

# Lingfield Primary School

A Personal Best School



## Grievance Resolution Procedures

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**Purpose**

The formal grievance procedure provides more detailed guidance that support employees and managers in the Council in dealing with grievances. This procedure should be used when attempts to resolve issues and complaints informally have not been successful.

**Informal Stage**

If you have a grievance or complaint to do with your work or the people with whom you work you should, wherever possible, start by talking it over with your manager. You may be able to agree a solution informally between you.

It is in the best interests of all involved to resolve any grievances quickly and informally through discussion, when a problem or issue arises. Employees are encouraged to discuss the matter with their immediate line manager or, if this is not possible, an appropriate senior manager in an attempt to resolve it, using a restorative approach. This process does not form part of the formal procedure. Where informal discussion does not resolve the issue then the formal grievance procedure will be used.

**Formal Stage – Raising a grievance stage 1**

Where the informal approach does not resolve the issue then the employee will put their concern in writing to ask for a formal grievance meeting.

- Employees should put their grievance in writing to the manager of their immediate line manager, or if unavailable, to another senior manager/the headteacher.
- Concerns which in some way relate to the actions of the Headteacher should be taken to the Chair of the Governing Body who will nominate a member of the Governing Body to address the grievance.
- If the Headteacher has a grievance, he/she should inform the Chair of Governors in the first instance, who will either seek to resolve the grievance him/herself or identify another governor to do so, where this is more appropriate.
- Upon receipt of a grievance, the manager will assess whether it is practicable and/or appropriate for them to oversee the grievance resolution process. If they feel that it is not possible or appropriate, they will identify a manager who would be suitable to oversee it and agree to hand the case over.
- The manager needs to acknowledge the grievance in writing within a reasonable time (normally 5 working days). The acknowledgement can be sent by email or post depending on what is appropriate.
- The manager needs to ensure individuals named in the grievance have been informed that a complaint has been made against them.
- The confidentiality of the grievance process should be respected

**Formal Stage – Investigating a grievance**

Ultimately, the aim of the investigation is to establish the full facts of the grievance before any decision is taken.

- The manager will carry out an investigation. If the grievance involves other members of staff, they will be informed, and given an opportunity to provide their own evidence
- The investigation should be carried out as soon as possible after receiving a grievance
- A holding letter should be provided to the employee if investigation process cannot be completed before the Stage 1 Meeting

In many cases the investigation will be a relatively straightforward fact-finding exercise. For complex cases, an independent investigation may need to be commissioned at the start.

- Where it is decided that a grievance requires a detailed investigation, the manager who oversees the process should nominate an 'Investigating Officer'. The Investigating Officer will typically be a school employee who is capable of overseeing a formal investigation and has had no involvement in the issues raised as part of the grievance. However, the school may appoint an external investigator where that is warranted by the complexity of a case, seniority of the individuals involved, or need to maintain confidentiality. The school's HR provider can offer advice on the relevant practicalities. The Investigating Officer will engage with appropriate stakeholders and prepare a report to summarise the facts and viewpoints relating to the case.

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### **Formal Stage 1 Grievance meeting**

Invite to Stage 1 meeting

- The receiving manager invites employee to Grievance Stage 1 Meeting
- Employee has a right to be accompanied by a Trade Union representative or Work colleague
- The meeting is to take place within a reasonable time (normally 10 working days) of receipt of written grievance
- Employee will be given reasonable notice (normally 5 working days) notice

The meeting will normally be chaired by the manager who oversees the process, who will need to identify appropriate attendees and arrange for them to be invited to the meeting with reasonable notice - normally at least 5 working days.

The meeting will allow the employee who raised the grievance to restate and fully explain the details of the grievance and how he or she thinks it should be resolved. The main task for the manager chairing the meeting is to gain a clear understanding of the grievance by listening to the employee and asking questions to clarify the facts.

It is not usual for witnesses to attend the grievance meeting as they would usually be interviewed at the investigation stage, rather than at the meeting. However, where an employee makes a request to call a witness, the manager will consider the request and can agree to it if the person in question is willing to attend and his or her attendance is likely to be helpful.

If new facts arise during the meeting that call for further investigation, the manager chairing the meeting should adjourn and carry out the necessary investigation.

Unless the issue is straightforward, the Chair should not take a decision in the meeting but should adjourn the meeting to allow for a thorough consideration of all the information.

### **Grievance Stage 1 written outcome**

The outcome letter to the employee will state:

- Whether the grievance is upheld or not
- Reasons for the decision
- Actions
- Right to appeal (Stage 2)
- The written outcome is to be sent within a reasonable time, normally within 5 working days of meeting

Where it is not possible to respond within 5 working days because, for example, investigatory work is not complete. The manager will give a written explanation.

Where there are several elements to the grievance then each element will need to be either upheld or not.

### **Collective Grievances**

A 'collective grievance' is a concern shared by a group of employees about the action that a manager has taken, or is considering taking, in relation to their employment; their working arrangements or their environment.

The process for managing collective grievances is the same as managing individual grievances except for:

- They can elect a spokesperson to discuss the matter with a union representative from one of the Surrey County Council Trade Unions or a nominated employee spokesperson if they are not trade union members.
- The Trade Union or employee representative will approach the manager on the aggrieved employees, with a view to considering whether the common concerns may be addressed informally using e.g. individual restorative meetings or a team restorative circle.
- Outcomes will be sent to accredited representatives or nominated spokesperson.

### **Grievance timescales**

Managers are required to:

- Acknowledge a grievance as early as possible
- Investigate it within a reasonable timescale
- Provide updates of progress every two weeks
- Aim to complete the process within two months. Where this is not possible, the manager is required to write to the employee explaining the reasons for the delay and the expected date of completion.

### **Stage 2 Appeal**

Employees have the right of appeal following an outcome at stage 1.

- If an employee wishes to exercise their right of appeal, they must do so by lodging a notice with the appropriate manager stating the grounds of the appeal within 10 working days of being notified of a decision
- The manager overseeing the appeal will acknowledge receipt of the grievance appeal
- The manager acknowledges the grievance with an appeal meeting invitation letter in a reasonable time, normally within 5 working days.

The manager will then need to assess the relevant information, including any investigation report and meeting notes, and make a decision as to whether there is a need for further investigation or what fact finding discussions are to take place prior to holding an appeal hearing.

- The appeal will be heard by a senior manager, appointed by the head teacher, or the board of governors, who has not previously been involved in the proceedings. The appointed chair will hear any appeal against dismissal. The decision of the chair is final
- A decision will normally be given verbally and confirmed in writing within 5 working days of the appeal hearing