



# Oakfield School

## 4. Staff Disciplinary and Grievance Policy

Review Date:	February 2020
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# OAKFIELD SCHOOL

## Staff Disciplinary and Grievance Policy

1. The Governing Body is obliged under the Education Act 1996 to establish disciplinary rules and procedures (including suspension and dismissal). This document sets out the disciplinary procedure to be followed by the Governing Body and the Headteacher in the maintenance of acceptable standards of conduct and behaviour of employees in the school.
2. Articles of Government and the Conditions of Service for Teachers and other staff should be considered in conjunction with this document.
3. This procedure will remain in force until amended or withdrawn by the Governing Body after reasonable notice and consultation with the relevant trade unions.
4. The Governing Body is responsible for the conduct and discipline of all staff in the school although most disciplinary matters will, in the first instance, be dealt with by the Headteacher. The employee should be informed of the details of any allegation.
5. The Governing Body will establish a Committee of not less than 3 and not more than half the full Governing Body to hear disciplinary cases and a separate Committee of at least equal number to hear appeals. This is a requirement of the Education Act 1996 and the Articles of Government.
6. The LA is entitled to attend all the relevant proceedings in the disciplinary process where dismissal may be the outcome and the Governing Body is obliged to consider any advice given by or on behalf of the LA.
7. Where the Governing Body so decides through due process, the LA is obliged to give notice to or dismiss employees.

### The procedure

#### Representation

8. Employees have the right to be accompanied by a trade union official or friend who may make representations on their behalf at all stages of this procedure.

#### Precautionary Suspension

9. Where appropriate the Headteacher or Governing Body or, as a matter of urgency the Chair of Governors may suspend any employee from work pending investigation of alleged misconduct which is sufficiently serious or the situation is such that harm to the employer, children, colleagues or property may result. The Chair of Governors or Headteacher should immediately inform the LA of the suspension. The Governing Body should be informed of the suspension but not the details of the incident or allegation at the earliest opportunity.

Precautionary suspension is only appropriate where:-

- (i) The allegation if substantiated would amount to gross misconduct (ie. conduct which would go to the root of the contract).  
or
- (ii) To not suspend would potentially interfere with the investigation.

10. Employees will be suspended on normal pay (i.e. without loss of earnings). Such precautionary suspension is not disciplinary action. The investigation will be undertaken as soon as possible after the suspension. If a member of staff is precautionary suspended, a designated manager from the school will be assigned to provide support throughout the period of suspension.

### **Investigation**

11. When a disciplinary matter arises, the Headteacher or delegated Deputy Headteacher should first establish the facts promptly, before recollections fade or distort, and take written statements from all witnesses. The employee will be further informed that their conduct or behaviour is in question and of the allegations surrounding any incident. If the employee is to be interviewed during the investigation it should be made absolutely clear that the interview is for investigation purposes and is not the disciplinary hearing. The employee must be given the opportunity to seek union advice before making a statement and/or be accompanied by a representative or friend. The Headteacher or delegated Deputy Headteacher should take notes of all investigatory meetings.

**NB1** In cases of alleged abuse of children refer to the Child Protection Procedures.

**NB2** If the Headteacher intends to hear the disciplinary case (see paragraph 13) should one prove necessary, he/she should not undertake the investigation.

12. Witnesses should make written statements and will be advised that they may be required to attend the disciplinary hearing at the request of either party. They should be warned that the matter is confidential and must not be discussed with anyone and that statements will be made available to the employee involved.

13. The matter having been investigated, the Headteacher or delegated Deputy Headteacher will determine what course of action should be followed. This may be that:-

13.1. There is no case to answer.

13.2. Staff are to be given informal advice as to their future conduct.

13.3. Staff are to be given formal advice as to their future conduct. This will be confirmed in writing.

13.4. A formal disciplinary hearing be convened to be heard by:-

- (a) The Headteacher for less serious offences where the potential outcome is a verbal or first written warning.
- (b) The Governing Body for more serious offences where the potential outcome is a final written warning or dismissal or when the Headteacher has investigated the matter.

**NB** Whilst the Director of Education or his/her representative is entitled to attend all proceedings where dismissal is a potential outcome, it is recommended that an officer of the LEA be invited to attend all disciplinary hearings in an advisory capacity. No disciplinary action should be taken without a formal hearing.

