

Staff Grievance Policy and Procedure

This grievance procedure applies to all staff who are permanent or fixed-term employees within Barnardiston Hall, whether full-time or part-time, in teaching or support posts. The staff grievance procedure deals with staff complaints, matters of alleged discrimination, harassment or victimisation of employees.

The grievance procedure is not used for the following matters:-

- Redundancy. Appeals on redundancy will be dealt with via the Reorganisation, Redeployment and Redundancy Procedure.
- Disciplinary and Capability issues, including appeals.
- Income Tax or National Insurance Matters
- The rules of the pension schemes
- Any other matters outside the control of the School or the employing authority.

In addition, employees may not simply complain about the School's established procedures, although a complaint about the way those policies and procedures have been applied should be allowed to proceed.

GRIEVANCE AFTER TERMINATION OF EMPLOYMENT

The staff grievance procedure will continue to apply after the termination of employment. A modified procedure (two-step) grievance procedure may be applied in circumstances where the standard grievance procedure would otherwise apply but where the employment has ended and either:

- the employer was not aware of the grievance before the employment ended;

or

- if the employer was so aware, the standard grievance procedure had not started

or

- had not been completed by the time the employment ended

and

- the parties must have agreed in writing that the modified, rather than the standard, grievance procedure shall apply.

Step One:

The employee must set down in writing the nature of the alleged grievance and send the written complaint to the Headmaster.

Step Two:

The Headmaster must set out his or her response in writing and send it to the employee.

The modified procedure is applicable in such cases as it would be unreasonable to oblige the parties to follow the standard procedure, including attending meetings, where there is no ongoing employment relationship and the parties have no interest in following the procedures, and where they are in mutual agreement on this point. It should be conducted without unreasonable delay.

PARTICIPANTS & RESPONSIBILITIES

The people responsible who are normally able to consider staff grievances are:

- Initial Stage - the Headmaster, or nominated representative.

or

- the Senior Management Team if the grievance relates to the Headmaster
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- Appeal Stage – the Panel as used in the Complaints Procedure.

If the grievance relates to the employee's immediate line manager, the Headmaster will decide on the appropriate manager to hear the initial stage.

If the grievance is against the Headmaster, the issue will be dealt with by the Senior Management Team.

Throughout the procedure, no person is authorised to participate where he or she has considered the case or represented either party at an earlier stage, or where their prior involvement prejudices objectivity.

REPRESENTATION

Throughout the process, both parties to a grievance may be accompanied by a recognised trade union representative or by a work colleague. For avoidance of doubt, a Headmaster will not be entitled to representation when acting in the role of investigating officer.

The trade union representative or work colleague may also address the meeting and confer with the employee but may not answer questions on their behalf.

The employee should make their own arrangements to be accompanied. Where the employee's chosen Trade Union representative or colleague is not available at the proposed time and date, the employee may propose an alternative time. If this suggestion is reasonable and falls within 5 working days of the original date, the meeting should be postponed to that date and time.

It is good practice for a mutually agreed time to be arranged for meetings.

TIMING

Grievances should normally be conducted within the timescales laid down in the procedure. However, where there is a valid reason to do so, timescales can be varied by the Headmaster or the Senior Management Team. The employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 10 working days.

PRELIMINARY INFORMAL PROCESS

Most routine complaints and grievances are best resolved informally in discussion with the employee's line manager. This can often lead to a speedy resolution of the problem.

Even if the employee submits a grievance under the formal procedure, or even if the matter is specifically excluded, managers should try to resolve the underlying problem as part of good management practice and not merely take a strictly procedure approach.

In certain circumstances it may, with mutual agreement, be helpful to seek external advice or assistance. An external facilitator may be able to resolve the problem. Where the grievance cannot be resolved informally then it should be referred to the formal procedure.

FORMAL GRIEVANCE PROCEDURE – INITIAL STAGE

The employee should put the grievance in writing to the Headmaster. A formal grievance should normally be submitted within a reasonable time after the act or omission complained of (usually within 1 month), or within a reasonable period of time after the last act or omission in a series of linked events, unless there is a just and equitable reason for the delay.

A reasonable amount of detail should be given. It is not sufficient to put generalisations e.g. "I wish to complain about (named persons) attitude towards me". The nature of the grievance should be explained such as what is alleged to have occurred by whom and when. The employee should state what outcome he/she seeks by raising a formal complaint.

