



**'We are a small school that makes a big difference'**

**'To provide excellence for all within a happy, safe, and stimulating learning environment'**

# **GRIEVANCE PROCEDURES**

SNAPE WOOD PRIMARY AND NURSERY SCHOOL	
Approved by: Full Governing Body	Date: Spring 2023
Review Date:	Spring 2024

Snape Wood Primary and Nursery School, adheres to the Nottingham city grievance procedures



## **Grievance Procedure (People Management Handbook for Schools)**

### **1. POLICY STATEMENT**

- 1.1 The Governing Body recognises that from time to time employees may wish to seek redress for grievances relating to their employment. In this respect, the policy is to encourage open communication between employees and their managers to ensure that questions and problems arising during the course of their employment can be aired and, where possible, be resolved quickly and to the satisfaction of all concerned.
- 1.2 Informal resolution should be sought in the first instance. However, recourse to a formal Grievance Procedure is sometimes necessary, where an informal approach is ineffective or inappropriate. In these cases the formal procedure should be followed. Trade Union advice may be appropriate for employee's to seek prior to any formal processes.
- 1.3 Harassment in certain circumstances is now a criminal offence. Sexual and racial harassment, and harassment on the grounds of disability, religious belief and sexual orientation are prohibited by employment law. The governing body is determined to eliminate all forms of unacceptable behaviour in order to enable all employees to work in any part of the school.
- 1.4 To this end the governing body has agreed a statement with the trade unions that we all should:
  - have the right to be treated with respect;
  - have a duty to treat other people with respect;
  - be sensitive to other people's different needs, attitudes and lifestyles;
  - oppose all forms of discrimination and harassment;
  - help put an end to bullying; and
  - be prepared to be challenged over our own behaviour.
- 1.5 If employees do not act in accordance with these principles they may be subject to disciplinary action that may result in their dismissal.

### **2. INTRODUCTION**

- 2.1 The School Staffing (England) Regulations 2009 require that governing bodies must establish procedures for giving members of staff opportunities for seeking redress of grievances in relation to their employment and that these such procedures to be made known to staff. This policy has been agreed with the relevant Trade Unions and may be adopted by schools. However, should schools wish to develop their own

policy or change elements of this policy document then they must consult with the relevant Trade Unions.

- 2.2 The process for resolving grievances is in accordance with the ACAS Code of Practice issued under section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992 which came into force on 6<sup>th</sup> April 2009.
- 2.3 Failure to comply with the code does not automatically make the organisation liable to legal proceedings. However, Employment Tribunals will be able to adjust any awards made in relevant cases by up to 25 per cent for unreasonable failure to comply with any provision of the code.
- 2.4 The code requires organisations to have Discipline and Grievance policies which meet clearly defined key elements. These are;
- that matters are raised and dealt with promptly
  - parties act consistently
  - employers carry out necessary investigations to establish the relevant facts
  - employers inform employees of the basis of the problem and allow the employee to put their case forward
  - employees are allowed to be accompanied at any formal meetings

The requirements of the Code are incorporated in this policy. A flowchart outlining the grievance process is attached as [Appendix: 1 Flow Chart for Grievances](#) . More information regarding the ACAS Code of Practice can be found on [www.acas.org.uk](http://www.acas.org.uk).

- 2.5 The Employment Act 2002 states that all employers and employees are required to follow a minimum statutory 3-step grievance procedure to ensure that disputes are resolved appropriately. This is as follows:

Step 1 - The employee must submit a written grievance, the employer must write and invite the employee to a meeting

Step 2 - The meeting to discuss the issue, the employer must inform the employee of his decision

Step 3 - The employee must be given an opportunity to appeal against the employer's decision.

The above requirements are incorporated into the following policy. A flowchart outlining the grievance process is attached as [Appendix: 1 Flow Chart for Grievances](#) .

- 2.6 Once a formal written grievance has been submitted every effort should be made to satisfactorily resolve the grievance as quickly as possible.
- 2.7 In certain circumstances mediation may be a means of resolving a grievance before following the formal route. It can be used informally as an initial approach as soon as a manager/head teacher becomes aware of a problem ([see section 11](#)).

