



# LONGHILL

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HIGH SCHOOL

## Grievance Procedure and Policy

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# Longhill High School Grievance Procedure

## 1 Introduction

- 1.1 This Longhill High School Grievance Procedure has been defined in accordance with the ACAS code of practice. It is in line with the BHCC council grievance procedures and has been drawn up in consultation with all recognised school trade unions.
- 1.2 The school is committed to providing a working environment where individuals are treated with fairness, dignity and respect and will take all employee complaints seriously. However, it recognises that sometimes things can go wrong and employees can have a concern or complaint (a grievance) relating to their employment. It is therefore essential that grievances are dealt with in accordance with the timescales set out in this procedure.
- 1.3 Informal routes should be pursued in the first instance wherever possible and the formal procedure used where resolution of an issue is not possible informally. Parties to a grievance are also encouraged to consider mediation as a solution and this can be explored at any time.

## 2 Scope

- 2.1 This Procedure applies to all employees of the school including the headteacher. There are separate procedures for dealing with governor issues and school complaints.

The following matters cannot be raised under this grievance procedure.-

- (i) Disciplinary, capability and dismissal matters including redundancy dismissals (dealt with under the separate Disciplinary, Capability and Attendance Management Procedures or Dismissal processes which makes provision for the hearing of appeals);
- (ii) Matters relating to statutory deductions from pay e.g. income tax, national insurance or pension.
- (iii) Matters raised by a group of staff (for which a collective disputes procedure is to be made available)  
  
Appeals against the grading of posts;
- (iv) Matters over which the council or school has no control e.g. compliance with and implementation of health and safety legislation
- (v) Employment-related matters raised by ex-employees after their service with the school has ended
- (vi) Matters where separate procedures apply e.g. whistleblowing.
- (vii) Matter that have already been raised and considered under the formal grievance procedure.

### **3 Informal Stage/ General**

- 3.1 The school/council and its recognised trade unions are committed to ensuring that the spirit and intentions of the Procedure are honoured at all times. It is recognised that employees' grievances, complaints, and concerns can be raised without the fear of recrimination and subsequently dealt with quickly, constructively, consistently and, above all, impartially.
- 3.2 It is in everyone's interests for workplace concerns to be dealt with as quickly as possible and on an informal basis. Employees, trade unions and managers have a responsibility to seek to resolve concerns informally, before taking a formal grievance.
- 3.3 Employees should discuss any concerns with their line manager or headteacher informally in the first instance. If the employee's grievance is about their line manager then they should discuss their concerns with a more senior manager – usually the line manager's manager. If the grievance concerns the headteacher, the chair of governors should be approached. The resolution of grievances by these informal means is encouraged and the informal assistance of the Local Authority and the recognised trade unions may be sought for this purpose in appropriate cases.
- 3.4 The line manager should arrange an informal discussion to explore and resolve the concerns raised, as soon as reasonably possible. The employee should provide:  
a detailed explanation of the nature of their concern(s) and what action they feel should be taken to enable a resolution to be found, and agree, where possible, any appropriate action necessary to resolve their concern.
- 3.5 Wherever possible the manager should seek a means of resolving the concern to the employee's satisfaction taking into account school policies, procedures, rules and the need for fairness and consistency.
- 3.6 The school recognises grievance meetings/hearings can be sensitive and may be difficult for all parties concerned. However, all parties involved in these should conduct meetings in a respectful and open way.
- 3.7 It is expected that employees will raise issues of concern in good faith, however grievances which are subsequently found to be vexatious or malicious may result in disciplinary action against the complainant.
- 3.8 Collective grievances This procedure applies equally to collective grievances. Larger groups will normally be expected to nominate or identify representatives to speak for the group. These may or may not be official TU representatives.

### **4. Informal stage – Mediation**

- 4.1 Use of mediation to resolve disputes is encouraged. This entails an independent third party known as a mediator to try and help resolve grievance issues thereby avoiding the need for the formal process to be instigated. However a mediator can be deployed at any stage of the procedure. Mediation works by encouraging the parties to speak to each other in order to reach a mutually acceptable agreement. It gives them a chance to talk honestly about the situation, express their concerns to each other and come up with some practical ideas about how things could change for the better. Mediation is a voluntary process.
- 4.2 Where an informal route and/or mediation has been unsuccessful as outlined in paras 3 & 4 above, a formal grievance may be raised.

