



## Staff Grievance Policy

***The legal framework and documents referenced in this policy are:***

*Equality Act 2010*

*ACAS Code Of Practice On Disciplinary And Grievance Procedures, Mar 2015*

*Employment Act 2002 (Dispute Resolution) Regulations 2004*

### Introduction

Alamiyah School is committed to creating and sustaining a working environment that is fair to all and free from unlawful discrimination, harassment, victimisation and bullying. Everyone is responsible for their own behaviour and should treat colleagues with dignity, respect and courtesy and ensure that they are valued for their skills and abilities. The Grievance procedure exists to provide a mechanism for all employees to raise concerns that are not covered by other procedures.

### Aims

The Grievance Policy aims to ensure that concerns, problems and complaints arising in the course of employment can be:

- raised easily and without fear
- resolved quickly and in a fair and reasonable manner
- the process is transparent and independent of bias

### Responsibilities

All employees have a responsibility to ensure that they comply with this policy and to be aware of their own behaviour and the effect it may have on other people and to treat everyone with respect and dignity.

The Headteacher is responsible for ensuring that this policy and procedure is fairly and consistently implemented. They must ensure that they deal with grievances, whether verbal



or written, equitably, without discrimination, and as quickly as possible. The Headteacher is also responsible for communicating the policy to staff in order to increase awareness and understanding of the policy and procedure.

The Principal is responsible for dealing with any complaint from an employee regarding the Headteacher. The Board of Trustees is responsible for dealing with a complaint against the Principal.

### **Scope of Policy**

There are a number of issues that cannot be raised through the Grievance policy. Any issues concerning the areas listed below can be raised through separate procedures:

- Recruitment and selection complaints
- Restructure/Redundancy consultation
- Job evaluation
- Pay, grading or allowance issues
- Disciplinary issues

If it is unclear which procedure the employee wishes to pursue, the Headteacher should seek advice from the Human Resources, Advice and Guidance Team.

### **Definition**

A grievance is a concern, problem or complaint raised by an employee with their employer regarding their work, working conditions or relationships with colleagues.

It is impossible to provide a comprehensive list of all the issues that might give rise to a grievance but some of the more common types are listed below.

- **General work issues**

For example, issues regarding terms and conditions of employment, health and safety, working practices or working relationships.

- **Bullying**

This is behaviour that is offensive, intimidating, malicious, insulting and the misuse of power. It is behaviour that has created working conditions or an environment that is



hostile, degrading and/or humiliating and that a reasonable person could justifiably complain about.

- **Harassment**

This is unwanted behaviour which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Employees can complain of behaviour they find offensive even if it is not directed at them. Harassment differs from bullying in that it specifically refers to unwanted behaviour in relation to a protected characteristic (see section 2.2)

- **Victimisation**

This occurs where a person is treated less favourably than another because they have brought proceedings, given evidence or information, rejected advances or complained about the behaviour of someone who has been harassing, discriminating against or in some other way intimidating them.

It is important to remember that in all instances, it is not what may have been intended by the perpetrator that is important in deciding whether unacceptable behaviour has occurred; it is whether the actions and comments can objectively be viewed as demeaning and unacceptable to the person making the complaint.

Employees should be aware that they cannot raise a grievance that is the same or similar to a grievance that has been investigated within the previous 12 months unless any action to redress the grievance has not been implemented.

## **Resolving a Grievance**

It is in the best interests of everyone to ensure that grievances are dealt with quickly, equitably and resolved informally wherever possible. In the first instance, employees are asked to try to discuss the issue with their line manager or the person concerned to try to reach an early resolution.

### **Informal process**

Where an employee has concerns about the behaviour of an individual, they should tell them that their behaviour is causing concern or offence, explain the effect that it is having on them and that it must stop. The employee may not be aware that their actions cause offence to others and once it is highlighted this may resolve the situation.



If an employee feels unable to discuss the matter with their line manager or with the person causing offence, they should ask a work colleague or trade union representative to raise the matter on their behalf or to be with them when they do so.