- 2.8 This is a sensitive area of employee relations and governing bodies are advised to take account of existing good practice in the LA. Part of that good practice is to involve trade unions at the appropriate stage and discuss the issues fully. The recognised trade unions have in past cases been helpful in attempting to resolve difficulties.
- 2.9 Advice on a similar procedure for head teachers in their relations with their governors is also indicated in Section 8 & 9.
- 2.10 Occasionally staff may have a grievance in respect of a decision taken by the Local Authority which is not capable of redress by the governing body, for example a decision relating to a conditions of service issue. In such cases the matter should be referred to the LA for consideration.
- 2.11 The procedure is also available to a group of employees sharing a grievance.
- 2.12 At all formal meetings staff have a legal entitlement to be accompanied by a trade union representative or a work colleague. If that person is not available at the time proposed and a reasonable alternative is proposed which falls within 5 working days of the day proposed for the interview, the school must rearrange the event to the time proposed.
- 2.13 If the employee is unable to attend a meeting s/he should notify the Head/Chair of panel and give the reason for non-attendance. Where the employee fails to attend because of circumstances outside his/her control, the head/chair should invite him/her to another meeting. Where there is no valid reason for non-attendance the head/chair may inform the employee that the meeting will continue in his/her absence.
- 2.19 Governing bodies that do not adopt the model procedures are required to consult with trade union representatives and provide Human Resources with a copy of their own policy, the statutory requirements detailed above should also be considered.**

### **3. WHEN IS THE GRIEVANCE PROCEDURE APPROPRIATE?**

- 3.1 The Grievance Procedure is designed to cover employees' grievances about their treatment by the school, (e.g. by their manager, head teacher, department, governors) on any matter relating to their employment, such as terms and conditions of employment, health and safety, new working practices, organisational change, etc.
- 3.2 This procedure should also be used to cover complaints concerning harassment, bullying, intimidation, unfair treatment, discrimination or victimisation. In such cases, an initial fact finding meeting with the employee will be required in order to determine the level of investigation required.
- 3.3 Necessary investigations should be undertaken prior to the grievance meeting, but on occasions it may be appropriate for a grievance meeting to be adjourned if there is requirement for further investigations to be undertaken into any issues raised by

the employee and/or their representative at the meeting. Any investigation should be sufficient to establish the facts but should not unduly delay the process.

3.4 In bringing a formal complaint of harassment or bullying, the complainant should be prepared to state;

- The name of the person whose behaviour they believe constitutes as harassment/bullying.
- The types of behaviour that is causing offence, together with specific example if possible.
- Dates and times when incidents of harassment or bullying occurred and where they occurred.
- The names of any employees who witnessed any incidents or who themselves have been the victims of harassment or bullying by the same person.
- Any action that the employee/manager has already taken to try to deal with the harassment.

3.5 It is often beneficial for employees to be encouraged to focus on the problem rather than blaming a particular individual. Those handling a grievance should focus on a problem-solving approach, which goes to the root of the issue.

### 3.6 Is the Disciplinary Procedure More Appropriate?

From the evidence that is immediately available, it may be clear that it is a disciplinary issue and so the Disciplinary Procedure should be followed. As an indication, a matter which is related to the misconduct of an individual, where they are not meeting the required standard (which could result in action being taken against that individual), is more likely to be a disciplinary matter rather than a grievance.

3.7 Advice on procedural matters is available from Human Resources, who should be consulted throughout the application of the formal grievance procedure.

## 4. DEFINITIONS

### 4.1 Harassment

4.1.1 Harassment is defined by Nottingham City Council as unwanted conduct related to a relevant protected characteristic covered by the Equality Act 2010, which has the purpose or effect of violating people's dignity or creating an intimidating, hostile, degrading or offensive environment.

4.1.2 Harassment can include unwelcomed physical, verbal or non-verbal conduct and action contrary to equal treatment, whether or not the harassment was intentional. The **unwanted** nature of the harassment distinguishes it from **acceptable** behaviour. It is the impact on the recipient that constitutes harassment.

4.1.3 The Equality Act 2010 identifies 9 protected characteristics upon which harassment and discrimination is unlawful: Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity; Race, Religion or Belief, Sex, and

Sexual Orientation. Complaints can be made in relation to these characteristics, by a third party who finds behaviour they witness offensive, or because of perception of an individual or that person's association with someone possessing a protected characteristic.

## 4.2 Third Party Harassment

4.2.1 Under the Equality Act 2010, employees may be held personally liable for harassment of colleagues or third parties.

4.2.2 In addition, governing bodies may be liable for harassment suffered by employees, perpetrated by third parties such as contractors, customers or clients. Advice should be sought from the school's HR Advisor.

