

GRIMOLDBY PRIMARY SCHOOL

GRIEVANCE PROCEDURE

INTRODUCTION

Grievances can arise from a variety of sources. They can arise among members of the staff or with the headteacher or governors. They can be of a relatively simple nature or of fundamental importance.

It is the aggrieved person's responsibility to initiate the grievance procedure, preferably following discussions with his or her union or professional association and having taken advice in the matter.

In schools with delegated budgets the Education Reform Act 1988 requires governing bodies to establish and control procedures to redress grievance relating to employment.

Procedures shall be designed as to allow grievances to be resolved **as speedily as possible**. It is essential that every effort is made initially to resolve grievances informally by a direct approach to the other person concerned.

Should the informal approach fail then a formal procedure would be required to be followed.

A grievance is taken out by an individual. A "Collective Dispute" is defined in the Burgundy Book essentially as one which is a dispute between the union/professional association and the employer on major issues of principle and/or policy where it affects all their members in that particular situation and employment.

The Headteacher should not take out grievances against staff below him/her in authority. Should the headteacher have cause to feel aggrieved by the actions of those members of staff they will need to have recourse to the appropriate Disciplinary Procedures.

A grievance procedure is only required as a means of settling grievances. Unresolved grievances, even after the appeal process has been exhausted, might still be taken to the Industrial Tribunal on issues such as equal pay.

INFORMAL PROCEDURES

Where an employee has a grievance arising from the action of another employee, he/she should make every endeavour to resolve the matter by direct approach to that other employee or in discussion with an appropriate senior member of staff (e.g. head of department or deputy head or in the case of non-teaching staff the administrator or the head).

Where an employee with a grievance requests a personal interview with the senior staff, or head it should be granted as soon as possible but at least within five working days of the request being made. At this meeting the aggrieved employee should be accorded the right to be accompanied by a friend or union/professional association representative.

The senior member of staff or head should seek to resolve the problem consulting with

appropriate persons and/or with representatives of the employee's union/professional association.

Where the grievance of the employee arises from a decision of the governing body then the grievance is against the governors. They should seek to resolve the grievance informally in discussions between the employee, his/her representative, the head and the Chairman of the Governing Body.

Where the head has a grievance arising from action/decisions of the governing body he/she shall initially seek to resolve it in discussions with the Chairman of the Governing Body. If such discussions fail to resolve the grievance, the procedures detailed in (A) below will be followed.

Formal Procedures

(A) Staffing Committee of Governing Body

Where the grievance has not been resolved informally, the employee concerned should submit a formal notice of the grievance to the head, to the other employee concerned (if not the head) or to the governors if appropriate. The head should make an immediate formal written report to the Chairman of the Staffing Committee of the governing body and a meeting of the Staffing Committee should normally be convened within 10 working days to hear that grievance.

The Staffing Committee of the Governors should seek to resolve the grievance. All relevant documents should be put to that Committee which must allow the parties concerned, if they so wish, to be accompanied by a friend or union/professional association representative, with the procedure defined at (B) below being adopted.

If the staffing Committee of the governing body fails to resolve the grievance, the aggrieved employee may appeal within five working days of that meeting via the head to the governing body, which shall meet normally within 15 working days of the head's receipt of the appeal. Those members of the Staffing Committee who considered the grievance, shall not be present at the appeal. The procedure defined at (B) below will be adopted at the appeals hearing. The decision of the governing body will be final.

(B) Procedure for the Formal Grievance Hearing and the Appeals Hearing

Both the appellant and the respondent where appropriate may appear before the Committee or the governing body and may be accompanied by a representative. The representation from either side is entirely at that side's discretion. Neither side is precluded from calling witnesses.

Parties to the grievance, where possible, should put an agreed statement of facts to the members of the Committee or the governors at least 5 working days before the hearing. If this is not possible, ex-parte statements should be exchanged between parties to the grievance and put to the Committee or the governors at least 5 working days before the hearing.

Each party to the grievance is free to put any document to the Committee or governors and must circulate it to all parties at least 5 working days before the hearing. It is for the committee or governors to determine its relevance.

(C) The Hearing

Both appellant and respondent where appropriate and their representatives shall appear before the Committee or governors at the same time and must be present for the whole of the proceedings, except when the Committee or governors is considering its decision. Any advice consisting of a legal definition or professional interpretation should be given in the presence of both parties.

Proceedings of meetings of the Committee or governors will accord with the following procedure:

The appellant's case is presented first, the appellant (or that person's representative) addresses the meeting, puts the case and has the right to call such witnesses as are required.

The respondent (or that person's representative) has the opportunity to ask questions of the appellant or any of the appellant's witnesses.

The respondent (or that person's representative) addresses the meeting, puts the case and has the right to call such witnesses as are required.

The appellant (or that person's representative) has the opportunity to ask questions of the respondent or any of the respondent's witnesses.

The members of the Committee or governing body have the opportunity to ask questions of the respondent and the appellant.

The appellant (or that person's representative) has the opportunity to reply to the respondent's case, but no new matter will be permitted to be introduced at this stage.

The respondent (or that person's representative) has the opportunity to sum up their case.

All persons present before the Committee or governors will withdraw, while the Committee or governing body deliberates on its decision.

The Committee or governing body deliberates in private, only recalling the appellant and that person's representative and the respondent and that person's representative to clarify points of uncertainty in information already given. If recall is necessary, both parties will return even if only one is concerned with the point giving rise to doubt.

Signed: Mrs. M. Barnes

Review Date: November 2008

Next Review: November 2011