



**Brookfields**  
Specialist SEN School

# Brookfields School

## Grievance Policy and Procedures

<b>Date</b>	<b>Description</b>
24 January 2024	Approved by the Full Governing Board

<b>Review schedule</b>	Annually
<b>Next review</b>	October 2024
<b>Policy holder</b>	Katie Gray

## **Brookfields School Equalities Statement**

**All pupils at the school are offered a broad, balanced, stimulating and relevant curriculum regardless of their background, culture or ability. Each pupil is valued for who they are and what they bring to the school. We appreciate and celebrate the richness of diversity within the school community as well as the wider community. Through the work we do across the school on developing Values, we actively promote the importance of tolerance, co-operation, courage, determination, friendship and respect. Through this approach, pupils develop independence, confidence and integrity which prepares them for their future lives.**

## **1. Introduction and Purpose of Procedure**

The Grievance Procedure is designed to enable staff to raise grievances with management about their employment either by themselves or with a representative.

The procedure provides an open and fair way for employees to make known their problems and enables grievances to be resolved quickly, and as near as possible to their point of origin.

The policy and procedure have been reviewed and updated in line with the Employment Act 2008, Equality Act 2010 and the ACAS Code of Practice on Grievance Procedures. This policy and procedure will be applied fairly and consistently to all members of staff within this school. The Governing Body and those with line management responsibility will give due consideration to any concerns about equality or discrimination that may be raised and will seek additional advice on such matters as necessary.

## **2. Policy Statement**

The Governing Body recognises that employees may from time to time have concerns about matters relating to work which they wish to have addressed, whether on an informal or formal basis.

In particular, the Governing Body is committed to:

- fostering good working relationships between managers and employees and a climate where employees feel able to raise concerns relating to their employment;
- ensuring that grievances are addressed promptly and informally where possible;
- encouraging responsible use of the procedure and addressing malicious or vexatious grievances about colleagues robustly.

## **3. Applicability**

A grievance is a concern, problem or complaint that employees raise with their employer. Issues which may cause grievance include:

- terms and conditions of employment
- working conditions
- working hours
- health and safety
- relationships at work
- a breach of statutory employment rights
- where an employee feels that a conditions of employment has been incorrectly used against them
- bullying and harassment
- discrimination

- new working practices or organisational change.

This list is provided to give examples and is not meant to be exhaustive.

The procedure does not apply to the following situations:

- where the school has no control over the matter, although the school will give information and advice where possible to help the employee resolve the matter
- the procedure has been invoked within 6 months of the completion of any action under the grievance procedure of the same or similar issue, unless the original action agreed to redress the grievance has not been implemented.

This policy does not cover issues relating to the following matters for which separate policies/ procedures exist to accommodate these specific circumstances:

- capability
- discipline
- raising concerns at work (whistleblowing)
- absence, including sickness and ill health
- matters which are the subject of national determination

Issues uncovered during the grievance process of a disciplinary nature will need to be followed up using the disciplinary procedure. Grievances raised whilst an employee is subject to the disciplinary or capability process may result in a temporary cessation of the disciplinary or capability process to resolve the grievance. Where the issues are linked, the processes will be dealt with concurrently.

Employees who abuse the Grievance Procedure by making unfounded complaints or operating the procedure in a vexatious manner will be liable to disciplinary action.

Wherever possible, grievances should be completed whilst an employee is still in employment with the school. However, in the event that the process is not complete and the employment has ended, the school may continue to process and former employees are encouraged to participate in the process. In their absence, a decision will be made based on all available information.

#### **4. Roles and Responsibilities**

- The Governing Body is responsible for the overall monitoring of the effectiveness of this procedure.
- The Chair of Governors will be responsible for acting as the line manager in relation to any grievance raised by the Headteacher and also for identifying an appropriate person to hear a grievance by an employee relating to concerns about the Headteacher's actions.

- The Headteacher is responsible for ensuring that those with line management responsibilities are suitably skilled to handle grievances appropriately. The Headteacher will also hear grievances in their capacity as a line manager and, in some cases, where the employee does not feel able to raise concerns with their own line manager.
- All line managers are expected to treat grievances seriously, allocating sufficient time and priority to addressing the issue.
- Employees are expected to raise concerns without undue delay and to seek, where possible, to resolve matters informally in the first instance.