## 4.3 Bullying

4.3.1 Nottingham City Council's definition of bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying in all forms is unacceptable.

4.3.2 Bullying may include repeated occurrences of constant unfair criticism, fault finding and undermining, being excluded, marginalised or isolated, being threatened, shouted at or humiliated, or being treated less favourably than everyone else.

## 4.4 Discrimination

4.4.1 Discrimination can take the following forms:

a) Direct discrimination - this can occur when a person is treated less favourably because they **possess**, or there is a **perception** that they possess, a protected characteristic, or are **associated** with someone possessing a protected characteristic, as outlined in The Equality Act 2010

b) Indirect discrimination - this occurs where a provision, criterion or practice is equally applied, for example to both men and women but systematically disadvantage one group sharing a protected characteristic.

## 4.5 Victimisation

Victimisation occurs when a person is treated less favourably than another person because they have asserted their rights under the relevant statutory provision (The Equality Act 2010) or raised a complaint under the school's procedures. This may apply to those either bringing proceedings or acting as a witness to proceedings.

## 5. SCOPE OF THE GRIEVANCE PROCEDURE

5.1 The Grievance Procedure **will not** apply in the following situations:

- Where an employee wishes to appeal against a disciplinary decision. This should be dealt with under the disciplinary appeals procedure; however, the ACAS Code of Practice will apply if the employer has taken or contemplates taking conduct or capability related disciplinary action and either the employee feels it is unlawfully discriminatory or the action is really being taken for reasons other than conduct or capability. For example the employee might feel the disciplinary action is being taken because of a personality clash with the line manager rather than his or her ability to do the job. In such cases the formal grievance procedure will be applied.
- In the case of 'whistle blowing'(see the Confidential Reporting Policy for further details). This provides protection to employees who raise concerns about serious malpractice (e.g. fraud, serious health & safety risks, evasion of statutory responsibilities); and
- Matters relating to issues or problems occurring 3 months or more prior to a grievance being raised may not normally be considered, unless they are still ongoing. This also applies to ex employees who are no longer employed by the City Council. Schools should contact their HR advisor for advice where issues are raised outside of these time limits.

## **6. COUNTER CLAIMS**

- 6.1 Where a complaint is made against an alleged perpetrator and this results in a counter claim against the complainant, both claims should be treated fairly.
- 6.2 Both cases would usually be investigated as part of the same investigation and findings should be reached on both claims.

## **7. GENERAL GUIDANCE ON HANDLING A GRIEVANCE**

- 7.1 Grievances should be taken seriously and attempts made to resolve the issue at the earliest stage of the procedure. It is in everyone's best interest to ensure that employees' grievances are dealt with as quickly, fairly and amicably as possible..
- 7.2 Employees have the right to be accompanied at all stages of the procedure, by either a trade union representative or a work colleague. The accompanying person can address the hearing, but not answer questions on behalf of the individual, unless agreed by those hearing the grievance. The accompanying person can help the individual to make all the necessary points and act as a witness.
- 7.3 Comprehensive records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. Copies of any meeting records should be given to the individuals concerned to check for accuracy. Any documentation should be kept highly confidential and held in a secure place.
- 7.4 It is the responsibility of the manager to recognise and acknowledge when a concern is becoming a grievance, and to deal with it considerately and fairly and to remind the employee of the Grievance Procedure if necessary.
- 7.5 The procedure advises the head teacher to consult with their HR Advisor throughout.

## **8. RESOLVING A GRIEVANCE INFORMALLY**

- 8.1 Most routine complaints and grievances are best resolved informally in direct discussion with the employee's immediate line manager.
- 8.2 Employees may wish to discuss potential grievances with a union representative informally before invoking the formal procedure.
- 8.3 A record of the issues raised by the employee should be recorded for future reference.

Employees should make their own genuine attempts to try to resolve matters for themselves before raising a formal grievance. Managers should ask employees to demonstrate what efforts they have made to resolve the problem for themselves at all stages of the procedure. Employees may attempt this by:

- taking it up directly with the member of staff concerned, e.g. member of staff / head teacher / governors or as appropriate;
  - informal discussion with their line manager, e.g. Head of Department / head teacher; or
  - seeking advice from a trade union representative or Human Resources.
- 8.4 Where the matter has not been resolved by any of the means referred to above, the member of staff concerned should proceed to Step 1 of the formal Grievance Procedure.