## 5 Support and right to representation

- 5.1 An employee raising a grievance may, if they wish, be advised and/or represented by a Trade Union representative, an official employed by a Trade Union or accompanied by a colleague who works for the school at every formal stage of the Procedure.
- 5.2 Trade union representation will be afforded to an employee, where requested, irrespective of whether or not the union to which the employee belongs is recognised by the School/Council.
- 5.3 Employees may wish to access the staff counselling service offered as part of the school/council's Employee Assistance Programme.

## 6. Time Scales

- 6.1 Unless stated otherwise, the time scales specified within this Procedure refer to working days. School closure holiday periods will not usually be included in this calculation. The prescribed time scales can be varied by mutual agreement between the parties concerned.
- 6.2 It is intended that any formal stage of the grievance should be concluded within one calendar month of being raised wherever possible.

## 7 Formal Grievance Procedure - Stage One – formal grievance

- 7.1 If an employee feels that following informal discussion (as described in paras 3 & 4 above) the grievance remains unresolved, then a formal grievance may be raised. Formal grievances should be raised in writing and must address all of the following:
  - ☐ a summary of the issues from the employee's perspective;
  - ☐ evidence supporting their view (if any is available);
  - ☐ details of the steps they have already taken to address the situation;
  - ☐ what outcome the employee is seeking
- 7.2 A grievance submission that does not satisfy all of the above points may require further clarification before it can proceed. Note that language which may be considered insulting or abusive should not be used on the Grievance notification Form unless it is a quotation.
- 7.3 The Headteacher or other senior manager nominated by him/her for the purpose, should set a date for a meeting with the employee(s), his/her representative/companion and any other interested parties **within 10 working days** of receipt of the Stage One grievance.
- 7.4 After hearing the grievance, the headteacher or other senior manager nominated by him/her for the purpose, should give his/her decision to the employee(s) and his/her Trade Union representative/companion in writing, **within 5 working days** of the meeting (or the last of the meetings if more than one was necessary).
- 7.5 Where an employee or their companion/TU representative is unable to attend the meeting, they may request for the meeting to be rescheduled once within 5 working days of the original date. If

the employee or their companion/TU representative is unable to attend a rescheduled meeting within this timescale or a mutually agreed timescale, the manager may decide that it is appropriate for the employee to provide a written submission instead in order for the case to be heard.

## 8. Formal Grievance Procedure - Stage Two – formal appeal

- 8.1 If the employee is not satisfied that their grievance has been resolved at Stage One of the procedure they have a right of appeal. The formal Stage Two appeal hearing is the **final stage** of the Grievance Procedure. The employee should advise they wish to do this, in writing.
- 8.2 Appeals must be submitted in writing within 5 working days of the written outcome of the original Stage One meeting. This should be submitted to the original hearing manager (usually the headteacher) for forwarding to the Chair of Governors who will arrange with the clerk to governors for the appeal to be heard by a panel of governors.
- 8.3 The written appeal must include:-
- The original submission and the outcome letter from Stage One
  - A description of in what way the issues have not been resolved
  - What the employee considers will resolve the situation
- 8.4 The panel of governors should hold a meeting with the employee(s), his/her TU representative/companion and any other relevant parties **within 20 working days** of receipt of the written grievance appeal.
- 8.5 Following a reasonable request for a change to the panel of governors, the Chair of Governors has the discretion to arrange for the hearing to be held by an alternative panel of governors. This will usually only happen if the grievance relates to the direct line management of the headteacher
- 8.6 Where an employee or their companion/representative is unable to attend the appeal hearing, they may request that the appeal hearing is rescheduled once within 5 working days of the original date. If the employee or their companion/representative is unable to attend a rescheduled meeting within this timescale or a mutually agreed timescale, the hearing manager may decide that it is appropriate for the employee to provide a written submission instead in order for the case to be heard.
- 8.7 After hearing the grievance, the Chair of the panel of governors, will give their decision to the employee(s) and his/her TU representative/companion in writing, **within 5 working days** of the hearing (or the last of the hearings if more than one was necessary).
- 8.8 The table below shows who normally chairs each meeting/hearing.

	Type	Chair
Stage One Meeting	grievance	Headteacher*
Stage Two Appeal Hearing	grievance	Panel of Governors* or nominated representative/s

- 8.9 \*In the case of a grievance against a headteacher, the stage one meeting may be held by the chair of governors and the stage two appeal hearing (if necessary) may be heard by an alternative panel of governors.

