can be expected.

16.20 The decision of the appeal meeting is final and there is no further right of appeal.

## **17.0 Further Investigation Following the Appeal Meeting**

17.1 If, during the Appeal Meeting, the Appeal Committee considers that further formal investigation is appropriate, they will request that the original Investigation Officer carries this out. In normal circumstances, further investigation will take no longer than two weeks.

- 17.2 On completion of further investigation, the Appeal Committee may consider it appropriate to reconvene the grievance appeal meeting with the employee normally within five working days of receiving the further investigation report and/or inform the employee, in writing, of the appeal outcome following the further investigation.
- 17.3 If these timelines are not realistic, the employee will be advised, in writing, when a response can be expected.
- 17.4 If the grievance has been raised against another employee, the Appeal Committee will inform the Headteacher of the decision and the Headteacher will in turn, meet with the employee to notify them of the outcome. The decision will also be confirmed in writing to the employee within five working days of the reconvened meeting. If these timescales are not realistic, the employee will be advised in writing when a response can be expected.

## **18.0 Teacher Support Network**

- 18.1 The Teacher Support Network provides staff within schools (and members of their households) free access to a confidential, independent, telephone helpline, 24 hours a day, every day of the year. The Helpline provides individuals with an opportunity to talk through a problem with trained specialists and counsellors and will give information and advice in relation to personal, financial, family, work, legal or health issues. The service can be accessed by calling 08000 562 561.

## **19.0 Representation**

- 19.1 As confirmed throughout the policy, employees may be represented at formal meetings and appeals by a trade union representative, professional association representative or a workplace colleague.

## **20.0 Interpretation**

- 20.1 Any questions as to the interpretation of this policy should be referred to the school's HR provider.

## Appendix 1 - Statement of Formal Grievance

*This form is intended for use by any employee of the school who would like to raise a formal grievance about his/her manager or a third party, the behaviour of a colleague or any other workplace issue.*

*Employees should bear in mind before using this form that it is only in very exceptional circumstances that formal grievances will be accepted without actions being taken to resolve the matter informally in the first instance.*

*Where the employee requests that the grievance be dealt with informally, the Headteacher will discuss the matter with the employee with a view to resolving the matter without recourse to the formal Grievance Policy.*

*Where the employee requests that the grievance be dealt with formally, this form should be completed and the Grievance Policy – Applicable to All School Staff will be invoked.*

*In all circumstances, this form should be completed and delivered to an appropriate member of staff in an envelope marked “Confidential” or sent as an email attachment with “Confidential” in the subject line.*

<b>Employee’s Name:</b>	
<b>Employee’s Job Title:</b>	
<b>Employee’s School:</b>	
<b>Date</b>	
<b>Who/What does the Grievance Relate to?</b>	
<b>Summary of Grievance:</b>	
Please set out the details of your grievance (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required.	
<b>Individuals Involved in the Alleged Incident/Grievance</b>	
Please provide the names and contact details of any people involved in your grievance, including witnesses	

<b>Informal Action Previously Taken</b>	
Please provide details of action taken to resolve the matter informally and the reason for dissatisfaction with the informal solution (if appropriate)	
<b>Outcome Requested</b>	
Please set out what you are seeking as an outcome to your grievance and why and how you believe this will resolve the issue	
<p><b>Declaration</b> - I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue statements may be considered as gross misconduct by the school and where it is considered that a grievance may be malicious, the matter will be investigated under the Disciplinary Policy.</p> <p>I also understand that by completing and signing this Statement of Formal Grievance Form, I automatically give my permission for the appropriate sections to be copied to anyone named in it.</p>	
<b>Form Completed By:</b>	
<b>Signature:</b>	
<b>For Completion by the School</b>	
<b>Date Form Received</b>	
<b>Date Acknowledged</b>	
<b>Name of Recipient and Job Role:</b>	
<b>Signature</b>	

## Appendix 2 – Confidentiality Agreement

### Confidentiality Agreement

**(To be issued by the Investigating Officer to all parties interviewed as part of the Grievance Investigation)**

The School takes all grievance issues seriously and is committed to resolving these issues as quickly as possible in a fair and sensitive manner, with the least disruption to normal business operation.

A formal grievance is currently being investigated. This is needed to clarify whether or not the points raised in the grievance have any substance. Confidentiality, in these circumstances, is, therefore, paramount.