### **Disciplinary Action Against a Headteacher**

14. Disciplinary action against a Headteacher will not be initiated without the involvement of the Chair of the Governing Body. The LA will undertake the role which would normally be ascribed to the Headteacher with regard to the investigation and any subsequent disciplinary proceedings.

### **Disciplinary Action Against Trade Union Representatives**

15. Although normal disciplinary action must be taken when appropriate against trade union representatives, no such action should be taken until the circumstances of the case have been discussed by the Headteacher with a senior trade union/professional association official.

### **Disciplinary Hearing**

16. The Headteacher or designated Committee of the Governing Body should, as soon as practical, hold a disciplinary hearing. The employee will be requested in writing (with at least 10 working days notice) to attend the hearing. He/she will be informed of the allegation(s) to be considered and be provided with copies of the disciplinary procedure and all the evidence to be presented and be advised of the names of witnesses to be called. The employee will also be reminded of the right to be represented.
17. If the hearing is to be conducted by the Headteacher the delegated person (normally the Deputy Headteacher) will present the results of the investigation to the hearing. This may include witness statements which may be supported by presentation of oral evidence by the witnesses themselves and other written evidence. The employee will then have the opportunity to state their case, ask questions, present evidence and call witnesses.
18. The Headteacher will decide what action to take, after an adjournment if necessary, and will inform the employee and their representative accordingly. The decision will be confirmed in writing as soon as possible.
19. If the allegation(s) are considered to be unfounded the employee will be so informed. Confirmation will be given in writing and no further action will be taken.
20. When the hearing is to be conducted by a Committee of the Governing Body the investigating officer or clerk to the Committee should notify the employee, the Governors and any witnesses of the date of the hearing. The information circulated should be as detailed in 16 above. The agenda for the hearing is given in Appendix 1.

### **Action following investigation**

#### **No Further Action**

21. This should be communicated to the employee in writing with a copy provided to their representative.

#### **Formal Advice**

22. The employee should be advised of the areas of concern and the improvement required. The concerns should be explained in detail in a constructive manner with clear examples given where possible. The employee should be left in no doubt of the improvement required and strategies for support, monitoring and a timescale should be agreed. This should be confirmed in writing to the employee with a copy provided for his/her representative.

## **Courses of disciplinary action**

### **Verbal Warning**

23. The employee will be told that his/her conduct is unacceptable, advised of what is expected of him/her and that a verbal warning will be recorded on his/her file. The employee should be told that this is the first action within the disciplinary procedure and that if his/her conduct does not improve further action will be taken. The verbal warning will be confirmed to the employee in writing and she/he will be advised of his/her right of appeal.
24. A record of the verbal warning will be kept but it will be disregarded for disciplinary purposes after 6 months (from the date of the letter confirming/giving the verbal warning) subject to satisfactory conduct and behaviour.

### **Written Warning**

25. If the offence is of a more serious nature, or if a further offence occurs within the currency of a previous warning a written warning may be given to the employee. This will give details of the complaint, the improvement required and the consequences of future misconduct. It will warn that further action will be considered if there is no satisfactory improvement or any further breach of conduct and will advise of the right of appeal. A copy of this written warning will be kept but it will be disregarded for disciplinary purposes after 6 months (from the date of the letter confirming/giving the written warning) subject to satisfactory conduct and behaviour.
26. Copies of the written warning will be sent to the employee and his/her representative (if appropriate) and a copy retained on the employee's personal file.

A copy of the written advice will be placed on the employee's file. The principles of paragraphs 41 and 42 on retention of records will apply.

### **Final Written Warning**

27. If there is still a failure to improve and conduct or behaviour is still unsatisfactory within the currency of a written warning, or if the misconduct is sufficiently serious to warrant only one written warning a final written warning may be given to the employee. This will give details of the complaint, will warn that dismissal may result if there is no satisfactory improvement or a further breach of conduct and will advise of the right of appeal. A copy of this final written warning will be kept. After 12 months from the date of the letter confirming/giving the final written warning, the final written warning will be reduced to the level of a written warning (subject to satisfactory conduct and behaviour). After 18 months from the date of the letter confirming/giving the final written warning, the warning will no longer count for progression to the next stage of the formal disciplinary procedure (subject to satisfactory conduct and behaviour).
28. Copies of the final warning will be sent to the employee and his/her representative (if appropriate) and a copy retained on the employee's file.

