

## Grievance Resolution Procedure – Guidance for Managers

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## GRIEVANCE RESOLUTION PROCEDURE – GUIDANCE FOR MANAGERS

### 1.0 OVERVIEW

1.1 These advice notes have been produced to provide you with guidance in using the Grievance Resolution Procedure (which applies to all employees – teaching and support staff). If you require further clarification or advice please contact Human Resources.

1.2 The Grievance Resolution Procedure does not apply to the following types of grievance:

- **Grievances related directly to matters being dealt with under disciplinary procedures or disciplinary sanctions** – these will normally be considered as part of the disciplinary process. *Note: if an employee believes that the Disciplinary Procedure itself has been misapplied or mishandled they have a right to raise a grievance. In such cases, the School could choose to resolve the Grievance using the separate Grievance Resolution Procedure before further action is taken under the Disciplinary Procedure. Alternatively, it might be appropriate to deal with both at the same time.*
- **Grievances related directly to matters being dealt with under capability procedures** –these will normally be considered as part of the capability process. *Note: if an employee believes that the Capability Procedure itself has been misapplied or mishandled they have a right to raise a grievance. In such cases, the School could choose to resolve the Grievance using the separate Grievance Resolution Procedure before further action is taken under the Capability Procedure. Alternatively, it might be appropriate to deal with both at the same time.*
- **Grievances which amount to allegations of misconduct** – these will be investigated and dealt with under the Disciplinary Policy; Where the employee's grievance amounts to an allegation of bullying/harassment/discrimination the school should seek advice from the Schools Human Resources Advisory Service.
- **Concerns which are 'protected disclosures'** – these will be dealt with under the Whistleblowing Policy
- **Grievances related to selection for redundancy** – employees may appeal against selection for redundancy under the redundancy procedure
- **Grievances related to grading issues** – these would normally be dealt with under the Job Evaluation Procedure
- **Grievances related to pay and conditions of service, pension, tax or benefit regulations, negotiations / consultation with the recognised trade unions or local collective agreements made with the recognised trade unions**

Please note – this list is not exhaustive. If the school is in any doubt as to whether the grievance should be dealt with under the Grievance Resolution Procedure, please contact the HR Advisory Service for advice.

## **2.0 GENERAL PRINCIPLES**

- 2.1 Always attempt to resolve complaints informally before they turn into formal grievances. (See section 3 for further details)
- 2.2 If any disability or language issues affect the employee or his/her representative address these to ensure that both parties can take part in the procedure.
- 2.3 If English is an additional language, check whether they require you to explain the contents of any letters orally to them. Some employees may require an interpreter.
- 2.4 The time limits within the Grievance Resolution Procedure may be altered by mutual agreement.
- 2.5 Only disclose information about the grievance to those that have a justifiable reason to know. Ensure that written records relating to the grievance are kept securely. The employee should be given a copy of any formal minutes taken at meetings / hearings held under the Grievance Resolution Procedure.

## **3. PRE-PROCEDURAL (INFORMAL) COMPLAINTS**

- 3.1 You should always encourage two-way communication with employees in day to day management, and by holding regular one to one meetings. This will enable employees to raise concerns at an early stage before they become more serious. If an employee raises an informal complaint you should.
  - 3.1.1 Take their complaint seriously.
  - 3.1.2 Meet the employee, normally within 5 working days of being informed of the complaint. Meet in private and ensure that there will be no interruptions.
  - 3.1.3 Discuss the issues with the employee; ask questions to gain a full understanding.
  - 3.1.4 Ask the employee how he/she would like to see the matter resolved.
  - 3.1.5 Where you need more time to investigate the issues, explain this to the employee and let him/her know when you anticipate being able to respond to his/her concern.
  - 3.1.6 Ask the employee if there is anything that he/she thinks should be included in the investigation.
  - 3.1.7 Meet with the employee to inform him/her of your response. Discuss the reasons for your response with the employee.
  - 3.1.8 Ensure any action required as a result of your decision is carried out.
  - 3.1.9 Keep a brief record of the complaint and the reasons for your response.

3.1.10 Monitor the resolution of the complaint through 1 to 1 meetings and day to day management.

3.2 Sometimes more than a meeting between the employee and their line manager may be needed to resolve their concerns. There are several options available that may be effective in resolving concerns informally. Please see Appendix 5 of the Grievance Resolution Procedure for information regarding these.

#### **4.0 GRIEVANCES UNDER THE PROCEDURE**

4.1 If an employee has tried an informal approach but still remains aggrieved he/she may raise the grievance formally by writing to their Line Manager or Headteacher, as described in the Grievance Resolution Procedure (paragraph 7) using the Notification of Grievance form (Appendix 2). If you receive the Grievance in a different format, you should make sure that it contains all the information that would have been contained in the Notification of Grievance form.