## **9. THE FORMAL GRIEVANCE PROCEDURE**

### **9.1 Step 1**

- 9.1.1 The complainant should put their grievance in writing to their line manager (senior member of staff e.g. Head of Department or head teacher), and to the person concerned preferably by completing a formal grievance form (Grv1)(see [Appendix 2: GRV1 Form](#) ). The form requires the complainant to explain in full why they are - aggrieved, how they would like to see the grievance resolved and what attempts they have made to resolve the grievance. The person receiving the grievance should write and acknowledge that the grievance has been received ([Model Letter 1: Acknowledgement Letter](#) ).

### **9.2 Step 2**

- 9.2.1 The manager should assess the complaint and undertake an investigation of the grievance as appropriate (see [Appendix 3: The Investigation Stage](#) )
- 9.2.2 The complainant and if appropriate the alleged perpetrator and any relevant witnesses should be invited to attend a meeting, in order to discuss the grievance (see [Model Letter 2: Invite to Step 2 Meeting](#) ). If the employee or their trade union representative/work colleague is unable to attend the meeting due to circumstances out of their control an alternative date should be arranged. If the employee fails to attend without explanation or if it appears that the employee has not made sufficient attempts to attend, the hearing may take place in the employee's absence.



- 9.2.3 At the formal meeting suggestions of remedies should be explored and the complainant should be asked how they want to see the matter resolved as they may indicate a possible way forward. The meeting should be held within a reasonable timescale giving 5 working days notice in writing to attend. The member of staff must be informed of their right to be accompanied during formal grievance discussions by a trade union representative or work colleague. See [Appendix 4: Procedure Step 2 Meeting](#) for further details on the process.
- 9.2.4 In cases where the grievance involves allegations of harassment, discrimination or victimisation, an investigation report will normally have been completed to inform the decision making
- 9.2.5 The manager/head teacher should wherever possible seek to resolve the problem personally or, by mutual agreement, in consultation with other member(s) of the staff. The head teacher may also, by mutual agreement, seek consultation with the Chair of Governors, officers of the LA, or with representatives of the recognised trade union as may be thought appropriate.
- 9.2.6 The manager must respond in writing to the grievance within 5 working days of the formal grievance meeting (see [Model Letter 3: Step 2 Outcome](#)). The response should state the manager's decision and the reasons for his/her conclusions. It may be that the problem cannot be resolved in the way an employee requests but a full explanation should be given so the employee understands why the decision has been made. If it is not possible to respond within the specified time period, the member of staff must be given an explanation for the delay and informed when a response can be expected. The member of staff should also be informed of their right to appeal against this decision.

### **9.3 Separate Hearings**

- 9.3.1 In more sensitive cases it may be appropriate to arrange separate meetings for the complainant and the alleged perpetrator. If the complainant requests a separate meeting without the alleged perpetrator present then the procedure should be as follows:
- The head teacher/panel of governors will arrange to meet the complainant (who may be accompanied by their trade union representative or a work colleague). The complainant will be asked to put his/her case to the head teacher/panel of governors.
  - The head teacher/panel of governors will meet with the alleged perpetrator(s) (who may be accompanied by their trade union representative or a work colleague) and they will be asked to put their case directly to the head teacher/panel of governors.
  - The head teacher/panel of governors may arrange to see any appropriate witnesses (witnesses may be accompanied by their trade union representative or a work colleague).
  - The head teacher/panel of governors will also arrange for any additional information to be obtained.