### **Dismissal**

29. If the conduct or behaviour is still unsatisfactory and the employee still fails to reach the prescribed standards after receipt of a final written warning, dismissal with notice may apply. Dismissal without notice (SUMMARY DISMISSAL) may apply in cases of gross misconduct regardless of any, or the absence of, written warnings.

30. The Governing Body has the sole authority to dismiss an employee. Where the Headteacher, in the course of hearing a disciplinary case, considers dismissal may be the appropriate course of action, the hearing should be adjourned and the employee informed that the case will be referred to a hearing of the Disciplinary Committee of the Governing Body. The employee will be requested in writing to attend the meeting of the Governing Body and will be reminded of their right to be accompanied as described in paragraph 8 above.
31. The Director of Education or his/her representative, as joint employer, is entitled to attend all proceedings relating to a potential dismissal from employment.
32. The Governing Body Committee meeting will constitute a full hearing of the case.
  - 32.1. The Headteacher will normally present the case to the Committee and the employee and/or their representative will be able to respond.
  - 32.2. The task of presenting the case may be delegated by the Headteacher to a member of the school's senior management team or assistance may be sought from an officer of the LA.
  - 32.3. The Governing Body will decide whether or not to dismiss the employee, impose a lesser penalty or reject the allegations entirely or in part.
  - 32.4. The Governing Body is obliged to consider any advice given by or on behalf of the Director of Education. The LA is obliged to accept and carry out any recommendation to dismiss made by the Governing Body.

### **Alternative to Dismissal**

33. The Governing Body may decide that the misconduct warrants dismissal but having regard to extenuating circumstances may substitute relegation to a lower graded post without protection of salary, provided there is scope within the school's staffing establishment. A final written warning will always be given in conjunction with relegation.

Relegation without protection of salary cannot apply to teachers. However a teacher may be willing to agree to such a relegation as an alternative to dismissal.

### **Right of Appeal**

34. Employees have the right of appeal to the Appeals Committee of the Governing Body against decisions of the Disciplinary Committee or the Headteacher. The appeal may be against the decision taken, the sanction imposed or the procedure adopted.
35. Unless otherwise directed by the Disciplinary Committee, appeals must be notified in writing to the clerk to the Committee within 10 working days from the date of written notification of the decision. A copy should be sent to the Headteacher.
36. Employees have no right of appeal beyond the Appeals Committee but may have recourse to an Industrial Tribunal.

### **Holding an Appeal**

37. Having established a Committee to deal with disciplinary issues, a separate Committee will be set up to hear appeals. The Appeals Committee will have the authority to uphold the original decision or to substitute a lesser penalty or to reject the original decision. The minutes of the Appeals Committee will be circulated to the Governing Body.  
No member of the Appeals Committee (including nominated substitutes) will be involved in any preceding disciplinary action.
38. The appeal hearing should be convened as quickly as possible, normally within 4 working weeks of receipt of the appeal but allowing sufficient time for the employee to prepare for the hearing.
39. The Director of Education or a nominee is entitled to attend meetings of the Appeals Committee and the Committee is obliged to consider any advice given by or on behalf of the Director of Education.
40. An appeal will be conducted in accordance with the agenda shown in Appendix 1 (with the exception of 13b). Both parties may introduce new evidence.

### **Retention of Records**

41. A formal warning will remain effective during the period of time specified. This means that it will be taken into consideration, as part of the cumulative process, when determining the level of disciplinary action warranted for any further offences which may occur during the period.