The Headmaster should hear the case within 10 working days. Both parties will be entitled to attend and with representation. All documentation and names of witnesses will be distributed at least 2 working days before the hearing.

The employee should be informed of the outcome, in writing, normally within 5 working days. If the grievance is not upheld, the employee must be informed of the right to take the grievance to an Appeal Hearing.

FORMAL GRIEVANCE PROCEDURE – APPEAL STAGE

If the employee is dissatisfied with the response at the Initial Stage, he/she should notify the person who heard the grievance at the Initial Stage, within 5 working days from receipt of the response to the grievance at Stage 1. The notification must be confirmed in writing, giving detailed reasons for wishing to progress to Appeal. This must give specific grounds such as why the employee is not satisfied with the initial outcome and what outcomes they are seeking at appeal.

The written notification of the employee's intention to appeal should then be given to the Headmaster and forwarded to the Chair of the Complaints Committee to convene the Appeal Hearing. The grievance will be heard by at least three members of the Committee with advice from the Bursar if required. The Panel will meet within 20 working days. The Panel's decision will be final.

CONDUCTING STAFF GRIEVANCE HEARINGS AND APPEAL HEARINGS

Grievance hearings should follow a systematic sequence, achieving a balance between structure and informality - to ensure that the individual's views are fully explored.

The Headmaster / Chair of Panel should:

- check everyone has the same papers;
- explain the way the meeting will be structured, including any time constraints;

- provide opportunity for comments and clarification before the beginning of the meeting;
- advise that, should it become necessary to adjourn the meeting, a target timescale for this will be agreed at the meeting

The procedure should be as follows:

- The employee will introduce their submission, explain the relevance to the complaint
- and, in the case of an Appeal Hearing why they are dissatisfied with the outcome of the Initial Stage
- The Committee may ask questions during or after the employee's presentation
- The employee may present witnesses who may be questioned by the Panel and the respondent
- The respondent and / or representative to the grievance may ask questions at the end of the presentation
- The respondent and / or representative will respond and the Panel may ask questions
- During or after the presentation, the employee (or representative) may ask questions at the end of the presentation
- Both parties will have the opportunity to sum up, beginning with the employee bringing the grievance
- The Committee will have a final opportunity to clarify any points.
- The Committee will then adjourn the Hearing to consider the complaint. All parties except the Committee and anyone advising will then withdraw.

PANEL DELIBERATIONS

The Committee will consider what was said by all parties together with any written submissions. If members of the Committee are confident that they have sufficient information to reach a decision, then the decision should normally be given verbally to all parties and, in any event, confirmed in writing within five working days. The Committee's decision will be final.

RECORD-KEEPING

It is important that accurate and contemporaneous records are kept throughout the process, including any initial informal process. Records should be held in a secure and confidential manner. Often the issues raised by an employee are particularly sensitive and it is essential that information is shared on a 'need to know' basis only.

Appendix 1

Most routine complaints and grievances are best resolved informally in discussion with the employee's line manager. This can often lead to a speedy resolution of the problem. If this fails – complete this form and submit this to the Headmaster. If your complaint is against the Headmaster, then submit this to the Deputy Headmaster.

Date of complaint:

Name of staff bringing grievance:

Name of staff causing grievance:

What is alleged to have occurred? – where possible add dates and names of others who may be witnesses

What outcome do you seek by raising this formal complaint?

Date complaint received: Date complaint heard (within 10 working days)

Date employee informed of outcome:

Was the grievance upheld? Yes / No

If the employee is dissatisfied with the response at the Initial Stage, he/she should notify the person who heard the grievance at the Initial Stage, within five working days from receipt of the response to the grievance at Stage 1. The notification must be confirmed in writing, using this proforma. Complete this form and submit this to the Headmaster. If your complaint is against Headmaster, then submit this to the Deputy Headmaster.

Date of appeal:

Name of staff appeal:

Please give specific grounds as to why you are not satisfied with the initial outcome.

What outcome are seeking at appeal?

Date appeal received:

Date of meeting of at least 3 independent persons (within 20 working Days)

Date employee informed of outcome:

Was the appeal upheld? (This decision is final) Yes / No

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