### **9.4 Step 3 - The Appeals Process**

- 9.4.1 If the complainant remains aggrieved, s/he must write to the head teacher preferably by completing a formal grievance appeal form (Grv2) (see [Appendix 5: GRV2 form](#)). The complainant must state the reason(s) for the appeal, any findings of fact from the step 2 decision which they disagree with and the outcome that they are seeking. By invoking the Step 3 procedure the grievance is referred to a panel of governors for consideration. The submission must be made within 10 working days of receipt of the Step 2 decision letter and should detail the reasons for appeal against the decision.
- 9.4.2 The head teacher must make an immediate formal written report to the governing body and send a copy to Human Resources.
- 9.4.3 The complainant should be invited to attend an appeal meeting within a reasonable timescale giving 5 working days notice to attend in writing (see [Model Letter 4: Invite to Appeal Meeting](#)).
- 9.4.4 A committee of the governing body appointed for this purpose (grievances will normally be within the remit of the Pupils & Personnel committee) should seek to settle the problem. Normally this will be heard by a committee of three governors, although two may hear the case where three governors are not available. All relevant documents should be submitted to the head teacher for circulation to governors.
- 9.4.5 Before the Step 3 appeal meeting, the Appeal Panel should take a thorough look at the Step 2 process to identify whether the investigations undertaken at this stage were as comprehensive as necessary and that they examined the issue in sufficient detail. It is important to ensure that significant areas were not overlooked.
- 9.4.6 The reasonableness of the decision should be examined by the Appeal Panel to ensure that it is fair, equitable and sustainable bearing in mind the facts of the case.
- 9.4.7 The Appeal Panel should not be afraid to overturn a Step 2 decision particularly if it becomes apparent that it was not soundly based.
- 9.4.8 The relevant parties, if they so wish, can present their case in person, with the right to be accompanied by a Trade Union representative or work colleague. The panel should consider how the person concerned would like to see the matter resolved. This meeting should be arranged as promptly as possible with due consideration for the 28 day deadline for resolving grievances.
- 9.4.9 To ensure all relevant parties have the opportunity to give their views, the governors should conduct the meeting in accordance with the procedure detailed in [Appendix 6: Procedure Appeal Meeting](#) Following the formal grievance meeting before governors, the decision should be confirmed in writing by the chair of the panel within 5 working days (see [Model Letter 5: Step 3 Outcome](#)). If it is not possible to respond within the specified time period, the complainant must be given an explanation for the delay and informed when a response can be expected.
- 9.4.10 There is no further right to appeal under the procedure.

## 10. GRIEVANCE AGAINST THE HEAD TEACHER OR WHERE A HEAD TEACHER HAS A GRIEVANCE

Where a head teacher has a grievance or a member of staff has a grievance against the head teacher the grievance should be submitted in writing to the Chair of Governors, who should hear the grievance in the first instance. Steps 1 and 2 of the grievance procedure should be followed with any reference to the head teacher being replaced by Chair of Governors. For Step 3 the appeal will be heard by a panel of governors, not including the Chair of Governors. The panel should usually be drawn from the Pupils and Personnel Committee and consist of preferably three people, although two is acceptable.

## 11. MEDIATION

- 11.1 In certain circumstances it may, with mutual agreement, be helpful to seek external advice and assistance during the Grievance Procedure. For instance, where relationships have broken down, an independent facilitator might be able to help resolve the problem. **If the formal grievance procedure has been triggered by the submission of a written grievance then both parties must consent to put the formal process on hold. This consent should be in writing.**
- 11.2 An employee should be encouraged to consider the use of the Mediation Service provided by the Council and any party implicated within the complaint should be encouraged to co-operate in the process.
- 11.3 The employee may, for good reason and at any stage in the process, withdraw from mediation and require that the complaint be dealt with by the remainder of the procedure.
- 11.4 The head teacher should contact the HR Advisor regarding arranging mediation. The mediation process is outlined in [Appendix 7: Mediation Service](#).
- 11.5 Where a complaint has not been referred to mediation or where mediation has failed the head teacher, with the agreement of the complainant will move to the next stage of the procedure.

## 12. POSSIBLE OUTCOMES

- 12.1 There is no provision for sanctions or penalties to be applied to the offender in the grievance procedure. However, the outcome may be that separate disciplinary proceedings are instigated against the alleged offender.
- 12.2 Any formal warning or other disciplinary actions can only occur as a result of a separate and properly conducted disciplinary procedure, involving a formal hearing as specified within the procedure. The alleged offender may need to be re-interviewed under the disciplinary procedure in light of the grievance hearing and a separate disciplinary investigation report may need to be produced.
- 12.3 Other possible outcomes may include:

- A change in the school's policies or practices;
- Notice to the employees to cease discriminatory behaviour, language etc, together with any appropriate action to implement this e.g. training;
- A formal apology
- Training

### **13. MANAGING EMPLOYEES AFTER A CASE**

13.1 At the conclusion of the process, head teachers or governors have a responsibility to ensure the proper integration of the complainant back into the workplace and to maintain appropriate working relations within school. This will depend very much on the nature of the grievance, but it may involve discussions with staff, changed working arrangements or initial support. Consideration should be given to all parties concerned and any reasonable request for assistance should be acceded to.

13.2 It is essential to meet regularly with complainants after a case to review the effectiveness of measures taken and changes implemented. Agreement must be made about arrangements for regular review so that progress can be clearly assessed.