If the matter is not resolved informally or if there are specific circumstances that make the informal route inappropriate, the formal grievance procedure should be followed.

### **Formal process**

Where it has not been possible to resolve a grievance informally, the employee can choose to raise a formal grievance. The employee must set out their concerns using the **Formal Grievance Form**, providing as much information as possible to enable the grievance to be dealt with effectively.

The form should be submitted to the Headteacher, where the grievance concerns a colleague, or the Principal, where the grievance concerns the Headteacher or the Board of Trustees should the grievance concern the Principal.

The employee should retain a copy of the completed form for reference purposes. If an employee submits a formal grievance without attempting to resolve the situation informally and where there are no specific circumstances that make the informal route inappropriate, the manager should encourage the employee to participate in the informal process in the first instance.

### **Grievance investigation**

Where it is felt that the informal process has been exhausted, a thorough investigation of the allegations and/or issues should be carried out. Any investigation must look impartially at the issues raised in the grievance and reach any conclusion based on the facts and evidence.

### **Investigating officer**

In most circumstances, where a grievance is raised against a colleague, the Headteacher will be the Investigating Officer. Where a grievance is raised about the Headteacher, the Principal will be responsible for investigating the claims. Where the grievance is raised about



the Principal then an appointed Trustee from the Board of Trustees will be the investigating officer.

## **Timescales**

It is important for the investigation to be concluded as soon as reasonably practicable. The Investigating Officer should endeavour to investigate the grievance and provide the outcome to the employee who raised the grievance within 30 school days of the **Formal Grievance Form** being received. All parties should be aware that an extension to this timescale may need to be agreed, depending on the complexity of the case.

## **Grievance meetings**

### **Employee raising the grievance**

The Investigating Officer will arrange a meeting with the employee raising the grievance to discuss the issues in more detail within 10 school days of the form being received. The employee is entitled to be accompanied at the meeting by a trade union representative or a work colleague. The individual accompanying the employee must not be someone whose presence would prejudice the meeting or who has a conflict of interest. An employee may ask an official from any trade union to accompany them, regardless of whether or not they are a member or the union is recognised. A trade union representative who is not an employed official must have been reasonably certified by their union as being competent to accompany the employee.

If the person accompanying the employee cannot attend on the date suggested, the Investigating Officer should suggest another date, not more than 5 working days after the original date. This time limit may be extended by mutual agreement.

The purpose of the meeting is to:

- Clarify the nature of the grievance
- Identify what further information is needed
- Discuss the employee's proposals for resolving the issues
- Establish if a longer timescale will be necessary

At the end of the meeting the Investigating Officer should give the employee an indication of when they might reasonably expect a response to the grievance. If the Investigating Officer



feels that a response cannot be provided within 30 school days, bearing in mind any additional investigations they feel may be necessary, an extension to the timescales should be agreed. Where unavoidable delays occur, e.g. due to annual leave or sickness, the Investigating Officer should contact the employee, in writing, to agree revised timescales and to provide an update on the progress of the investigation.

### **Employee Who is The Subject of Grievance**

Where a grievance is raised against another employee, it is important to approach the situation sensitively and carefully. The Investigating Officer should generally start by talking privately to the employee to alert them to the fact that a concern has been raised by a fellow employee. Following this, the employee will be invited to a meeting to discuss the issue(s) in more detail as part of the investigation process. The employee is entitled to be accompanied at the meeting by a work colleague or trade union representative.

During the grievance investigation meeting, the Investigating Officer will explain the allegation(s) that have been made against the employee and will provide them with an opportunity to put forward their understanding of the situation.

### **Witnesses**

In some circumstances, the Investigating Officer will be required to interview witnesses. The employee will be invited to a meeting to discuss the issue(s) in more detail as part of the investigation process. The employee is entitled to be accompanied at the meeting by a work colleague or trade union representative.

Every effort should be made to avoid disclosing any confidential information unnecessarily, however, the Investigating Officer cannot give an unqualified commitment to maintain the confidentiality of a witness.

