GRIEVANCE PROCEDURE FOR SCHOOLS’ STAFF

Introduction

1. These procedures are to deal with and resolve grievances relating to an employee’s dissatisfaction with some aspects of their working life including conditions of service, salaries, working arrangements and interpersonal conflicts. As far as grievance relating to salaries are concerned, statutory procedures are set out in the Teachers Pay and Conditions document and the provisions override this grievance procedure. As far as grievances relating to harassment and bullying are concerned then the Dignity at Work policy and procedure at Section 4 of this Handbook should be used.

2. This procedure is to be read in conjunction with the Articles of Government and the School Standards and Framework Act 1998 and applies to all employees contracted to work solely at a Community Trust or Foundation School. Reference to the Director of Children’s Services include other senior staff of Norfolk County Council as his/her representative. Although the Chair of Governors is referred to within this procedure, it should be noted that proceedings may also be initiated and handled by the Vice Chair, Chair of the Personnel Committee (or other Committee of the Governing Body with delegated personnel powers), or other Governors nominated by the Chair to deal with personnel matters.

3. Former Voluntary Controlled and Voluntary Aided schools may seek the advice of the appropriate Church Authority at any stage. Church Authorities have the right to be represented at all formal grievance hearings or appeals.

4. The Head of School and the Chair of the Governing Body are strongly advised to consult Children’s Services Personnel prior to any action being taken under the formal procedures.

5. The Head of School and the Governors are recommended to consult the “Notes of Guidance” in Parts 1 to 3 of this Section of the Handbook.

6. An employee may choose to be accompanied and represented by a companion - fellow employee or a representative of an independent Trade Union, during the informal procedure. During the formal procedure, the employee has the statutory right to be accompanied by a companion. The Head of School (or the other party) may be accompanied and represented by a fellow employee or representative of his/her professional association during any of these procedures.

7. Where time limits in this document are referred to, these are in County Council working days i.e. when Norfolk County Council is open for business. The Governors should normally agree to any reasonable extension to these time limits, requested by the employee or his/her companion. If a hearing, whether formal grievance or appeal, has been arranged on an agreed date and subsequently the employee asks for a
postponement, then normally one rearranged date should be agreed. However the Governors are not obliged to agree to more than one postponement.

8. The formal grievance and any appeal hearing must be arranged in accordance with the Employment Act 2002 (Dispute Resolution) Regulations 2004 though the provisions of these regulations have been built into the procedures set out below. See also Appendix D in this section for a summary of these regulations.

The Informal Procedure and Conciliation

9. Where a member of staff has a grievance, he/she should first of all seek to resolve the matter by a direct approach to the other member of staff involved.

10. If the matter remains unresolved, the member of staff should consult with his/her immediate manager who should try to resolve the problem by discussion and reply orally as soon as possible and, in any case, within seven days. This would not preclude such further discussion as might be necessary to resolve the situation.

11. If the member of staff is not satisfied with the reply, then he/she should discuss the grievance with the Head of School as set out in paragraphs 12 - 18 below.

12. There may be some situations in which the immediate manager has no jurisdiction to enable constructive discussion of a perceived problem to take place. In such cases the grievance should be referred directly to the Head of School by the immediate manager.

13. If the member of staff is not satisfied with the response from the Head of School, he/she should, within seven days, notify the Head of School in writing that he/she wishes to invoke the formal procedure.

14. Where the grievance relates to an interpersonal conflict in the workplace and in particular an ongoing conflict between two members of staff, the requisite timescales may not be able to be strictly adhered to particularly where emotions are involved. In these cases, consideration should be still be given to a formal grievance which has been submitted outside of the seven days.

15. Once a formal grievance has been raised there may be scope, prior to implementing the formal procedure, for a brokered solution to the grievance by the Head of School nominating a conciliation officer who has not previously been involved.

16. The role of the conciliation officer will be to investigate the issues with both members of staff individually and to seek the agreement of both parties to conciliation meetings.

17. The purpose of these meetings will be to achieve an informal resolution to the grievance by a solution which is acceptable to both parties.