### **14. KEEPING OF DOCUMENTS**

14.1 All documents should be kept in a secure place. All documents referring to matters raised, that are to be kept on the personal file, shall be expunged from that file normally after a period of one year from the conclusion of the matter.

14.2 Case documentation may be kept after this period, however it must be kept sealed and confidential and only retained in line with statutory and City Council policy for the retention of documentation.

14.3 No use or reference shall be made to this documentation unless required as evidence to a legal challenge, claim or other justified requirement such as data protection, child protection or health and safety.

14.4 In all cases documentation should only be opened and seen by authorised persons.

## APPENDIX 1

### *Flowchart for Head Teacher/Governors on Dealing with Grievances*

#### **Informal resolution of grievance (possible discussion with TU – exhausted avenues)**



Step 1 – letter received from individual with a grievance



Mediation explored and undertaken if appropriate



Investigation of grievance (if appropriate)



Letter to aggrieved party inviting them to Step 2 meeting (must be given 5 working days notice)



Step 2 – Formal grievance meeting



Letter of decision to aggrieved, detailing right to appeal (within 5 working days)



Step 3 – Appeal letter submitted (within 10 working days)



Letter inviting aggrieved to an appeal hearing (must be given 5 working days notice)



Step 3 meeting to hear grievance



Letter of decision to aggrieved (within 5 working days)

## Formal Grievance Form (Grv1)

**STRICTLY CONFIDENTIAL – Formal Grievance**

- Please ensure that you have read the grievance procedure before completing this form.
- Attempts should be made to resolve matters informally before lodging a formal grievance.
- You must complete sections A and C. Only complete section B where it is appropriate to your grievance
- You may seek assistance from your Trade Union representative in completing this form where applicable.

**Section A**

Name:	
Job Title:	
School:	
Manager:	

**I wish to submit a formal grievance in accordance with the school's Grievance Procedure. The details of my grievance are below;** (You may attach additional sheets to this form where necessary)

Date of the first event(s) leading to the grievance:

I have tried to resolve my grievance informally with:

on:

Where applicable, please indicate the name of the person you have tried to resolve this matter with and the date it was initially raised.

**Please provide brief details below of the outcome of the informal stage:**

--

.....

Section B

Only complete this section where applicable to your grievance. If this section is not applicable go to section C.

**If your grievance involves a complaint of harassment, discrimination, bullying or victimisation, please provide details below;**

Name(s) of person(s) complaint is against:

**Details of the complaint including a description of the behaviour and why it is felt to be unacceptable, date(s) and location(s) of occurrences (wherever possible):**

**What steps have you taken to stop the unwelcome behaviour:**



Where applicable, please indicate the name of the person you have tried to resolve this matter with and the date it was initially raised as well as the outcome of your attempts to resolve this matter informally.

**Please provide details of the outcome you are seeking by raising a grievance:**

---

### **Section C**

**Please provide details of the outcome you are seeking by raising this grievance:**

You only need to provide details of the outcome you are seeking if you have not completed section B.

Signed (employee): \_\_\_\_\_

In signing this form you are agreeing that the information provided is true to the best of your knowledge. The employee with the grievance must sign the form, even if it is completed on their behalf by a trade union representative.

.....

Date received by manager/head teacher:

Date copy sent to HR:

HR Contact:

## APPENDIX 3

### The Investigation Stage

Following receipt of a grievance, the head teacher will need to determine the level of investigation required dependant on the nature of the grievance. If an investigation is required the following briefly outlines the investigation stage.

- The head teacher will appoint an impartial investigating officer.
- The investigating officer will arrange to see the complainant as soon as possible to confirm the details of the complaint. A complaint made through a third party should be confirmed with the actual victim/complainant. Should the complainant so wish, arrangements should be made by the head teacher to remove him/her from the immediate working environment.
- The investigating officer will check the wording of a statement from the complainant to make sure that it accurately reflects the complainant.
- The investigating officer will inform any alleged harasser that a complaint has been received and arrange to speak to him/her. The nature of the complaint will be explained to the alleged harasser.
- The investigating officer will check the wording of a statement from the alleged harasser to make sure that it accurately reflects his/her response to the complaint.
- Interviews with any witnesses will be conducted and a final investigatory report prepared.
- The complainant and the alleged harasser(s) will be entitled to see the investigatory report before any formal Step 2 meeting under the procedure. (This does not include appendices i.e. witness statements.)
- The investigating officer will present a purely factual report to the head teacher/panel of governors. The investigating officer's report will not contain recommendations or opinion.