During the investigation, the Investigating Officer and school management will commit to maintaining confidentiality by:

- Choosing neutral locations for meetings
- Keeping papers related to the investigation confidential
- Exercising discretion during telephone conversations and in making notes and diary entries
- Ensuring that people providing administration support are bound to maintain confidentiality

It is requested that those involved in this investigation, respect the dignity and privacy of the other parties by:

- Keeping any discussion about the investigation between you and the Investigating Officer
- Not disclosing information about other parties involved in an investigation
- Treating everyone involved in a way that you would wish to be treated
- Undertaking to remain focussed on your normal work responsibilities
- Speaking to your Headteacher if you have any concerns that the dignity and respect of any of the parties involved an investigation is not being observed

**To maintain confidentiality, can you please sign and agree as follows:**

I fully understand that any breach of confidentiality regarding any aspect of this grievance investigation will be regarded as a serious disciplinary offence and may result in my dismissal. Please sign below to acknowledge receipt and indicate an understanding of the above

**Name (BLOCK CAPITALS)** .....

**Signature** .....

**Date** .....

One copy should be given to the interviewee and the other will remain on file

## Appendix 3 – Formal Grievance Appeal Form

*This form is intended for use by any employee of the school who wants to appeal a decision regarding a formal grievance raised by him/her.*

*This form should be completed and delivered to [NAME OF CHAIR OF THE ORIGINAL GRIEVANCE] in an envelope marked “Confidential” or sent as an email attachment with “Confidential” in the subject line.*

*In accordance with the Grievance Policy – Applicable to All School Staff, arrangements for the Grievance Appeal Meeting will normally be made within ten working days of receipt of this Grievance Appeal Form. If there are likely to be any delays in hearing your appeal, you will be informed, in writing, of the reasons for the delay and you will be given an indication of when you can expect your appeal to be heard.*

<b>Employee’s Name:</b>	
<b>Employee’s Job Title:</b>	
<b>Employee’s School:</b>	
<b>Date of your original grievance meeting</b>	
<b>Date you were given the decision that you are appealing against:</b>	
<b>Who/What does the Grievance Relate to?</b>	
<b>Summary of Appeal:</b>	
Please provide details of why you wish to appeal the grievance decision. Please make sure that you explain clearly what information you have that will support your grounds for appeal as detailed below.	
<p><b>Please note - You can appeal on the following grounds only:</b></p> <ul style="list-style-type: none"> <li>• That the grievance process has been applied defectively or unfairly</li> <li>• That information related to the original grievance meeting has come to light that was not available at the previous grievance meeting. This information must be: <ul style="list-style-type: none"> <li>➤ new and different in substance to the information that was presented at the original grievance meeting</li> <li>➤ able to provide a different “line” of discussion</li> <li>➤ likely to make a difference to the outcome of the original grievance meeting</li> </ul> </li> </ul>	



**Outcome Requested from the Appeal Meeting**

Please set out what outcome you would like to see from your appeal and why and how you believe that this will resolve the issue.

**Declaration:** I confirm that the above is true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue statements may be considered as gross misconduct and where it is considered that a grievance may be malicious, the matter will be investigated under the Disciplinary Policy.

I also understand that by completing and signing this Formal Grievance Appeal Form, I automatically give my permission for the appropriate sections to be copied to anyone named in it.

**Form Completed By:**

**Signature:**

**For Completion by the School**

**Date Form Received**

**Date Acknowledged**

**Name of Recipient and Job Role:**

**Signature**

## **Appendix 4 – Confidentiality Agreement – for Interviewees who are not Working at the School**

**Confidentiality Agreement** (To be issued by the Investigating Officer to all interviewees who are not school employees)

The school takes all grievance issues seriously and is committed to resolving these issues as quickly as possible in a fair and sensitive manner.

A formal grievance is currently being investigated. This is needed to clarify whether or not the points raised in the grievance have any substance. Confidentiality, in these circumstances, is, therefore, vital.

During the investigation, the Investigating Officer and all other parties involved in this investigation will commit to maintaining confidentiality by:

- Choosing neutral locations for meetings
- Keeping papers related to the investigation confidential
- Exercising discretion during telephone conversations and in making notes and diary entries
- Ensuring that people providing administration support are bound to maintain confidentiality

It is requested that all interviewees, respect the dignity and privacy of the other parties by:

- Keeping discussions about the investigation between you and the Investigating Officer
- Not disclosing information about other parties involved in an investigation
- Treating everyone involved in a way that you would wish to be treated
- Emphasising to the Investigation Officer if you have any concerns that the dignity and respect of any of the parties involved an investigation is not being observed

**To maintain confidentiality, can you please sign and agree as follows:**

I fully understand that any breach of confidentiality regarding any aspect of this grievance investigation may put at risk the dignity and privacy of other parties involved in the investigation. Please sign below to acknowledge receipt and indicate an understanding of the above