## **5. Addressing the Grievance Informally**

### **5.1 Raising the Grievance**

Where possible, employees should first seek to resolve their grievance informally and at an early opportunity; employees who are members of a union may find it useful to seek initial advice from their union at this stage. Employees are expected to raise concerns within no more than a three month period following the act or decision complained of, or show good reason for a longer delay.

If the employee's grievance relates to a colleague, they should normally attempt to raise and resolve the grievance directly with that individual. Where this is not possible, and for all other cases, the employee should raise the concerns with their line manager in the first instance. The line manager will then arrange for an informal meeting to discuss the matters raised, with a view to achieving a satisfactory outcome.

Where the grievance involves the employee's line manager, or in cases where the employee is not comfortable with raising the matter with their line manager, the employee should take their concern to the next most senior manager or the Headteacher who will either meet with the employee informally or identify another appropriate person to address the grievance.

Concerns which in some way relate to the actions of the Headteacher should be taken to the Chair of the Governing Body who will nominate a member of the Governing Body to address the grievance.

If the Headteacher has a grievance, they should inform the Chair of Governors in the first instance, who will either seek to resolve the grievance him/herself or identify another governor to do so, where this is more appropriate.

If the manager, upon hearing the nature of the complaint, believes that it is more appropriately addressed by another established procedure, they will advise the employee accordingly and provide a copy of the appropriate procedure.

### **5.2 Informal Grievance Meeting**

The purpose of meeting informally to discuss the employee's grievance is for the manager to clarify the exact nature of the grievance and what reasonable outcomes the employee is seeking in order to resolve the matter.

Where third parties are involved, the line manager will use the initial meeting to gather relevant facts. It may then be necessary to adjourn the meeting to allow for further investigation and to interview other parties.

The manager will conclude any necessary further investigation and then follow up with the employee, explaining their findings and any action to be taken as a result. The manager will also explain that, if the employee remains dissatisfied with the outcome, he/she may raise the matter as a formal grievance within 10 working days. The manager will keep a brief written record of the informal grievance, the outcomes and any agreed action. This will remain confidential to the manager and will only be shared with the employee and other relevant parties.

## **6. Addressing the Grievance Formally**

### **6.1 Raising the Grievance**

Where informal attempts to resolve a grievance have been unsuccessful, the employee may consider formalising their grievance by putting it in writing. He/she may wish to seek advice from his/her union representative on how best to take the matter forward. The formal grievance must be presented to the Headteacher (or the Chair of Governors if the grievance relates to the Headteacher) within 10 working days of the employee's last involvement with the informal stage (this will usually be when he/she was informed of the outcome of the informal grievance). Formal grievances received after this time may still be considered if the manager hearing the case is satisfied that there are valid reasons for the employee's delay.

The written grievance should include the following:

- The fact that the employee intends the matter to be raised as a formal grievance;
- A detailed account of the concern/complaint(s), including dates when any incident(s) took place and the names of any other people who may have been involved;
- A summary of what took place during the informal stage, who dealt with the complaint and why he/she was not satisfied with the outcome;
- What resolution the employee is seeking by making the formal grievance;
- Any supporting documentation which the employee wishes to be considered.

A template to complete is available via the line manager if the employee prefers to use a standard format.

It is particularly important that the employee identifies what resolution (or options for resolution) he/she would deem to be acceptable. If a resolution is not identified, the employee may be asked to give the matter further consideration before the grievance is taken further.

An employee may wish to seek assistance with drafting the letter from a work colleague or trade union representative. An employee with a disability which

affects their ability to put the grievance in writing should also inform their line manager or the Headteacher who will consider what reasonable adjustments can be put in place.

## **6.2 Formal Grievance Meeting**

On receipt of the formal grievance, the Headteacher (or Chair of Governors) will determine whether they will hear the grievance or whether it should be referred to another senior manager or governor.

The person responsible for hearing the grievance will invite the employee to attend a formal meeting to discuss the matter; this meeting should normally take place within 10 working days of receipt of the grievance letter. Where circumstances prevent this, the employee should receive a formal response within this timescale with the meeting being held as soon as possible thereafter.

The employee has the right to be accompanied at this meeting by either a work colleague or trade union representative and should make every effort to attend the meeting at the proposed time (see also section 7.5, 'Scheduling Formal Meetings').

