

# Maple Cross JMI & Nursery School

*Care and Achieve*

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## Grievance Procedure

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**Review Period 3 years**

Reviewed with/without amendments on 26<sup>th</sup> November 2018

Chair *E. Maykels*

Head *H. Trickett*

**Reviewed and adopted with December 2019 update on: 24<sup>th</sup> March 2020**

Chair: *E. Maykels*

Head *H. Trickett*

**Reviewed with/without amendments on:**

Chair:

Head

**Reviewed with/without amendments on:**

Chair:

Head

**Reviewed with/without amendments on:**

Chair:

Head

## Contents

|   |   |
|---|---|
| 1. Introduction .....   | 2 |
| 2. Scope .....  | 2 |
| 2.1. The policy may not be used for grievances regarding: ..... | 2 |
| 3. Roles and responsibilities .....                             | 2 |
| 3.1. The manager .....  | 2 |
| 3.2. Chair of governing board.....                              | 3 |
| 4. Informal Resolution .....                                    | 3 |
| 5. Right to be accompanied .....                                | 3 |
| 6. Formal grievance procedure .....                             | 3 |
| 6.1. Formal grievance meeting.....                              | 3 |
| 6.2. Investigation.....   | 4 |
| 6.3. Appeal .....   | 4 |
| 7. Overlapping disciplinary and grievance issues.....           | 4 |
| 8. Collective grievances .....                                  | 4 |
| 9. Vexatious, malicious and frivolous grievances .....          | 4 |
| Appendix 1 – Employee’s notification of grievance.....          | 5 |

## **1. Introduction**

The aim of this policy is to achieve fair and equitable treatment for all employees and to support the resolution of grievances in the workplace.

The policy applies to all employees of the School. This procedure does not form part of any employee's contract of employment and it may be amended at any time.

Whilst this policy recommends that employees submit a written notice of grievance in order to have the matter dealt with formally, (see appendix 1), a grievance can be expressed in other ways, for example, verbally. It is important to recognise and deal with any potential grievances and seek clarification from the employee as to whether they wish to take their complaint formally through this procedure.

## **2. Scope**

The policy may be used for concerns relating to the employee's own work, contract of employment or working relationships with colleagues.

Grievances concerning issues that are more than three months old will not usually be considered unless related to the current issue or there are exceptional circumstances.

### **2.1. The policy may not be used for grievances regarding:**

- disciplinary action
- termination of employment
- National Insurance, Income Tax or pensions
- pay
- performance capability/performance appraisal
- harassment and bullying or
- whistleblowing (unless the employee is directly affected by the matter in question or where the employee believes they may have been victimised for an act of whistleblowing).

These are all covered by separate procedures.

An employee cannot raise a grievance on the same grounds they have cited in an earlier appeal/complaint heard under any other policy. This procedure cannot be used to lodge a complaint about the outcome of any other formal procedure which has its own appeal process.

This policy does not apply to complaints submitted by former employees. The School reserves the right to deal with such complaints as it deems appropriate.

## **3. Roles and responsibilities**

By their nature, grievances are internal matters and may involve a number of people. It is not possible, nor desirable, given the emphasis upon dealing informally with grievances, to prescribe specific roles. However, the following broad guidelines may be helpful.

### **3.1. The manager**

The appropriate manager, provided they are not the subject of the grievance, who will consider the grievance at the formal stage.

### **3.2. Chair of governing board**

Where the Headteacher is the subject of the grievance, the Chair of the Governing Board will assign an appropriate manager to oversee the grievance process.

## **4. Informal Resolution**

Most grievances can be resolved quickly and informally through discussion. If an employee has a grievance that involves another member(s) of staff, they should first of all endeavour to resolve the matter informally by approaching the person(s) involved and, if necessary, request the involvement of the appropriate manager. If the complaint is about the line manager they should speak informally to a more senior manager. This allows for problems to be resolved quickly and normal working relationships to resume.

Employees should be able to demonstrate that they have made every effort to discuss the issue(s) informally, before the formal process is commenced.

It may be appropriate to explore the use of mediation, depending on the nature of the grievance. This will involve the appointment of an impartial mediator. Mediation services are available via Herts for Learning.

## **5. Right to be accompanied**

An employee has the right to be accompanied and supported, at any formal stage of the procedure, by a work colleague or an accredited professional association/trade union representative.

The employee should give advance notice if they are to be accompanied and by whom. If the professional association/trade union or work colleague is unavailable at the time of the meeting, the employee should contact the individual organising the meeting to rearrange (once) to a time that is mutually convenient. Any postponement should not normally extend beyond five working days.

## **6. Formal grievance procedure**

Where an employee's grievance remains unresolved, they should submit a written notice of grievance form (see appendix 1). The formal grievance will not proceed unless the employee has submitted their grievance in writing, clearly stating the nature of their grievance.

When submitting a grievance the employee should give as much detail as possible, including what outcome they are looking for. Evidence that the informal stage has been undertaken should also be submitted at this stage. Where this has not happened the aggrieved party should explain clearly why they did not feel able to go through the informal stage.

Grievances concerning issues that are more than three months old will not usually be considered unless related to the current issue or there are exceptional circumstances.

### **6.1. Formal grievance meeting**

The manager will arrange a meeting, without unreasonable delay, to discuss the grievance with the employee.

The purpose of the grievance meeting is for the employee to explain their grievance and how it may be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary. A decision will be reached as soon as reasonably practicable and the employee will be informed of the outcome in writing.

## **6.2. Investigation**

The person dealing with the grievance will make all necessary steps to investigate appropriately. The timing and nature of any investigation will differ dependent on the content of the grievance. It is at the discretion of the manager to decide what is appropriate in each case. Where the investigation takes longer than specified at the formal grievance meeting, the manager will keep the employee informed.

## **6.3. Appeal**

Employees have the right of appeal against any the outcome of their grievance. At the discretion of the School the appeal may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light.

New evidence will only be considered if relevant and there is a good reason why this had not been included as part of the original grievance meeting.

Any employee who wishes to appeal the outcome of their grievance should do so in writing within seven calendar days of receipt of the outcome letter to the person named in the letter, stating clearly the grounds for appeal.

Wherever possible the appeal will be heard by an appropriate individual, or panel of individuals, who have had no prior involvement in the process. Whilst new evidence on the same grievance may be submitted, no new grievance(s) may be added to the proceedings.

The appeal hearing will take place **without unreasonable delay**.

The decision of the appeal hearing will be final. It will be confirmed to the employee in writing with seven calendar days or as soon as reasonably practical.

## **7. Overlapping disciplinary and grievance issues**

If an employee raises a grievance whilst subject to disciplinary and/or capability proceedings it will not prevent the School from continuing with or concluding these processes, other than in exceptional circumstances, and entirely at the School's discretion.

## **8. Collective grievances**

Where a group of employees raise a grievance regarding the same subject matter, this may be heard as a collective grievance at the School's discretion.

## **9. Vexatious, malicious and frivolous grievances**

The School will not consider any frivolous or vexatious grievances or any repeat complaints which have already been responded to. Evidence of malicious grievances will result in formal disciplinary proceedings.



d) What outcomes are you seeking? *(Please detail actions you would like taken to resolve the situation)*

e) Are you interested in exploring a resolution through mediation?

|         |  |
|---------|--|
| Signed: |  |
| Dated:  |  |