

FERNHURST PRIMARY SCHOOL

GRIEVANCE PROCEDURE POLICY

Policy Last reviewed: June 2018
Next Review due: Summer 2021

By Finance and Staffing Committee

FERNHURST PRIMARY SCHOOL

GRIEVANCE PROCEDURE FOR ALL STAFF

This procedure, where adopted, applies to all employees.

(N.B. The term 'employee' includes Headteacher, where it is the Headteacher who is invoking the procedure; the difference which affect the Headteacher only, are shown in italics).

1. APPLICATION OF THE PROCEDURE

- 1.1 The procedure may be invoked when an employee feels that he or she has a problem or grievance for which there are no alternative arrangements – see “exclusions” below. Records should be kept detailing the nature of the grievances raised, the employer’s response, and action taken and the reasons for it. These records should be kept confidential and retained in accordance with the Data Protection Act 1998, which requires the release of certain data to individuals on their request. Copies of any meeting records should be given to the employee concerned, although in certain circumstances, some information may be withheld, e.g. to protect a witness.
- 1.2 The aim is to resolve any problem quickly and as near as possible to its point of origin. If the matter is not resolved at the first stage, the employee may proceed to subsequent stages as necessary.
- 1.3 An employee may have a grievance with another employee at the school (including the Headteacher), with the Governing Body or with the Local Authority (or one of its officers or advisors).

2 TRADE UNION REPRESENTATION

- 2.1 If it is felt appropriate any of the main parties, representatives of the relevant trade union/teacher’s or Headteacher’s associations may be consulted/involved in any discussions. An employee may be accompanied and/or advised by a trade union representative or fellow worker at any stage of the procedure.
- 2.2 Advice is also available from the Personnel Services Unit and the School Support Section and should a conflict of interest arise, another senior officer may participate so that impartial advice is available to both parties.

3 EXCLUSIONS

- 3.1 The following matters are outside the scope of the Grievance Procedure and should be dealt with as indicated.
 - Discipline – see separate disciplinary procedure.
 - Statutory deductions from pay – contact the Payroll/Business Development Unit Section (the employee’s name and reference number as shown on the payslip should be quoted when a query is raised).

- Collective Disputes – through the appropriate trade union.
- Matters not related to work or conditions of service – senior members of staff will normally provide advice and guidance (with the assistance in difficult cases from the PSU or Right Care).
- Salary Determination – separate Appeals Procedure under the Schools Pay Policy will apply.

4 STAGE ONE – INFORMAL STAGE

- 4.1 The employee should endeavour first to resolve the matter by direct approach to the member(s) of staff involved or in discussion with his or her supervisor/head of department. If the employee is unable to resolve the problem in this way, he/she should discuss it with the Grievance Officer referred in his/her Written Statement of Terms and Conditions. In most cases this will be the Headteacher. The Headteacher will involve the other parties to the grievance in the discussions as necessary.
- 4.2 The Headteacher (or other Grievance Officer) will give the employee a verbal response of the problem being put to him/her or of any meeting arranged as a consequence. The Headteacher (or other Grievance Officer) will confirm the outcome in writing within five working days.
- 4.3 If the Grievance Officer is unable to give a satisfactory answer, or of any matter is outside of his/her control, the employee is entitled to invoke Stage 2. To do this, the employee must inform the Headteacher (or other Grievance Officer) within five working days of receiving a reply, that he/she is not satisfied with the outcome.

5 STAGE 2

- 5.1 Within five working days of receiving notification from the employee the Headteacher (*Chairman of Governors*) must arrange a meeting between the employee and himself/herself and (*or*) a nominated Governor, giving at least 10 working days notice of the meeting. The employee may be accompanied and/or advised by a representative if he/she so wishes.
- 5.2 If the grievance is with a particular officer or advisor of the Authority, he/she should normally be approached first to try and resolve the matter otherwise the Senior Education Officer (Schools Support) or another senior officer or advisor should be invited to attend the meeting.
- 5.3 The Headteacher (*Chairman or other nominated Governor*) must orally notify the employee of the decision. The response must be confirmed in writing to the employee within five working days.
- 5.4 If the employee is not satisfied with the outcome of the second stage, he/she is entitled to invoke Stage 3. To do this, the employee must inform the Headteacher (*Chairman of Governors*) within five working days of receiving the reply. The Headteacher (*Chairman*) will then refer the matter either:

- i) where the grievance is with another employee at the school or with the Governing Body – to a Grievance Panel composed of Governors; or
- ii) where the grievance is with the LA – to the Director for Education and the Arts

6 STAGE 3

Grievance with Staff or Governors

- 6.1 Within five working days of receiving the notification form from the employee, the Headteacher (*Chairman*) or Clerk to the Governors must arrange a meeting to consider the grievance. The matter should be considered by the Governing Body or a Panel of Governors at a meeting. At least 10 working days notice of the meeting must be given. The Headteacher (*Chairman*) or Clerk should submit a written report to the Governors. The parties concerned may make submissions and be accompanied by a friend or trade union/professional association representative. The panel will hear a grievance with impartiality. An officer of the Authority (usually from the Personnel Services Unit) will normally attend to give advice to the Panel.
- 6.2 An oral decision may be given to the employee and a written decision must be delivered within five working days of the meeting (or the last meeting if more than one were necessary). Normally any grievance will end at school/college level but the Grievance Panel will indicate whether a further appeal would be possible.
- 6.3 Any Governor who has been involved at an earlier stage must not take part in the meeting, although he/she may make a submission.

Grievance with the LA

- 6.4 The employee should submit a written report to the Director for Education and the Arts. The LA will aim to resolve the matter at a meeting of a Panel comprising:
- a) **where the employee is a teacher or Headteacher**
 - two members of the Staffing Committee selected by the Authority
 - two teachers selected by the Teacher's Panel of the Joint Consultative Committee (*two Headteachers, one selected by the Executive Committee of the West Sussex Association of Secondary Headteacher's and one selected by the Executive Committee of West Sussex Primary Headteacher's Association provided that if the aggrieved is Headteacher of a special school, the Association to which he/she would belong shall select a Headteacher of a special school*).
 - A non-voting Chairman appointed by the Authority.
 - b) **where the employee is not a member of teaching staff**
 - at a county or controlled school, the grievance may be put to the Authority's Staff Appeals Committee.

- 6.5 If the issue is not considered to be for the LA to determine, the Director should state the reasons in writing, and the employee may then refer the matter to his/her trade union.
- 6.6 The meeting should be held within ten working days (or as soon as practicable) of the receipt of all relevant documents.
- 6.7 The parties concerned may make submissions and each may be accompanied by a friend or trade union/professional association representative.
- 6.8 The decision of the panel shall be confirmed in writing to the employee within five working days.