18. Both parties to the conciliation process will be entitled to have with them a companion throughout the process.
The Formal Procedure

19. At all stages of the formal procedure the member of staff has the statutory right to be accompanied by a companion.

Step 1 – Statement of Grievance

20. Where an informal and/or conciliation procedure has failed or is not appropriate, the member of staff should, within seven days of the notification of formal proceedings, prepare a statement of the grievance which should be submitted to the Governor’s Committee through the Clerk to the Governing Body. The statement must informs the Committee as to the basis of the grievance.

Step 2 - Meeting

21. The Clerk to the Governing Body should call a meeting of a Committee of the Governing Body to be held within ten days of receipt of the statements. The Committee must invite the employee to attend a formal grievance hearing to discuss the grievance and the employee must take all reasonable steps to attend the meeting. A member of Children’s Services Personnel should be invited to attend as an adviser to the Committee. The Clerk can extend the period before the meeting with the agreement of both parties.

22. The Committee should also invite the Head of School to prepare a statement setting out the steps the Head of School has taken to resolve the matter informally and/or by conciliation and the Head of School’s view of the grievance and how it might best be resolved.

23. The Committee must meet with the member of staff and invite the member of staff to discuss the matter with them in person. The Committee should also consider any statement submitted by the Head of School or the other party where the Head of School is not the subject of the grievance and separately invite the Head of School and the other party to discuss the matter with them in person. The Committee may then feel it has sufficient information to reach a decision and must inform the employee of this and the right of appeal (see Step 3 below).

24. However, if considered appropriate by the Committee and with the agreement of both the member of staff and the Head of School, the parties could also be brought together for a joint meeting with the following agenda:-

   a) Introduction and opening remarks by Chair or adviser.

   b) Presentation of case by member of staff (or representative) and questions from Head of School, Governors and their advisor.

   c) Presentation and questioning of witnesses (where necessary).

   d) Presentation of case by Head of School and questions from member of staff (or representative), Governors and adviser.
e) Presentation and questioning of witnesses (where necessary).

f) Closing remarks by all parties.

**Step 3 - Appeal**

25. If the member of staff continues to be aggrieved and wishes to appeal, he/she must, within seven days, inform the Clerk to the Governing Body of this wish to appeal.

26. The Clerk to the Governing Body must invite the member of staff to a meeting of the Appeals Committee. This meeting should normally be held within ten days of receiving the member of staff’s letter indicating the wish to appeal. The member of staff must take all reasonable steps to attend the meeting.

27. The Appeals Committee in consultation, where appropriate, with an adviser, should consider the statements submitted by the member of staff and Head of School, together with the note of the Grievance Committee meeting and any subsequent documentation, and seek to resolve the problem. The member of staff or his/her representative and the Head of School must be invited to make their submissions in person. A note will be kept of the meeting and any decision notified in writing to all concerned within seven days. The procedure for the hearing should follow that shown at paragraph 12 and/or 13 above. The decision of the Appeals Committee is final.

28. Governors who considered the grievance at the first formal hearing, or who have been involved in other parts of the Grievance Procedure at the earlier stages should not normally take part in considerations of the Appeals Committee although such Governors may attend the Appeals Committee hearing as witnesses in order to give explanations as to their decisions.

29. The parties may, with the agreement of the aggrieved member of staff and the person against whom the grievance is, modify the time limits referred to in this procedure.

30. If a member of staff has a companion, this person should be included in the administrative arrangements necessary to secure dates for meetings and circulation of documents. (A list of recognised trade unions is shown at Appendix C.)

The Head of School may be accompanied by a senior member of staff or professional colleague at formal meetings.

**Evaluation**

This will be reviewed each Autumn Term every year using the Local Authorities model policy. It will be completed by the Head of School and Deputy Head Teacher. All staff will be made available for this policy and will be available on the school server.
Grievance Procedure for Schools' Staff

Policy document

Signed………………………………………………

Date………………………………………………

To be reviewed Autumn 2016

GRIEVANCES CONCERNING SALARIES AND WAGES

Introduction

1. Important decisions in respect of the remuneration of staff are delegated to the Governing Body, examples of which are as follows:-

- The grade of non-teaching staff posts within national and County Council agreements and provisions (County Council employed staff)
- Grades, scales and allowances of teaching staff within the statutory document;
- Starting salary point on all grades (County Council employed staff).
- For Foundation and Voluntary Aided schools, all such matters are the sole responsibility of the Governors (as the Employer) to exercise.