### **Grievance Procedure for Teaching and Support Staff**

- 1.1 It is essential that a fair and established procedure should exist in every school whereby staff may air a grievance related to their employment and ensure that it is resolved. The Governing Body should adopt the procedure set out in this document and ensure that it is readily available to, and understood by, management and staff at the school.
- 1.2 Most grievances will involve other members of staff or the Governing Body of the school and will therefore be capable of resolution at school level. Some grievances will, however, need the Local Authority to assist in their resolution.
- 1.3 The Local Authority undertakes to implement any legal decision of a governing body on a grievance relating to a matter under the Local Authority's control, except in cases where it is impractical to do so. The Local Authority will grant staff a meeting with the Director of Children & Young People's Services (or designated officer) before any decision is taken on the practicability of implementation and shall in such event seek an alternative agreed remedy.
- 1.4 It is not intended that this procedure should apply to matters relating to applications for regrading or grading appeals, rates of pay, allowances, payroll matters (including pensions) and changes to conditions of service; these are outside the scope of the procedure. Disciplinary, sickness and capability matters, model pay policies and any other policies/procedures, which contain a right of appeal, are subject to separate procedures.

## **2.0 Application of this grievance procedure**

- 2.1 Grievances can arise from a variety of sources. They can arise amongst members of staff or with the Headteacher. They can be of a relatively simple nature or of fundamental importance. They can involve the Governing Body of the school or the administration of the school or the Local Authority. To meet this situation, this procedure sets out:
- a) procedures which may enable grievances to be resolved informally and without recourse to any formal procedures; and
  - b) formal procedures where informal procedures are inappropriate or have failed.
- 2.2 This grievance procedure is established by the governing body of the school and its operation shall be under the governing body's control.
- 2.3 The Governing Body's Appeals Committee (or nominated committee) shall be responsible for considering all grievance cases referred to it under the formal stages of the procedure
- 2.4 The Chair of Governors shall not sit on the Appeals Committee in order that he/she is free to advise the Headteacher when considering the grievances of staff, other than the Headteacher, and to seek advice in cases involving the Headteacher from the Local Authority.
- 2.5 Where any complaint involves a grievance against the Headteacher, the role of the Headteacher as set out below should be undertaken by either the Chair of Governors or a Governor nominated for this purpose by the Governing Body.
- 2.6 Sections 4.0 and 5.0 set out the procedures to be followed by staff who have a grievance. The procedures to be followed by Headteachers are set out in Sections 6.0 and 7.0.
- ## **3.0 Representation**
- 3.1 The employee has a right to be accompanied at all stages of the grievance procedure by his/her trade union representative or work colleague of his/her choice. In the event of an employee wishing to bring a friend not employed by the school this will need the approval of the Headteacher or the Chair of Governors.
- ## **4.0 Informal stage**
- 4.1 It is hoped that most grievances will be resolved at the informal stage and the necessity to proceed to the formal stage will not be required.
- 4.2 The aggrieved member of staff shall approach any other member(s) of staff concerned to seek to resolve the grievance by discussion or, if necessary, in discussion with the Headteacher, Head of Department or other appropriate senior member of staff. If the grievance is against the Headteacher the employee shall contact the Chair of Governors.
- 4.3 No staff member shall be required to approach any person against whom they have a grievance if they feel uncomfortable about doing so. The member of staff may, instead, put their concerns to the person in writing.



- 4.4 Where the grievance is against the Governing Body or the Local Authority, the aggrieved member of staff shall discuss the grievance with the Headteacher, who shall then raise the issue with the Governing Body or the Local Authority.
- 4.5 Where the member of staff requests a personal interview with a senior member of staff or the Headteacher, the request shall be granted within 5 working days.
- 4.6 Where appropriate, the senior member of staff or Headteacher shall seek to resolve the problem personally or, by mutual agreement, in consultation with other members of staff.  
The Headteacher may also, by mutual agreement, seek consultation with the Chair of Governors, the Director of Children & Young People's Services (or his/her representative), or with representatives of the trade union(s) concerned, as may be thought appropriate.

## **5.0 Formal stage**

### **5.1 Standard 'three-step' Grievance Procedure**

#### Step 1 – The Written Statement

You must report the grievance, in writing, to your Headteacher or, if your grievance is against your Headteacher, you should report it to the Chair of Governors. A simple Grievance Form, shown at Appendix 1 has been designed for this purpose. Completion of the form will help you to clarify the nature of your grievance. You should retain a copy for your own information.