## **APPENDIX 4**

### **Procedure for Step 2 Meeting**

1. Individual presents their grievance and suggestions of how they would like to see it resolved.
2. Questions from the respondent against whom the grievance is lodged.
3. The respondent presents their case.
4. Questions from individual with grievance.
5. Individual with grievance sums up.
6. The respondent sums up.
7. All parties adjourn.
8. Written response to individual with grievance (if appropriate) within 5 working days
9. Where the problem is still unresolved, there must be a right of appeal to different governors.

## Formal Grievance Appeal Form (Grv2)

**STRICTLY CONFIDENTIAL – Grievance Appeal Form**

- Please ensure that you have read the grievance procedure before completing this form.
- You may seek assistance from your Trade Union representative in completing this form where applicable.

Name:	
Job Title:	
School:	
Name of Manager who made step 2 decision:	

**I wish to appeal against the step 2 decision made in relation to the formal grievance I raised in accordance with the school's Grievance Procedure. The reason(s) for my appeal is/are:**

You should identify any findings of fact you disagree with from the step 2 decision.

- ☐ an inconsistent, inappropriate outcome
- ☐ extenuating circumstances
- ☐ alleged bias of the Disciplining Officer Deciding Officer
- ☐ alleged unfairness in the conduct of the hearing
- ☐ new evidence subsequently coming to light.

Please provide further details regarding your appeal:

**Please provide details of the outcome you are seeking by appealing the decision:**

--

Signed (employee): \_\_\_\_\_

In signing this form you are agreeing that the information provided is true to the best of your knowledge. The employee raising the appeal must sign the form, even if it is completed on their behalf by a trade union representative.

Name of Trade Union Representative (where applicable):

Union:

Date appeal submitted:

.....

Date received by manager/head teacher:

Date copy sent to HR Advisor:

HR Contact:

## **APPENDIX 6**

### **Procedure for Appeal Meeting**

1. Individual presents their grievance and suggestions of how they would like to see it resolved.
2. Questions from the respondent against whom the grievance is lodged.
3. Questions from the panel of governors.
4. The respondent presents their case.
5. Questions from individual with grievance.
6. Questions from the panel of governors.
7. Individual with grievance sums up.
8. The respondent sums up.
9. All parties adjourn.
10. Panel deliberate and reach a decision. In exceptional circumstances governors may need further time to explore possibilities about the resolution of the grievance, or they may themselves wish to take advice on how to proceed. The individual should be informed when they might reasonably expect a response if one cannot be made at the time (bearing in mind timescales set out in the procedure).
11. Written response to both parties (if appropriate) within 5 working days

## APPENDIX 7

### The Mediation Service

The City Council has developed a mediation service to complement the Council's formal arrangements for dealing with workplace issues such as harassment, discrimination, victimisation and bullying. Mediation is an informal process which aims to promote effective conflict management in the workplace and to address problems at an early stage, before they escalate into major issues for all concerned. It allows the possibility of a speedy resolution to problems and assures confidentiality for all those involved in the process.

Entering into mediation is voluntary, however the procedure does encourage complainants to consider mediation as an appropriate method of dispute resolution.

#### The Service Explained

Head teachers/managers/supervisors etc who become aware of issues of harassment (whether a formal complaint has been received or not) can encourage those involved to consider approaching the Mediation Service

The Employee Wellbeing Service manages the Mediation Service. The head teacher/manager or supervisor who is dealing with the complaint can contact Employee Wellbeing, however self-referral by individuals is the preferred option.

The Conflict Resolution Co-ordinator will nominate two trained mediators who will be sensitively matched to work with both parties. All mediators are skilled, trained and qualified people who will be impartial as they work in another department. Mediators are from different backgrounds and lifestyles and will also be able to relate to most situations as they also work for the Council. The Mediation Service is offered in a confidential manner and the mediators will not inform **anyone** that they are working with individuals. What individuals say will not be passed onto their line manager or kept in their personnel file.

Mediation can either be used as an initial approach as soon as a problem is identified, or alternatively it can be used at the end of a formal procedure to help rebuild relationships.

Informal Approach



Mediation

Formal Procedure



Written Complaint, Investigation,



Hearing & Decision



Mediation

Mediation consists of a series of meetings held by the mediators, often beginning with individual meetings with the complainant and the alleged perpetrator(s), progressing to face to face meetings between the complainant and the alleged perpetrator(s) when appropriate.