During the meeting, the employee will be given the opportunity to explain his/her grievance and desired outcome. If the person hearing the grievance determines that the matter warrants further investigation or other advice needs to be sought, he/she should adjourn the meeting so that any appropriate actions can be undertaken, such as interviewing witnesses or gathering evidence.

Within 10 days of the meeting taking place, the person hearing the grievance must write to the employee, either:

- a) Informing him/her of the outcome and any actions to be taken as a result;
- b) Updating him/her on the progress of any subsequent investigation, including the date by which it is expected that the investigation will be completed and an outcome may be communicated.

The letter informing the employee of the outcome should also include confirmation of the right to appeal in the event that he/she remains dissatisfied. This right should be exercised in writing within 5 working days of receipt of the letter. The appeal may be heard by the Headteacher, if he/she was not involved in the initial decision, otherwise it will be directed to the Clerk to the Governing Body who will convene a governors' hearing for the purpose (see also 'Appeals', section 6 below).

## **7. Appeals**

There shall be a right of appeal against the outcome of any grievance which has been raised under the formal stage of the procedure. In exercising this right, the employee must confirm the grounds on which he/she is making the appeal. If the appeal letter does not contain this information, the employee will be asked for further particulars before the appeal hearing takes place.

Appeals will be heard by the Headteacher or one or more governors, in accordance with the scheme of delegation in place and bearing in mind the need to secure impartiality at every stage of the process. No person will hear an appeal against his/her own decision. Appeals against grievances which have been heard by a governor will always be heard by one or more governors with delegated powers. References to the Appeals Panel hereafter may therefore be interpreted accordingly, although the 'panel' could in some cases consist of one person.

The appeal hearing will be arranged to take place as soon as is reasonably practicable, allowing the employee at least 5 working days' notice of the date. As before, the employee has the right to be accompanied at this meeting by either a work colleague or trade union representative.

The purpose of the meeting is for the Appeals Panel to consider the grounds for appeal and to review the fairness of the outcome of the grievance. New evidence may be considered at the appeals stage but no additional grievances can be raised.

Within 5 working days of the appeal hearing taking place, the employee will be notified in writing of the outcome and any actions which have been determined. There is no further right of appeal.

## **8. Procedural Points & Specific Circumstances**

### **8.1 Grievances relating to Equality, Diversity and Inclusion (EDI)**

The school has a zero-tolerance policy to any unlawful discrimination, bullying and harassment and victimisation of any staff, contractors, pupils and parents under its obligations to the Equality Act 2010. Any concerns or complaints relating to the above will be dealt with in accordance to the Staff Discipline and Conduct policy. If an Equality Diversity & Inclusion concern or complaint is relating to a work practice or policy, this may be dealt with under this Grievance Policy and Procedure.

### **8.2 Collective Grievances**

A 'collective grievance' for the purposes of this procedure is defined as a grievance put forward by two or more employees who have the same concerns or problems to raise, and who have agreed to raise these jointly rather than separately. Collective grievances are not used to consider issues which are already the subject of collective negotiation or consultation with recognised trade unions.

Collective grievances will be addressed in accordance with the general framework outlined in this procedure and there is therefore a presumption that efforts will be made initially to resolve the grievance on an informal basis.



Where the employees are trade union members, their trade union representative(s) may raise the grievance on the employees' behalf and act as their spokesperson. In so doing, he/she will need to identify the employees who are raising the grievance.

Where a collective grievance reaches the formal stage, there will in most cases be a single grievance hearing convened and a single outcome communicated to all. It may, however, be necessary to discuss with the employees and/or their spokesperson how the procedure will be managed as it may need to be adapted according to the circumstances and nature of the case.

Where employees do not agree to use the collective grievance process each grievance will be heard on an individual basis.

An appeal, conducted in accordance with section 6, will be convened when at least one employee who was party to the collective grievance seeks to exercise the right. Employees who are satisfied with the outcome of the grievance may choose to withdraw from the process at this stage.

### **8.3 Grievances Arising Post Employment**

Grievances which are already under consideration before a member of staff leaves employment will usually be seen through to conclusion in accordance with the timescales and process outlined in this procedure unless the employee no longer wishes to engage with the process or there is clearly no purpose to be served in seeking to resolve the employee's complaint after he/she has left.