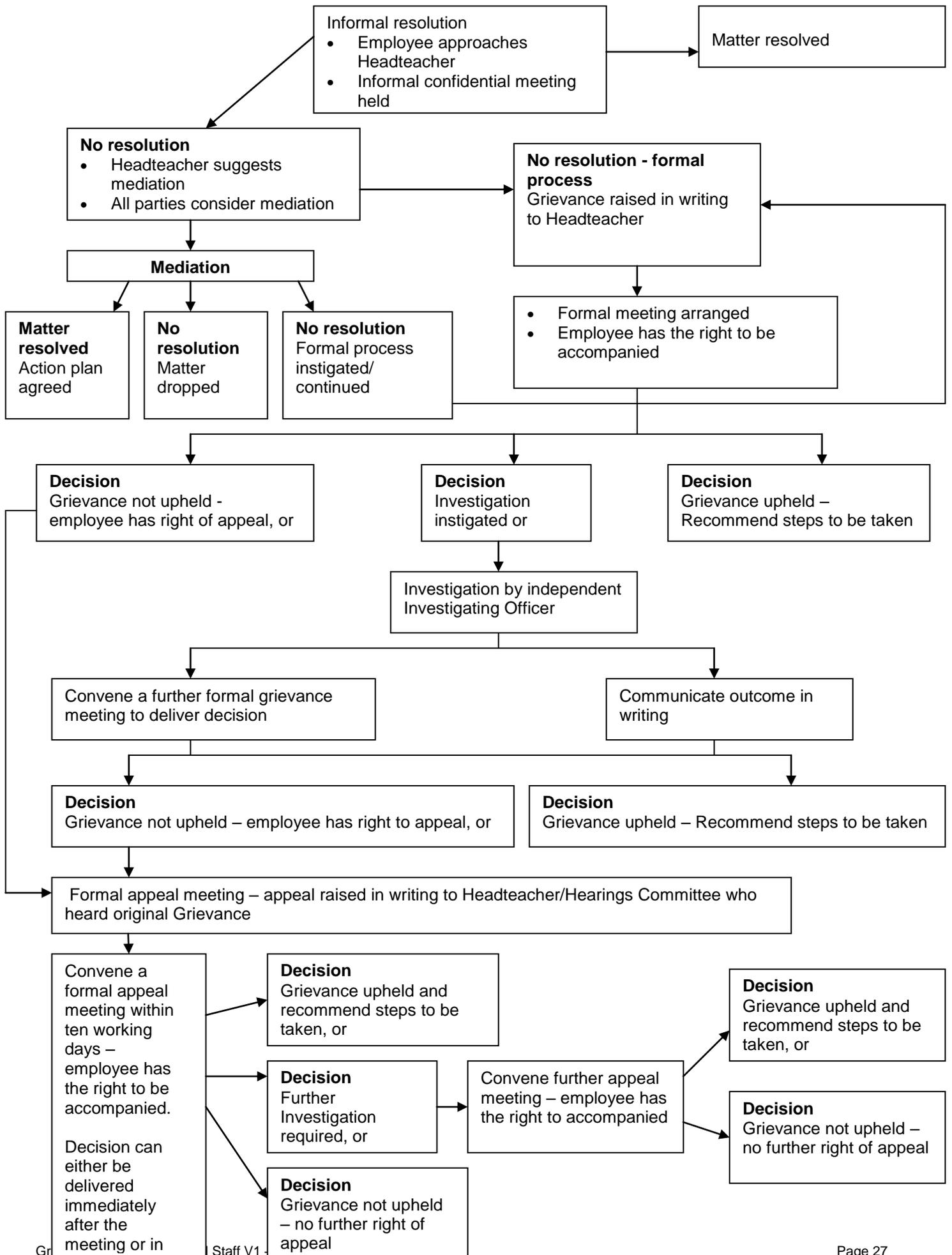
**Name (BLOCK CAPITALS)** .....

**Signature** .....

**Date** .....

One copy should be given to the interviewee and the other will remain on the investigation file

# Appendix 5 - School Staff Grievance Policy – Flow Chart



[www.milton-keynes.gov.uk/mkgovernors](http://www.milton-keynes.gov.uk/mkgovernors)

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502 Avebury Boulevard  
Central Milton Keynes  
MK9 3HS

**T** 01908 257968  
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**E** [jean.sargent@milton-keynes.gov.uk](mailto:jean.sargent@milton-keynes.gov.uk)  
**W** [www.milton-keynes.gov.uk](http://www.milton-keynes.gov.uk)