4.2 The employee should address his/her written grievance to their Line Manager / Headteacher (*see paragraph 7.1 in the Procedure for which would be appropriate*). If the person to whom the employee has written is the Line Manager / Headteacher they should meet with the employee regarding the grievance. In cases concerning the Headteacher the person to whom they should write is the Chair of Governors. In such cases, the Chair may meet with employee or nominate another governor to do so. Please note if the grievance amounts to an allegation of bullying, harassment and/or discrimination it will need to be investigated under the disciplinary procedure.

#### **5.0 STAGE ONE - MEETING WITH THE EMPLOYEE – At this stage the CEO should be informed and will report to the Trust Board.**

5.1 If you are meeting with the employee under the Grievance Resolution Procedure you should arrange to hold the formal stage 1 meeting at a mutually convenient time, normally within 10 working days of the date on the written grievance was received, subject to the need to carry out an investigation. When arranging the meeting you should:

5.1.1 Ensure that enough time is allocated for the meeting to enable the employee to fully explain his/her grievance and how he/she would like to see it resolved.

5.1.2 Book a room that will be private and free from interruptions.

5.1.3 Write to the employee to confirm the date, time and venue of the meeting, reminding the employee of his/her right to be accompanied by a trade union representative, official employed by a trade union or work colleague. The date should be as soon as possible to suit both parties.

#### **6.0 AT THE MEETING**

6.1 The purpose of the meeting is to allow the employee to fully explain his/her grievance and the resolution that he/she would like to see. Sometimes the meeting may need to be adjourned to allow further investigation before a decision can be made.

6.2 At the meeting you should:

6.2.1 Explain the purpose of the meeting

6.2.2 A representative from the HR Advisory Service will attend the meeting to advise you on procedural matters if required.

6.2.3 Ask the employee to explain his/her grievance, providing supporting evidence where appropriate

6.2.4 Ask the employee how he/she would like his/her grievance to be resolved.

6.2.5 Ask questions to gain clarification where necessary.

6.2.6 Summarise the issues discussed.

6.2.7 Take notes - you may prefer to arrange for someone else to do this

6.2.8 Decide whether an adjournment is appropriate – either to investigate the matter further or to consider the options and possible implications of any decision. If you decide to adjourn the meeting explain the reasons for this to the employee. Explain when the meeting is likely to be reconvened.

6.2.9 Ask the employee if there is anything that he/she thinks should be included in the investigation.

6.2.10 Where the meeting is adjourned pending investigation it may be necessary to appoint an Investigating Officer, or you may wish to do the investigation yourself. This will depend upon the amount and complexity of investigation that needs to take place. You should keep records of any investigation that you carry out.

6.2.11 It is important to consider the grievance carefully, however, if you are able to answer the grievance at the meeting explain your decision to the employee, and that you will confirm this decision in writing within 5 working days of the meeting.

**7.0 AT THE RECONVENED MEETING (IF YOU ADJOURNED THE FIRST MEETING)**

7.1 Summarise the main issues raised at the initial meeting and explain that the investigation is now complete.

7.2 Explain the findings of the investigation.

7.3 Ask the employee if he/she has any questions about the investigation and ask him/her to comment upon the findings of the investigation.

- 7.4 Having listened to the employee's response, consider whether there are any further issues that need to be investigated. If necessary adjourn the meeting again.
- 7.5 Write to the employee to inform him/her of the decision within 5 working days of the meeting. Include a copy of any formal minutes taken at the reconvened meeting.
- 7.6 As the manager / governor meeting with the employee regarding their grievance under the Procedure you are also responsible for ensuring that the resolution agreed will be implemented. This may involve you talking to the employee to agree how relevant people should be notified of the outcome of the meeting and discussing the resolution with appropriate individuals.
- 7.7 Where the resolution sought by the employee has not been granted inform the employee that they may appeal against the decision by writing to the Chair of Governors within 10 working days of receiving written confirmation of the decision, stating the grounds for their appeal.

## **8.0 STAGE TWO - APPEALS**

- 8.1 The purpose of the appeal is to allow the employee to explain why they are not satisfied with the decision made at the grievance meeting, and to allow the employee to explain how they would like the grievance to be resolved. The person that met with the employee at the grievance meeting will attend the appeal to explain the reasons for the decision at the earlier stage.
- 8.2 The panel hearing the appeal will then decide whether to uphold the previous decision or to resolve the grievance in some other way.
- 8.3 The employee should be informed in writing of the date, time and location of the appeal, and reminded of his/her right to be accompanied by a work colleague, a trade union representative or an official employed by a trade union.
- 8.4 The employee and the person who dealt with the grievance at stage one are entitled to call other employees as witnesses but they are not obliged to attend the hearing.
- 8.4 A representative of the HR Advisory Service will attend the appeal to advise the Panel on procedural issues.