#### Step 2 – The Meeting

- a) Your Headteacher (or Chair of Governors) will acknowledge your grievance in writing and will arrange a meeting to discuss the matter with you and investigate your grievance within 10 working days of receipt of your letter and your completed grievance form. You must take all reasonable steps to attend the meeting. You should be in a position to show the Headteacher (or Chair of Governors) any supporting evidence of your complaint or to indicate any witnesses of the events of the grievance.
- b) You will receive a written reply from your Headteacher (or Chair of Governors), normally within 10 working days after the initial meeting, informing you of the decision unless, by agreement, the period is extended. You will also be told of your right to appeal if you are not satisfied with the decision.

#### Step 3 – The Appeal Meeting

- a) If you are dissatisfied with the outcome and wish to pursue the matter further, you may appeal by sending a copy of your completed grievance form with a covering letter explaining why you wish to appeal to the Clerk of the Governing Body. Again, please ensure that you retain a copy for your own information.

- b) The Clerk to the Governing Body will acknowledge your grievance in writing. You will be invited to attend a meeting with the Appeals Committee of the Governing Body, and a set of papers will be circulated, prior to the meeting, including (i) the written reply from your Headteacher (or Chair of Governors), (ii) your completed grievance form and (iii) any other papers either party may wish to submit.

At the meeting you will need to explain what the grievance is, against whom you have a grievance and how the grievance might be resolved. At the meeting you must be in a position to demonstrate to the Governors any supporting evidence of your complaint or to indicate any witnesses of the events of the grievance. This meeting will take place within 10 working days unless it is mutually agreed that there is a different timescale. You must take all reasonable steps to attend the meeting. The Headteacher (or Chair of Governors) who initially investigated the grievance will also be present on behalf of the school to explain their decision.

- c) Within 10 working days of meeting with you to discuss your grievance, the Chair of the Committee that heard the grievance (or his/her nominee) will respond to you, in writing, to give a decision following the meeting; further investigation may be required, dependent upon the information presented at the meeting from both the employee and the Headteacher (or Chair of Governors). If the grievance is particularly complex the Chair of the Committee (or nominee) will write within this period to give an interim reply and a commitment when a final decision will be available. There will only be one such interim reply unless it is mutually agreed to vary this. The decision of the Committee shall be final and shall be implemented in relation to any matter under the control of the Governing Body, and shall be the subject of a recommendation to the Local Authority in relation to a matter under the Local Authority's control. Such final decisions are, however, subject to the right of the employee to take their complaint to an Employment Tribunal.

- 5.2 The school will record each case on an official Grievance Register Form and forward a copy to the Director of Children & Young People's Services annually, as requested.

## **6.0 Informal Stage – Headteachers**

- 6.1 Where the Headteacher has a grievance he/she shall, first of all, endeavour to resolve the matter by direct, but informal, approach to the person(s) who they believe are causing them to feel aggrieved.
- 6.2 Where the matter remains unresolved, the Headteacher shall discuss it with the Chair of Governors who may, by mutual agreement, seek consultation with the Director of Children & Young People's Services or his/her representative, or with the representatives of the trade union(s) concerned, as may be thought appropriate.

## 7.0 Formal stage - Headteachers

### 7.1 Standard 'three-step' grievance procedure

#### Step 1 – The Written Statement

You must report the grievance, in writing, to your Chair of Governors or, if the grievance is against your Chair of Governors, you should report it to the Clerk to the Governing Body who will forward it to the nominated Governor. A simple Grievance Form, shown at Appendix 1, has been designed for this purpose. Completion of the form will help you to clarify the nature of your grievance. **You should retain a copy for your own information.**

#### Step 2 – The Meeting

- a) Your Chair of Governors (or nominated Governor) will acknowledge your grievance in writing and will arrange a meeting to discuss the matter with you and investigate your grievance within 10 working days of receipt of your letter and completed grievance form. You must take all reasonable steps to attend the meeting. You should be in a position to show the Chair of Governors (or nominated Governor) any supporting evidence of your complaint or to indicate any witnesses of the events of the grievance.
- b) You will receive a written reply from your Chair of Governors (or nominated Governor), normally within 10 working days after the initial meeting, informing you of the decision unless, by agreement, the period is extended. You will also be told of your right to appeal if you are not satisfied with the decision.