## **9 The relationship between grievances and other procedures**

- 9.1 Where an employee raises a grievance during the course of another formal school/council procedure (such as the Disciplinary, Capability and Attendance Management Procedures), action under that other procedure/policy may be temporarily suspended to enable the grievance to be dealt with. Where the two are related, it may be more appropriate to deal with them concurrently. Each case will be considered on its merits to ensure that the school/council is acting reasonably.
- 9.2 Where a dispute is registered by one or more of the recognised Trade Unions and is not attached to any named employees this will be dealt with under the school's separate Disputes Procedure.

## **10 Links to other procedures**

Whistleblowing policy  
Code of Conduct  
Disciplinary policy

## 11 Summary of changes to the model policy from BHCC in May 2019.

N.B. This cover sheet accompanies the updated B&H Model Grievance Procedure for School Employees and School Bulletin published to schools in May 2019.

### 1. Brighton & Hove City Council Employer Schools

(not including Faith/Voluntary Aided Schools, Academy or Free schools – see sections 2 & 3 below)

#### A. NAME OF POLICY/PROCEDURE/CODE: B&H Model Grievance Procedure for School Employees

This Grievance Procedure replaces the previous version of the School Grievance Procedure dated 2008.

#### B. RELEVANT DATES: Date new procedure effective: Summer Term 2019

#### C. STATUS OF POLICY

This new Model Grievance Procedure for school employees updates the previous version, dated 2008. The council Grievance Procedure was updated in 2016 and this version mirrors the changes made at that point and brings the procedure up to date. The format has changed to be consistent with the council procedure. School teacher, headteacher and support staff unions have been consulted upon the updated version, so it can be effective once the governing board approves it.

On issuing advice, the LA will assume that governing boards are working to this model procedure, unless it is notified differently (see section G on governing board responsibilities below). Should substantial alternative wording be considered, then schools must undertake separate detailed consultation with accredited trades union reps or officers of the teaching unions.

#### D. REASON FOR UPDATE

Employers/governing boards are required to have a Grievance Procedure. This revised Grievance Procedure, while based on the council policy, has been reviewed by heads and unions from B&H schools to make it more effective locally, retaining the most useful parts of the previous procedure making it more relevant to schools.

#### E. KEY DIFFERENCES BETWEEN THE OLD/NEW CODE OF CONDUCT

Please see below for the major differences between the existing and revised School Grievance Procedure.

Page/Section	Key Change
General	New format – in line with more recent HR policies Clarifies that the informal procedure includes discussion and mediation. Clarifies the two stage formal procedure – formal grievance and appeal. Procedure for hearings clarified and moved to Guidance (to follow).
Removes	Old heading from previous Schools Personnel Handbook Reference to LA grievances
New additions	Includes reference to mediation – Section 4. Numbering now consistent with council policy. Further guidance to the policy (including the format for hearings) is

Page/Section	Key Change
	being finalised and will be available on the Wave, alongside the procedure.
Remaining the same	References to governing board panels.

We recommend that you accept the B&H model wording shown. For any detailed queries on the changes please contact: [jooles.miller@brighton-hove.gov.uk](mailto:jooles.miller@brighton-hove.gov.uk)

## F. CONSULTATION DETAILS

The school unions (via the LA Schools Consultation Group – Education & Skills) and reps from HR and the LA agreed the update procedure in the consultation meeting of 26 April 2019. Final revisions were completed and it was issued in a school bulletin in May 2019.

## G. GOVERNING BOARD RESPONSIBILITIES

The governing board is responsible for agreeing a Grievance Procedure and keeping it under review. This amended B&H model may be adopted by the governing body as it is. This is because consultation has taken place with all the school teaching and support staff union reps at a LA level, on behalf of the school workforce. The updated Grievance Procedure should be agreed as soon as reasonably possible, but will be effective during the summer term 2019 onwards.

## H. HEADTEACHER RESPONSIBILITIES

Headteachers are responsible for informing their governing board of recommended changes to policy for school employees, and providing information to the governing board to assist decision making. Existing school staff should be informed of the changes through normal staff briefing mechanisms. N.B. the head may delegate responsibility for the above to another named individual within the school.

### 2. **B&H Faith Voluntary Aided Schools (the school is the employer)**

Please read all of the above. For faith/voluntary aided schools where the Council is not the employer, the policy is highly recommended. The school will want to take account of any new model diocesan guidance which may be available in consultation with accredited trades union reps or officers of the teaching unions.

### 3. **Academies/Free schools in B&H (the school is the employer)**

Please note the above. As the employer in each case, it is for these boards to decide whether they wish to adopt this procedure which is recommended to all B&H schools. Each school will need to undertake appropriate consultation at a local level in consultation with accredited trades union reps or officers of the teaching unions.