## **9.0 AT THE APPEAL HEARING**

- 9.1 The chair of the panel should:
- 9.2 Introduce those present and explain their role.
- 9.3 Explain the purpose of the appeal and outline the agenda.
- 9.4 Ask the employee to explain why he/she is not satisfied with the response to his/her grievance following the grievance meeting and ask him/her to explain how he/she would

like to see it resolved.

- 9.5 The Chair may question the employee, as may any other members of the panel.
- 9.6 Ask the person who met with the employee at the grievance meeting to explain their response to the grievance.
- 9.7 The Panel may ask the person who met with the employee at the grievance meeting questions, as may the employee and/or his/her representative.
- 9.8 Witnesses may be questioned by the employee and his/her representative, the person who met with the employee at the grievance meeting and the Panel.
- 9.8 If the Panel believes that further investigation should be carried out, the Chair of the Panel should explain this to the employee and adjourn the appeal hearing and inform the employee when the appeal hearing is likely to be reconvened.
- 9.9 When the appeal hearing is reconvened the Chair of the Panel should explain the findings of the investigation and ask the employee and the person that met with the employee at the grievance meeting to comment upon this.
- 9.10 If necessary you should adjourn the appeal hearing again whilst the panel reach a decision.
- 9.11 When a decision has been reached, the Chair of the Panel should inform the employee of the panel's decision, and that this decision is final. This should be confirmed to the employee in writing within 5 working days of the appeal hearing (or reconvened hearing where there has been an adjournment). Enclose a copy of any formal minutes taken during the appeal hearing.
- 9.12 The Chair of the appeal hearing is also responsible for ensuring that the resolution is implemented. This may involve talking to the employee to agree how relevant people should be notified of the outcome of the hearing and discussing the resolution with appropriate managers.

## **10. THE RIGHT TO BE ACCOMPANIED**

- 10.1 Employees have a statutory right to be accompanied by a fellow worker, trade union representative or official employed by a trade union at a grievance meeting which deals with a complaint about a duty owed by their employer to them.
- 10.2 When employees are choosing their companion they should bear in mind:
  - their request to be accompanied should be reasonable and
  - the practicalities of the arrangements for the meeting.
- 10.3 A fellow worker who has agreed to accompany a colleague is entitled to take reasonable time off with pay to fulfil that responsibility. This should cover time off to attend any meetings and also time off to familiarise themselves with the case.

- 10.4 Where possible, in arranging a meeting under the Grievance Resolution Procedure the School should allow the employee's chosen companion a say in the date/time of the meeting. This will avoid dates being set which later prove to be inconvenient for the other parties involved.
- 10.5 If the employee's chosen companion will not be available at the time proposed for the meeting / hearing by the school, the school must postpone the meeting to a time proposed by the employee provided that the alternative time is both reasonable and not more than 5 working days after the date originally proposed. Whilst there is no statutory or contractual obligation to require you to provide the employee with a third date the school should ensure that its response in these circumstances is reasonable.

## **11.0 THE EMPLOYEE'S CHOSEN COMPANION**

- 11.1 At all stages of the formal process the employee will have the right to be accompanied by a chosen companion who may be a relevant trade union representative, official employed by a trade union or work colleague.
- 11.2 By agreement with the chair, the chosen companion may confer with the employee during the meeting / hearing, explain the employee's case, ask questions, summarise and respond to views expressed at the meeting / hearing so long as the employee is happy for him/her to do so. However, the employee's chosen companion has no right to answer questions on the employee's behalf except in exceptional circumstances.

## **12.0 WRITTEN RECORDS**

- 12.1 You should keep written records at all stages of the Grievance Resolution Procedure. Your written records should include:
- 12.1.1 A copy of the employee's written grievance
- 12.1.2 A copy of the decision communicated to the employee in writing
- 12.1.3 A copy of any investigation reports
- 12.1.4 A copy of notes made at any grievance meeting/appeal hearing
- 12.2 Records will be treated as confidential. This means they should only be shared with those that are required to see them for the purposes of the procedure. The records should be kept and used in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

## **13. CONFIDENTIALITY**

- 13.1 Confidentiality should be maintained during all stages of the Grievance Resolution Procedure. This is to be done by ensuring that only people who need to know have access to the details of the case. Other staff should not normally be informed of a grievance process unless they are required to be interviewed as part of that process

and/or there is an effect on day to day working relationships. If it is considered necessary to inform other staff that of a grievance process, then no details of the case should normally be discussed. In this situation the views of the employees involved in the grievance process should be sought in relation to the information which is conveyed to other staff.

- 13.2 All papers relating to grievance matters must be marked private and confidential and kept securely.
- 13.3 All staff involved in a grievance should ensure that confidentiality is maintained at all times. A breach of this requirement may lead to disciplinary action.
- 13.4 Please see paragraph 3 of the Grievance Resolution Procedure for more information on confidentiality and the exceptional circumstances in which the school would be obliged to share information shared in confidence.

*All our policies and guidance can be found at [www.supportservicesforeducation.co.uk](http://www.supportservicesforeducation.co.uk)*