



West Heath School

Grievance Policy and Procedure

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1 Policy statement

- 1.1 West Heath School is committed to supporting our staff to foster good working relationships by encouraging positive open communication and consultation. It is the policy of West Heath School to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. Where you make us aware that you have a concern we will hold a meeting to discuss it with you, carry out any necessary investigation where required, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.
- 1.2 A grievance is a formal way for an employee to raise a problem or concern relating to work. A grievance generally relates to how you are being treated at work. Issues may include:
- 1.2.1 a breach of your terms and conditions of employment;
 - 1.2.2 health and safety;
 - 1.2.3 work relations;
 - 1.2.4 new working practices;
 - 1.2.5 working environment;
 - 1.2.6 organisational change; and
 - 1.2.7 discrimination.
- 1.3 This procedure does not form part of an employee's contract of employment and it may be amended at any time following consultation. The employer may also vary application of this procedure, including any time scales for action, as appropriate.
- 1.4 It has been formally adopted by the Board of Trustees.

2 Who is covered by the procedure?

This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors. If agency workers or contractors wish to raise a concern, this should be done via the complaint's procedure.

3 Raising grievances informally - Step 1

- 3.1 It will not always be appropriate or necessary to follow the formal grievance procedure (Step 2). We believe that most grievances can be resolved quickly and informally through open communication and discussion with your line manager. We would always aim to resolve your grievance informally where possible, as this is likely to produce solutions that are speedy, effective and restorative which can also help to minimise the risk of breaching confidentiality. Employees are encouraged to seek informal resolution. However, if you feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to a more senior manager such as a Head of Department, a Deputy Principal or the Principal. If this does not resolve the issue, you should follow the formal procedure below.

- 3.2 It is hoped that the majority of concerns will be resolved informally in this way, however we recognise that this is not always possible or appropriate. In such a situation, we will consider matters that are raised and we may, depending on the severity and in discussion with you, deal with the matter formally at Step 2 (below).
- 3.3 Managers keep a record of actions/discussions in case they are needed to inform any subsequent formal procedure. Where specific actions are agreed these should also be noted.

4 Using this procedure

- 4.1 Employees should raise grievance matters promptly within three months of the incident and without unreasonable delay, unless exceptional circumstances apply. West Heath School will deal with these matters in the same way. Any grievances raised outside of this timeframe may not be considered.
- 4.2 Concerns that may amount to an allegation of misconduct on the part of another employee will be investigated in accordance with this procedure and may be referred to and dealt with under the Disciplinary Procedure if appropriate, and you will be informed, if this is the case.
- 4.3 This Grievance Procedure should not be used to complain about pay or performance management, dismissal or disciplinary action or the outcomes of other procedures where there will be relevant appeal procedures in place. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Procedure.
- 4.4 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- 4.5 There is a separate [Anti-harassment and Bullying Policy] that may be useful if you believe you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people.
- 4.6 West Heath School operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this grievance procedure.
- 4.7 Collective grievances can be made where there are two or more employees with the same grievance. However, issues that are the subject of collective negotiation or consultation with the trade union will not be considered under this procedure.
- 4.8 This procedure should not be used in situations where the employee simply disagrees with a reasonable management instruction from a manager.
- 4.9 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This is an informal process which involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

5 Confidentiality and data protection

- 5.1 We have a firm commitment to handling all stages of the grievance procedure, either informal or formal with sensitivity and due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with grievance matters as confidential.
- 5.2 Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings conducted under this procedure.
- 5.3 During any action, including any decisions taken under this procedure, the School will collect, process and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure. Records will be kept in accordance with the requirements of **Data Protection Legislation** (being the UK General Data Protection Regulation and the Data Protection Act 2018) and any implementing laws, regulations, and secondary legislation, as amended or updated from time to time.

6 Low level concerns

All staff are encouraged to report complaints that amount to low level concerns. Low level concerns are defined as any concern - no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO).

Examples of such behaviour could include, but is not limited to:

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating or offensive language.

Where staff wish to raise or report a low-level concern, they should do so using the CPOMS system or by speaking to a member of the DSL team.

7 Formal written grievances - Step 2

- 7.1 If your grievance cannot be resolved informally you should put it in writing and submit it to your line manager, indicating that it is a formal grievance. If the grievance relates to your line manager it should be raised with the next appropriate senior manager, who must be at a higher grade than the line manager. If the grievance concerns, or is raised by, the Principal it should be submitted to the Chair of Trustees via the School.
- 7.2 The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. In some situations, we

may need to ask you to provide further information. You should also state what your desired outcome would be to resolve the situation. You should note that where your grievance relates to another employee, in order for them to provide a response they will be given a copy of your grievance.

- 7.3 The manager who has received the formal grievance will acknowledge receipt in writing within 3 working days. The acknowledgement will explain what will happen next. Depending on the nature of the grievance the next steps will be either,
- That a further attempt will be made to resolve the matter informally. If you feel that an informal resolution will not be helpful, then you can ask that the matter proceed straight to step two or three below
 - It is straightforward enough to proceed to a Grievance Meeting without a prior investigation.
 - Further information needs to be gathered, so an investigation will be carried out before proceeding to a Grievance Meeting.
- 7.4 If there are concerns about employees involved in a grievance matter working together, the manager in conjunction with the HR department and senior manager, should consider short term adjustments whilst the grievance is looked into, if feasible. For example, where an employee has said that someone at work is bullying them, work schedules could be rearranged temporarily so the two people do not work together. In this example, it should be made clear that this is not a punishment and does not pre-empt the outcome of the grievance process, but that it is a temporary adjustment while the matter is considered. It should be noted that it may not be possible in all cases to make such adjustments and will depend on whether any adjustment to the deployment of staff meet the operational needs of the School.