#### Step 3 – The Appeal Meeting

- a) If you are dissatisfied with the outcome and wish to pursue the matter further, you may appeal by sending a copy of your completed grievance form, with a covering letter explaining why you wish to appeal, to the Clerk to the Governing Body. **Again, please ensure that you retain a copy for your own information.**
- b) The Clerk to the Governing Body will acknowledge your grievance in writing. You will be invited to attend a meeting with the Appeals Committee of the Governing Body and a set of papers will be circulated prior to the meeting, including (i) the written reply from your Chair of Governors (or nominee), (ii) your completed grievance form and (iii) any other papers either party may wish to submit. At the meeting you will need to explain what the grievance is, against whom you have a grievance and how the grievance might be resolved. At the meeting you must be in a position to demonstrate to the Governors any supporting evidence of your complaint or to indicate any witnesses of the events of the grievance. This meeting will take place within 10 working days unless it is mutually agreed that there is a different timescale. You must take all reasonable steps to attend the meeting. The Chair of Governors, or nominee, who initially investigated the grievance will also be present on behalf of the school to explain their decision.

c) Within 10 working days of meeting you to discuss your grievance, the Chair of the Committee that heard the grievance (or his/her nominee) will respond to you, in writing, to give a decision following the meeting; further investigation may be required as this is dependent upon the information presented at the meeting from both the employee and Chair of Governors. If the grievance is particularly complex he/she will write within this period to give an interim reply and a commitment when a final decision will be available. There will only be one such interim reply unless it is mutually agreed to vary this. The decision of the committee shall be final and shall be implemented in relation to any matter under the control of the Governing Body, and shall be the subject of a recommendation to the Local Authority in relation to a matter under the Local Authority's control. Such final decisions are, however, subject to the right of the employee to take their complaint to an Employment Tribunal.

7.2 The school will record each case on an official Grievance Register Form, and forward a copy to the Director of Children & Young People's Services annually, as requested.

## **8.0 Notes on the statutory procedure**

8.1 The employee has a right to be represented at all stages of the grievance procedure by his/her trade union representative or fellow worker of his/her choice.

8.2 The responsibility for the attendance of witnesses lies entirely with the person, i.e. the employee or Headteacher, whoever requires the witness(es) to attend. If, however, the witness is an employee of the school, reasonable facilities will be allowed to enable him/her to attend. In this context, any time off should normally be paid on a 'no loss of earnings' basis during the witness' normal working hours. Attendance outside of normal working hours will be unpaid.

8.3 Support is available to employees who feel they need help in coping with stress arising from the application of the grievance procedure via the Occupational Health Unit; advice can be given by the Headteacher or by contacting their professional association.

## **9.0 Modified 'two step' grievance procedure for employees who have left the service of a particular school**

9.1 In 2004 the law was changed to allow individuals who had left employment to initiate a grievance against their former employer or, in the case of teachers/support staff, their former school which acted as their employer. "The modified (two-step) grievance procedure will apply 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 but 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.

- 9.2 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 standard procedures, and where they are in mutual agreement on this point.

It is not reasonably practicable for one or other part to carry out the standard procedure. For example if one of them has left the country for an extended period. ("§.62 - Guidance on the Employment Act 2002 (Dispute Resolution) Regulations 2004 and associated provisions in the Employment Act 2002")

- 9.3 If this is the case, the 'Two Step Grievance' is as follows:-

- i) You must set out the grievance and the basis of it in writing and send the statement to the Headteacher of your former school (your former employer).
- ii) Your Headteacher or his/her nominee will investigate your grievance and will set out their response in writing and send you the statement normally within 10 working days from receipt of your statement.

NB - If you are no longer an employee of a particular school and you believe that you have a grievance against the actions or inactions of your previous school you should take appropriate advice from your trade union, or some other qualified adviser, as soon as practicable.