Mediators are bound by a professional code of conduct and will be at all times aware of the need to avoid pressuring the complainant in any way or deterring them from making a formal complaint. They will, however, be able to help individuals to consider other internal options and the implications of these. They will also be able to tell individuals where they might be able to get further assistance. The role of the mediators is not to tell individuals what to do, but to help those involved to decide what they want to do- if anything- and decide what is most appropriate for their situation. If the problem is not resolved through mediation, individuals may still pursue the issues through the formal procedure if they choose to do so.

The Mediation Service can be contacted via the telephone on (0115) 87 64253.



**MODEL LETTER 1**  
**Acknowledgement Letter**

**Private & Confidential**

**[Name]**

**[Address]**

**[Date]**

Dear

RE: Grievance

I am writing to confirm that we are in receipt of the formal grievance form dated **[date]** which was registering a complaint under the School's Grievance Procedure.

We have logged your grievance and you will be contacted in due course with regards to a response.

Yours sincerely

Head Teacher/Chair of Governors **[delete as appropriate]**

## MODEL LETTER 2

### Invite to Step 2 Meeting

#### Private & Confidential

[Name]

[Address]

[Date]

Dear

I am writing to invite you to attend a Step 2 meeting to discuss the grievance that you have raised on **[date]** with regards to **[insert details of grievance]**.

The meeting will be held at **[venue]** on **[date]** at **[time]**. You are entitled to be accompanied by a Trade Union Representative or work colleague at this meeting.

*(If appropriate)*

I enclose with this letter details of the documentation that will be referred to at the step 2 meeting and a copy of the school's Grievance Procedure.

You must take all reasonable steps to attend the Step 2 meeting. If you are unable to attend on the date and time specified, please contact me on the above number as soon as possible.

The meeting will be minuted and a letter will be issued notifying you of the decision taken.

I enclose a copy of the School Grievance Procedure for your information.

Please confirm with me by **[date]** that you are able to attend the above meeting.

Yours sincerely

Head Teacher/Chair of Governors [**delete as appropriate**]

Enc      Grievance Procedure

**MODEL LETTER 3**  
**Step 2 Outcome Letter**

**Private & Confidential**

**[Name]**

**[Address]**

**[Date]**

Dear

I refer to the Step 2 grievance meeting that was held on **[date]** at **[time]** at **[venue]** to discuss the grievance that you raised in your letter dated **[date]**.

In response to your grievance, I have decided that **[insert decision and reasons for the decision]**.

If you are not satisfied with my decision, you have the right of appeal against the decision under Step 3 of the Grievance Procedure. If you wish to appeal, you should lodge your appeal, in writing on a grievance appeal form (Grv2), to me, within 10 working days of receipt of this letter. The appeal will then be heard by a panel of governors.

Yours sincerely

Head Teacher/Chair of Governors **[delete as appropriate]**

cc      HR Advisor

**[TU Rep]**

**[Appeal Officer]**



## MODEL LETTER 4

### Invite Letter for Appeal Meeting

**Private & Confidential**

**[Name]**

**[Address]**

**[Date]**

Dear

I am writing in response to your of appeal dated **[date]** against the decision concerning your grievance that was discussed at a Step 2 grievance meeting held on **[date]**.

I am writing to invite you to attend a Step 3 grievance appeal on **[date]** at **[time]** in **[venue]** in accordance with the School Grievance Procedure. The appeal will be heard by a panel of governors. You are entitled to be accompanied by a Trade Union Representative or work colleague at this meeting.

The meeting will be minuted and a letter will be issued notifying you of the decision taken.

Please confirm with me by **[date]** that you are able to attend the above meeting.

Yours sincerely

Chair of Governors/Chair of Appeals Panel **[delete as appropriate]**





**MODEL LETTER 5**

**Step 3 Appeal Outcome Letter**

**Private & Confidential**

**[Name]**

**[Address]**

**[Date]**

Dear

I refer to the Step 3 grievance appeal meeting that was held on **[date]** at **[time]** at **[venue]** to discuss your appeal dated **[date]**.

In response to your appeal, I have decided that **[insert decision and reasons for the decision]**.

You have now exercised your right of appeal under the School Grievance Procedure and this decision is final.

Yours sincerely

Chair of Appeals Panel

Cc      HR Advisor

**[TU Rep]**