### **Final grievance meeting**

To conclude the investigation, the Investigating Officer will arrange a final meeting with the employee who raised the grievance. The purpose of this meeting is to enable the Investigating Officer to:

- Outline the key points of the investigation i.e. who has been interviewed
- Clarify that all areas of the grievance agreed in the initial meeting have been covered



- Allow the employee the opportunity to highlight any areas they feel have not been sufficiently investigated
- Allow the employee the opportunity to respond to any key issues that have come up during the investigation that were not covered at the initial meeting

## **Responding to the Grievance**

Once the Investigating Officer feels they have all the necessary facts and evidence to enable them to make a decision, they will compile a report summarising their findings and recommendations. This information will be used by the Headteacher/Principal/Trustees to determine whether or not the grievance should be upheld and for determining what actions, if any, need to be taken.

## **Outcomes**

The list below is not exhaustive, but gives some examples of the possible outcomes of a grievance investigation.

- Grievance not upheld Where the Headteacher/Principal/Trustees has not found sufficient evidence to support any of the allegations made, the grievance will not be upheld and there will be no further action taken.
- Grievance upheld (either in whole or in part) Where the Headteacher/Principal/Trustees has found sufficient evidence to support all or some of the allegations made, there are a number of outcomes to consider in relation to each allegation:
  - No further action
  - Formal mediation - mediation may be suggested as an outcome as a way to resolve the grievance. This may have been entered into or suggested earlier in the process, however, in light of the findings of the investigation the Headteacher/Principal/Trustees may feel that it would help resolve the situation.
  - Action plan – the Headteacher/Principal/Trustees may recommend the production of an action plan aimed to address the behaviour which has caused the problem. The action plan may include objectives, target setting and training.



- Permanent redeployment – the Headteacher/Principal/Trustees should consider whether contact between the parties is likely to occur during the course of their job and whether this is acceptable. Every effort should be made to redeploy the person against whom the complaint has been made, however, it may be necessary to consider which party may be most appropriately redeployed having fully considered the views of the complainant
- Disciplinary action - where it is clear that a conduct issue exists and there is a case to answer, disciplinary action may be considered. Further information can be found in the School's Disciplinary Policy.

### **Communicating the Outcome**

The Headteacher/Principal/Trustees will provide a written response to the employee, summarising the outcome of the grievance investigation. The employee should also receive a copy of the investigation report.

The Headteacher/Principal/Trustees may feel that it is appropriate to arrange a meeting with the employee to talk through the findings and explain how they reached their decision

If the grievance was raised against another employee, the Headteacher/Principal/Trustees should also prepare a letter for them, summarising the outcome of the investigation (see template letter). The full report should not be sent to the employee who the grievance was raised against.

### **Appeal**

If the employee is dissatisfied with the decision of the Headteacher/Principal/Trustees, the employee has 10 school days from receipt of this decision to submit an appeal. The employee should appeal, in writing, setting out the grounds of appeal and send it to the Board of Trustees, the secretary of which will then facilitate the arrangement of a meeting of the School's Appeals Committee.

The staff member raising the Grievance will be invited to attend a meeting of the Appeals Committee of the School, normally within 28 days of receipt of their request and a trade union representative or a work colleague may accompany them.





The Appeals Committee of the school constitutes the final forum for consideration of grievance issues. The School's Appeal Committee will confirm the staff member of their final decision in writing, usually within one week of the appeal hearing. There is no further right of appeal.

## **Other types of grievance**

### **Collective Grievances**

The provisions within the Employment Act 2002 (Dispute Resolution) Regulations 2004 allow grievances to be dealt with collectively where more than one employee has the same grievance:

- The parties will be treated as having complied with the relevant grievance procedure if the grievance is raised in writing on behalf of at least two employees (including the complaining employee) by an 'appropriate representative'.
- The 'appropriate representative' is defined as an official of an independent trade union recognised by the employer for the purpose of collective bargaining or an employee of that employer who was elected or appointed to represent employees and has authority to do so under an established procedure to resolve grievances.

### **Post Employment Grievances**

This procedure applies where an employee has ended their employment with the school and the school was not aware of the grievance before their employment ended and the formal procedure had not been started before the employment ended.