8 Investigations

- 8.1 In some cases, it may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by a manager or someone else appointed by the Principal. In the case of an investigation into a complaint against the Principal, the Chair of Trustees will determine who will carry out the investigation.
- 8.2 You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.
- 8.3 The employer may initiate an investigation before holding a grievance meeting where the employer considers this appropriate. In other cases, we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, we will hold a further grievance meeting with you after our investigation and before we reach a decision.
- 8.4 In most cases the person facilitating the Grievance Meeting will carry out the investigation and will be impartial and not involved in the line management structure for the person raising the grievance.
- 8.5 The person raising the grievance will be given a copy of the investigation report before the meeting so that they have time to consider their response. In exceptional circumstances, the information given by individuals may have to remain confidential. Where confidentiality is

necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

9 Right to be accompanied

- 9.1 You may bring a work colleague or trade union representative to any grievance meeting or appeal meeting. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting.
- 9.2 Should you choose to bring a companion to the hearing, you will be responsible for making these arrangements and for providing your companion with any paperwork that they require for the meeting.
- 9.3 At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may request an adjournment to speak to them privately at any time during the meeting.
- 9.4 Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 9.5 If your chosen companion is unavailable at the time a meeting is scheduled, you may propose an alternative time for the meeting to take place and so long as the alternative time is reasonable and within five working days after the original scheduled date, we will postpone the meeting. If your chosen companion will not be available for more than five working days afterwards, we may ask you to choose someone else.
- 9.6 We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) as a reasonable adjustment if you have a disability, or if you have difficulty understanding English.

10 Grievance meeting

- 10.1 The employer will arrange a grievance meeting, normally within 5 working days of receiving your written grievance. However, this could be dependent on the length of an investigation if this is appropriate. The meeting may also need to be delayed for other exceptional circumstances e.g. if anyone key to the investigation is sick or on leave.
- 10.2 You and your companion (if any) should make every effort to attend the grievance meeting. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.
- 10.3 The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made. Everyone involved in the process is entitled to be treated calmly and with respect. The School will not tolerate abusive or insulting behaviour from anyone taking part in grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.
- 10.4 After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.

- 10.5 We will write to you, usually within 5 working days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.
- 10.6 When deciding on the outcome of the meeting, the manager should consult with the HR department to ensure that the steps taken have been reasonable and followed consistently and fairly, and that we comply with employment legislation. The outcome will be based on:
- The finding from meeting/s and investigation/s
 - What is fair and reasonable
 - What has been done in any similar cases in the past

The person facilitating the meeting will make recommendations to resolve the grievance, which may include (but is not limited to)

- training or coaching for parties involved
 - appropriate support such as Counselling or Supervision provided via EAP or alternative provider
 - referral to the disciplinary policy
 - mediation
 - a change to organisational policy highlighted by the matter
 - further investigation into other matters that were highlighted as part of an investigation or grievance meeting
- 10.7 We will write to you, usually within 5 working days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to explain the reason for the decision to ensure understanding on all sides as to the outcome and to avoid, where possible, any ongoing bad feeling.

11 Appeals - Step 3

- 11.1 If you wish to appeal against the outcome of the Grievance Meeting, you must do so in writing within 5 working days of being notified of the outcome.
- 11.2 We will hold an appeal meeting without unreasonable delay, either in person or virtually, normally within 10 working days of receiving your written appeal. This will be dealt with impartially by a more senior manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). Where the Principal has made the decision at the grievance meeting a panel of Trustees will hold the appeal meeting. You have a right to bring a companion to the meeting (see paragraph 9).

You should clearly state the grounds of your appeal, i.e. the basis on which you say that the result of the Grievance Meeting was wrong, or that the action taken as a result was inappropriate.

You can raise an appeal if you feel:

- the outcome does not resolve the problem
- any stage of the grievance procedure was wrong or unfair

The appeal is not a re-meeting of the original grievance, but rather a consideration of the specific areas with which you are dissatisfied in relation to the original grievance. The person facilitating the Appeal Meeting may therefore confine discussion to those specific areas rather than reconsidering the whole matter afresh.

Following the appeal meeting, you will be informed in writing of the outcome within 5 working days. The outcome of this meeting will be final and there is no further right of appeal.

12 Disciplinary Proceedings

In the event the grievance is upheld (either following the hearing or after an appeal), and if there is evidence to support such a course of action, the nature of the allegations may result in the School instigating the organisation's disciplinary policy against individuals identified of potential misconduct as a consequence of this procedure.

13 Looking after employee's wellbeing and mental health

We recognise that a grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated fairly and with respect. We will not tolerate abusive or insulting behaviour at any time, including from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary policy.

Employees are reminded of the Employee Assistance programme should they require additional support, the details for which can be found via Staff Matters on the shred drive or from the HR department.

14 Review of policy

This policy is reviewed and amended annually by the HR department in consultation with the recognised trade union. We will monitor the application and outcomes of this policy to ensure it is working effectively.