Teaching Staff

2. For teaching staff, grievances must take into account the statutory provisions of the School Teachers Pay and Conditions document. The 2004 document states:-

• “A teacher may appeal in accordance with the procedure established by the relevant body under paragraph 3(b) of the document against any determination of the relevant body in relation to his pay or any other decision taken by it under this Document that affects his pay, provided that the appeal is made -

  (a) in accordance with the procedure established by the relevant body under paragraph 3 of the Document; and
  (b) on one or more of the grounds set out in paragraph 2.2 of the document.

• The grounds for appeal under paragraph 2.1 are that the person or committee by whom the decision was made -
  - incorrectly applied any provision of this Document;
  - failed to have proper regard for statutory guidance;
  - failed to take proper account of relevant evidence;
  - took account of irrelevant or inaccurate evidence;
  - was biased; or
  - otherwise unlawfully discriminated against the teacher.
3. This provision means that any grievance relating to salaries for teachers will be dealt with by the initial Committee of the Governing Body but there is no further right of appeal.

Non-Teaching Staff

4. In the case of a grievance relating to the grade of non-teaching staff posts, the Governing Body should note that staff have in their contracts of employment with the County Council rights of appeal to Appeal Bodies outside the County Council.

5. Staff engaged in Foundation and Voluntary Aided schools do not have any rights beyond the school except to refer some matters to Employment Tribunals.

6. The Head of School should consult Children’s Services Personnel when considering matters at the informal stage which might affect the grading of a non-teaching post.

7. If a member of staff remains aggrieved about the outcome of the informal stage, the matter can be dealt with as follows. The Governing Body of a Community or Voluntary Controlled school must determine a policy on which of the procedures it will adopt.
   a) The Governing Body Committee will hear the grievance and be advised by a County Council representative. The member of staff would be represented as in the normal grievance procedure arrangements under Appendix A.
   or
   b) The Governing Body may elect to allow the grievance to be dealt with through the County Council’s grading procedures and agree to implement the resulting decisions.
   c) The Governing Body of a Foundation or Voluntary Aided school should deal with the matter through the school’s Grievance Procedure, although assistance can be obtained from Children’s Services Personnel.
LIST OF RECOGNISED TRADE UNIONS

Teaching Staff

Association of Teachers and Lecturers (ATL)
National Association of Head Teachers (NAHT)
National Association of Schoolmasters Union of Women Teachers (NASUWT)
National Union of Teachers (NUT)
Professional Association of Teachers (PAT)
Secondary Heads Association (SHA)

Non-Teaching Staff

UNISON (this trade union has formal negotiating rights with the County (UNISON) Council)
Association of Clerical, Technical and Supervisory Staffs (ACTSS)
General, Municipal and Boilermakers and Allied Trades Union (GMB)
Management, Administrative, Technical and Supervisory Association (MATSA)
Transport and General Workers Union (TGWU)
STANDARD STATUTORY GRIEVANCE PROCEDURE

(This is a summary of the statutory procedure, which is set out in full in Schedule 2 to the Employment Act 2002. This statutory procedure has been incorporated in the County Council's recommended procedure at Appendix A). The procedure has been rewritten for the school context.

Step 1 - Statement of Grievance

• The employee must set out the grievance in writing and send the statement or a copy of it to the Governors (the employer).

Step 2 - Meeting

• The Governors must invite the employee to attend a meeting to discuss the grievance.

• The meeting must not take place unless:

  • The employee has informed the Governors what the basis is for the grievance was when they made the statement under step 1; and the Governors have had a reasonable opportunity to consider their response to that information.

  • The employee must take all reasonable steps to attend the meeting.

  • After the meeting, the Governors must inform the employee of their decision as to their Response to the grievance and notify them of the right of appeal against the decision if they are not satisfied with it.

• The employee has the right to be accompanied at the meeting by a companion.

Step 3 - Appeal

• If the employee does wish to appeal, he/she must inform the Governors.

• If the employee informs the Governors of their wish to appeal, the Governors must invite them to attend a further meeting.

• The employee must take all reasonable steps to attend the meeting.

• After the appeal meeting, the Governors must inform the employee of their final decision.

• The appeal should be dealt with by different Governors than attended the first meeting.

• Employees have the right to be accompanied at the appeal meeting by a companion.