This procedure does not apply to grievances which are not raised until after the employee has left. Employees are expected to raise genuine concerns prior to employment ending. Concerns or complaints which are not raised until after employment has ended will be considered only on a discretionary basis, bearing in mind the nature of the concerns raised, the length of time since the employee left and any other relevant factors. The manager or governor assigned to consider the case may determine that the matter requires further investigation without necessarily treating the employee's concerns as a formal grievance.

### **8.4 Frivolous and Vexatious Grievances**

The Governing Body expects all staff to act with honest intent when raising a grievance and will treat all genuine grievances seriously. Employees who raise concerns with vexatious or malicious intent may be subject to disciplinary action as a result.

In order for a concern to be duly treated as a grievance, employees are expected to demonstrate that they have a substantive complaint, even if this may have arisen from a genuine misunderstanding of the matter in question. Repeated grievances which replicate the same matters already addressed under the procedure will not be reconsidered unless new evidence has come to light with justifies reopening the grievance.

## **8.5 The Role of Mediation**

In seeking to resolve a grievance, it may sometimes be appropriate for mediation to be considered, depending on the nature of the grievance. A third-party mediator may be asked to discuss the issues with those involved and seek to facilitate a resolution. Mediation will only be used where all parties involved in the grievance have agreed to it.

## **8.6 Scheduling Formal Meetings**

Meetings should be held during the employee's usual working day. Other arrangements can be made by mutual agreement. Closure periods will generally result in a temporary suspension of the procedure.

The employee is expected to make every effort to attend meetings at the required time. The relevant manager/governor will, where reasonably practicable, seek to liaise with the employee regarding the availability of his/her chosen work colleague or trade union representative to ensure that postponements are not necessary. If the employee's work colleague or trade union representative is unable to attend, an alternative date may be suggested by the employee. This will not be unreasonably declined provided it can be accommodated by those conducting the grievance meeting or appeal and does not result in an unacceptable delay. As a general rule, a delay of up to 5 working days will be acceptable but each request will be considered on its own merits. Any subsequent postponements, or a failure of the employee to turn up to a scheduled meeting without good reason, is likely to result either in the grievance being decided on the basis of other available evidence or a decision that the grievance will not be given further consideration.

## **8.7 Ill-Health Absence**

The Governing Body aims, through this procedure, to deal with all grievances with the minimum of delay, in the best interests of all parties. The ill-health absence of an employee during the procedure will not result in any delay to convening meetings or appeals beyond what is reasonable in the circumstances. One attempt to reschedule a grievance meeting or appeal will be made where ill-health absence intervenes and it should be explained to the employee that if he/she is still unable to attend on the rescheduled date the relevant manager/governor(s) will either:

- a) proceed to investigate the grievance (or consider the appeal) without meeting with the employee first, in which case the employee will be offered the option of making a written submission or asking his/her companion to attend the rescheduled meeting on his/her behalf, or,
- b) where it is not practical to proceed with investigating the grievance or hearing the appeal without further clarification from the employee, inform the employee that the grievance will not be pursued further at this time due to the employee's absence.

Absence which appears to have been triggered by the grievance itself will usually be referred immediately to Occupational Health to obtain advice. If the absence becomes long term then this will be dealt with in accordance with the Attendance Management Policy.

## **8.8 Data Protection**

Brookfields School processes personal data collected during informal complaints and the formal grievance procedure in accordance with its data protection policy. The Headteacher, governors and any other manager involved with the operation of this procedure will ensure that any information relating to an employee's grievance is held securely, accessed by and disclosed only to those who have a direct involvement in dealing with or responding to the grievance, except in cases where disclosure may be a legal obligation or where there is a reporting duty to the local authority or other outside agencies.

In order to investigate a complaint or concern thoroughly, it will often be necessary to speak to members of staff or other people associated with Brookfields School. Disclosure to individuals will be based on what they need to know in order to contribute effectively to the investigation, emphasising the need for strict confidentiality. If in doubt, the investigating manager will clarify with the employee what details will be disclosed in advance.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under Brookfield School's disciplinary procedure.

## **8.9 Grievances Relating to Other Procedures**

Grievances which relate directly to the instigation or operation of procedures to address disciplinary, capability or attendance concerns will be handled in accordance with the rights under those procedures to state a case and to appeal against any formal action taken.

## **9. Status of Policy and Review**

The content and operation of this procedure is reviewed as and when deemed necessary by the Governing Body. The policy is discretionary and does not confer any contractual rights.