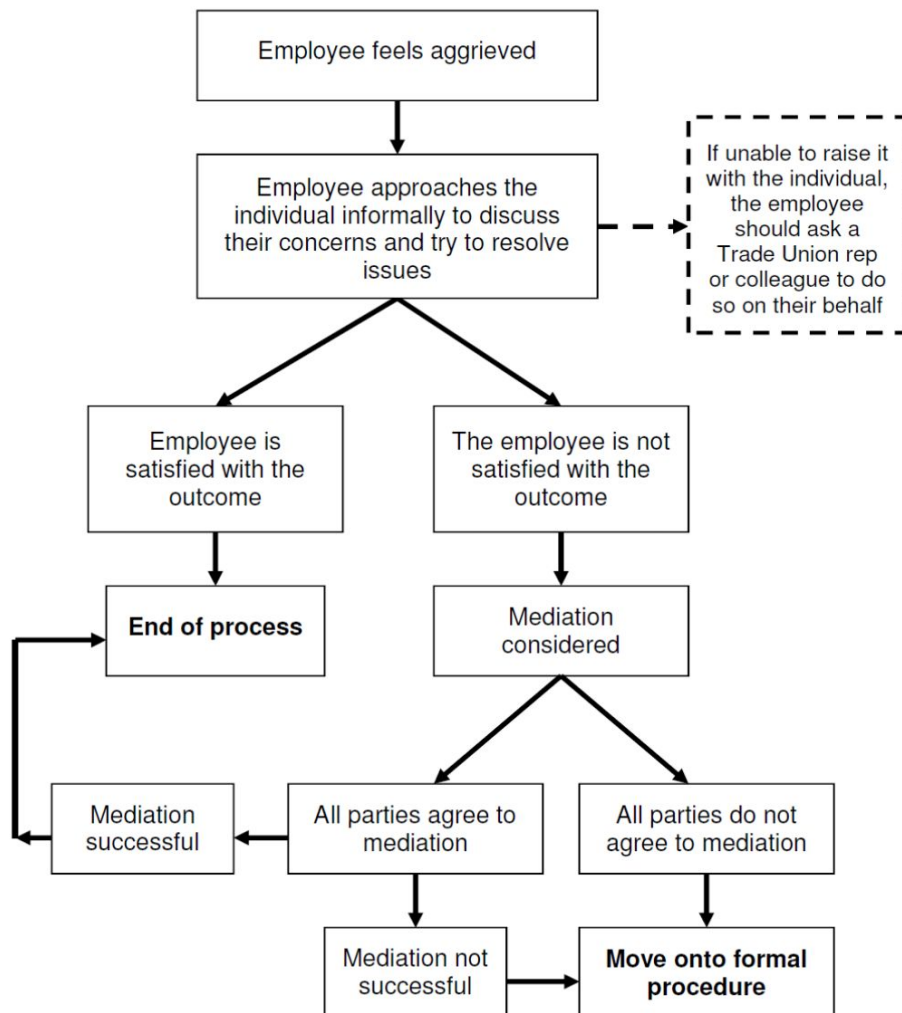
The former employee should put their grievance, in writing within 3 months of the effective date of termination, to the Headteacher (or Principal where the grievance concerns the Headteacher or the Board of Trustees where the grievance concerns the Principal).

The grievance will be investigated, although there is no requirement to meet with the former employee, and should respond, in writing, within 10 school days of receiving the grievance. This is then the end of the procedure within the school. There is no right of appeal.