## **10 Circumstances in which the parties are treated as having complied with the procedure**

- 10.1 In some circumstances, under employment legislation the parties are treated as having complied with the grievance procedure, even where they have not. These situations include the following:
- a) Where the employee follows a grievance procedure in a collective agreement. This provision will allow grievances to be dealt with collectively where more than one employee has the same grievance. This will save the time and resources of both employer and employees." (§.62 - Guidance on the Employment Act 2002 (Dispute Resolution) Regulations 2004 and associated provisions in the Employment Act 2002).
  - b) Where a trade union representative or work colleague has raised the grievance on behalf of two or more named employees, the employees sharing the grievance may choose one person to act as their representative.
  - c) Where the grievance is that disciplinary action short of dismissal is, or would be, unlawful discrimination or that the actual grounds for the employer's actions are not the grounds cited by the employer and the employee sends a written statement of the grievance to the employer before any disciplinary appeal hearing takes place or employment tribunal claim is lodged
  - d) Where the standard grievance procedure applies, an employee who is no longer employed has sent a written statement of the grievance and since the end of his or her employment it has ceased to be reasonably practicable for the parties to comply with the requirements in relation to the step-two meeting or the step-three appeal. If the parties have had a meeting to discuss the grievance the employer must still inform the employee of its response to the grievance or it will be treated as having failed to comply.

**11.0 Additional information**

- 11.1 Through all stages of the procedure you will be expected to continue working normally. However, in exceptional circumstances with the agreement of all parties if this is not practicable then it may be possible for the person to be moved elsewhere within the school. If your grievance is against your Headteacher/line manager you should still carry out your normal day to day duties, wherever possible.
- 11.2 Every effort will be made to deal with the grievance as speedily as possible. It should be remembered, however, that some cases need time to investigate fully. You will be given every opportunity in the meeting to explain the details of the case.
- 11.3 You are asked only to raise questions which are related to your employment.

This Policy should be read in conjunction with Policy No. 65 – Whistleblowers Policy

This Policy was reviewed February 2017.

Signed: .....

Lee Morfitt (Chair of Governors)

**APPENDIX 1**

**Grievance Form (for use by school based staff)**

Make a copy of this form at the same time as you fill it in. Keep one copy. Give the other copy to your Headteacher / Chair of Governors (as per the procedure)

Name of Employee: .....

Job Title: .....

School: ..... Department: .....

Line Manager: .....

what is your grievance? (You may continue on a separate sheet if necessary)

what action has already been taken on your grievance? who has considered it? what was the result?

please state the action that you would require to be taken on your grievance to resolve it to your satisfaction.

Signed: ..... Date: .....

## **APPENDIX 2**

### **Format of Grievance Appeal Meeting**

#### **The grievance procedure for teaching and support staff in schools**

1. Introduction by the Chair of the Committee and a reminder to all present of:
  - a) the procedure under which the meeting has been called;
  - b) the manner in which the meeting will be conducted as set out below in paragraphs 2-12;
  - c) the degree of confidentiality;
  - d) those present and the purpose of the meeting;
  - e) the supporting papers.
2. Explanation by the member of staff who raised the grievance, and/or representative, as to why an appeal has been lodged at Step 3 of the procedure and against whom, and how the grievance might be resolved. Witnesses (where appropriate) may be called. When witnesses have given evidence and answered all questions put to them, they should leave the room.
3. Questions by the Governors.
4. Explanation by the Headteacher/Chair of Governors (depending upon who investigated the grievance) regarding their decision.
5. Questions by the Governors.
6. Opportunity for the member of staff and/or representative to submit any final points.
7. Opportunity for the Headteacher/Chair of Governors to submit any final points.
8. Withdrawal by the member of staff and representative(s) and the Headteacher or nominated person; the meeting has concluded.
9. Consideration of the matter by the committee. The Director of Children and Young People's Services or his nominee, together with the Clerk to the Committee, will be present during the deliberations.
10. Within 10 working days of the meeting, the Chair of the Committee (or his/her nominee) to confirm the decision of the committee to the employee, in writing, following, if appropriate, further investigation of any matters raised.
11. If the grievance is particularly complex the Chair (or his/her nominee) will write to the employee with an interim reply and a commitment when a final decision will be reached. There will only be one such interim reply unless it is mutually agreed to vary this.
12. The decision of the committee shall be final and shall be implemented in relation to any matter under the control of the governing body, and shall be the subject of a recommendation to the Local Authority in relation to a matter under the Local Authority's control. Such final decisions are, however, subject to the right of the employee to take their complaint to an Employment Tribunal.