## Grievance Process Flowcharts

### Informal Grievance Process



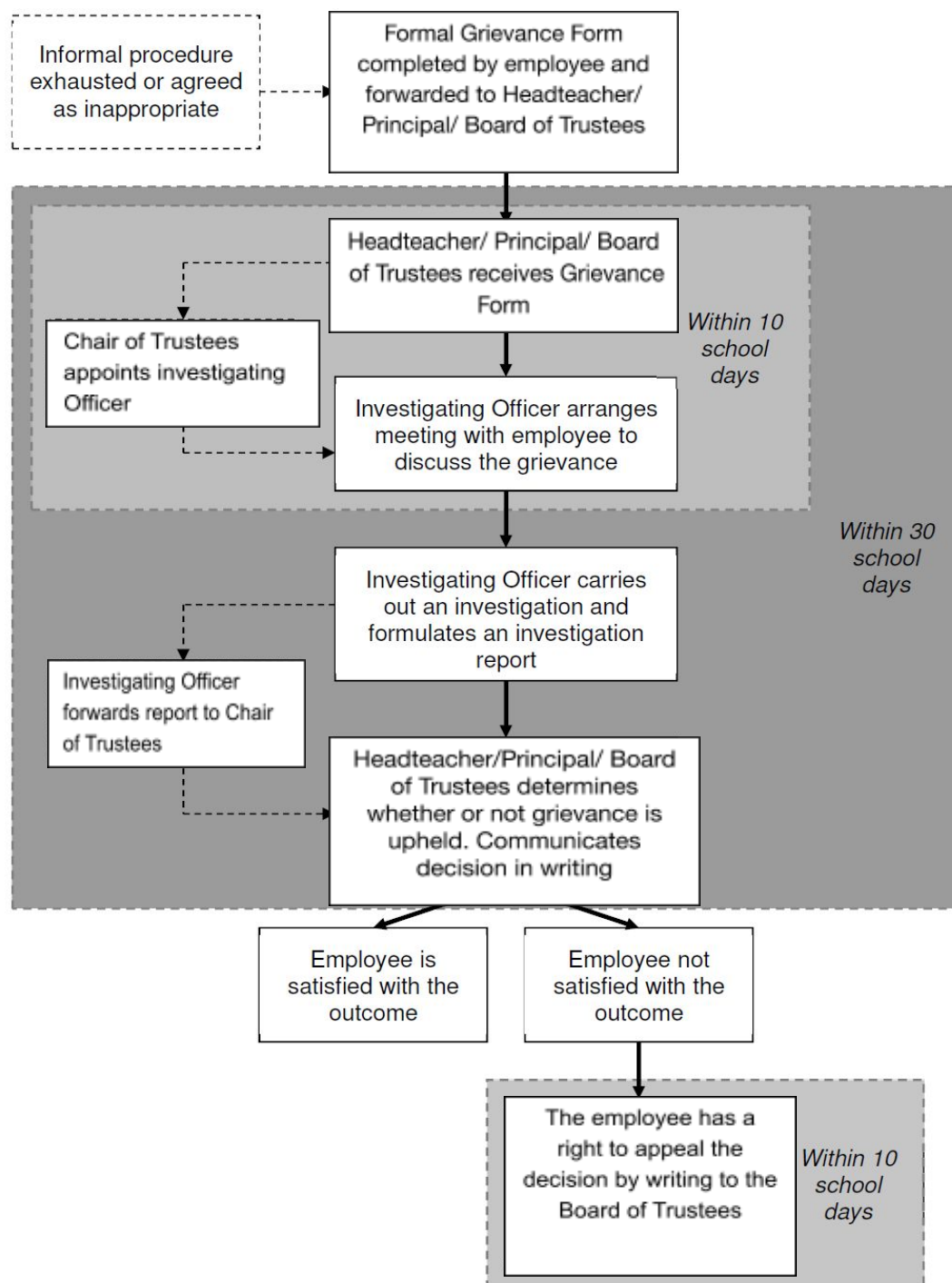
### Confidentiality

All information will be handled sensitively and used only for its proper purpose.

Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.



## Formal Grievance Process





## **Dealing with Abuses of the Policy**

Employees who attempt to abuse this policy may face disciplinary action. The school takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

## **Review**

This policy will be reviewed every 3 years or sooner or if there is any change in statutory guidance or legislation. See 'Policy Review Schedule'.

Adopted in a meeting at Alamiyah School on 14/07/2017

Signed: H Musa (Headteacher) and S Motara (Chair of Trustees)