Grievance Policy and Procedure

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Our school vision.

Hethersett VC Primary School empowers its children and their families to flourish and grow. Creativity, compassion, responsibility, the love of learning to gain knowledge and wisdom, combined with Christian values shape our inclusive education.
Together we are stronger, respecting ourselves and others to create a successful and healthy future.
Keep your roots deep in him, build your lives on him, and become stronger in your faith, as you were taught. And be filled with thanksgiving. Colossians 2:7

Grievance policy and procedure P307

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We, the Governing Board, have adopted this policy and procedure.

1. Introduction and scope

1.1 Grievances are concerns, problems or complaints that employees raise with their employer. The Governing Board aims to have an open policy for communication and consultation so that problems and concerns can be raised and settled as a matter of course.

1.2 Grievances include reports of any form of discrimination, bullying and harassment[1].

1.3 Grievances relating to discrimination, harassment and bullying will follow the grievance procedure but take into account the Discrimination, bullying and harassment policy.

Strategy consideration - There is a model *Discrimination, bullying and harassment policy P308* on InfoSpace, which should be read in line with this policy, where the grievance relates to discrimination, bullying and/or harassment.

1.4 Grievances relating to pay should be dealt with under the Pay and Performance Management Appeal Procedure.

1.5 The grievance procedure contained in this document applies to all current employees. There is no legal requirement for an employer to consider grievances from ex-employees.

1.6 This procedure can be used by a single individual or where two or more employees have an identical grievance and want to raise the matter together under the same grievance procedure. Where this occurs, it will be dealt with as a collective grievance.

1.7 Those employees raising a collective grievance must agree to engage in one process and should nominate one person (the spokesperson) to represent them during the process. Those raising the grievance should consider that only one Trade Union representative (that of the spokesperson) will be invited to take part in any meetings or hearings. A collective grievance will follow the same process as outlined in the procedure below, with one meeting taking place to represent all those involved in the collective grievance at each stage. Where a collective grievance is raised, reference to employee in this document should be read as

[1] Harassment is any unwanted conduct, physical or non-physical, affecting the dignity of employees in the workplace.

employees. If all employees do not voluntarily agree to this arrangement, or if the grievances are not identical, then the grievances will be dealt with on an individual basis.

1.8 Grievances will be dealt with in a confidential manner minimising the number of people involved. Confidentiality will be maintained during and after the grievance procedure. However, there may be instances when this is not possible and this will be made clear to the complainant(s) or any witnesses providing statements at the time, for example:

- the Headteacher may judge the risk to the individual(s) concerned and/or the school as unacceptable,
- it may not be appropriate that the details of any management action resulting from disciplinary procedure are reported back to the complainant.

If witnesses are involved in giving evidence, they will be offered support up to and including protection of identity in some circumstances.

1.9 If an employee wishes to raise an issue in confidence concerning unethical, illegal or improper conduct without fear of victimisation, subsequent discrimination or disadvantage, the Whistleblowing Policy and Procedure may be more appropriate.

Strategy consideration - There is a model *Whistleblowing policy P658* on InfoSpace.

2. Equalities and support

2.1 The Headteacher will ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

2.2 Through the implementation of this policy, the Governing Board will be mindful of their obligation to seek to maintain and protect the mental health and wellbeing of all employees as far as is reasonably practicable.

2.3 According to ACAS it is estimated one in seven people are neurodivergent, meaning that the brain functions, learns and processes information uniquely. Where an employee discloses neurodiversity, the Governing Board understands the employee may require extra support in relation to the application of this policy. Where reasonable adjustments are necessary and can be accommodated, the Headteacher will support these.

2.4 Throughout this procedure reference to companion means trade union representative or work colleague and through the formal procedure, the right exists for the employee to be supported in that way. Where an employee discloses a mental health issue which could be a disability, efforts will be made to seek to agree with the employee and reasonable adjustments to the procedure. This could include allowing the employee to be supported by an individual who does not meet the statutory definition of a companion but does understand the individual's condition and its effects, and/or; having regular breaks during longer grievance meetings, and/or; holding the meeting at a neutral venue.

2.5 The Governing Board will seek advice from the HR provider when applying this policy.

3. Principles

3.1 Employees will aim to settle most grievances informally wherever possible. Before moving to the formal grievance procedure, the employee and the respondent will be asked to first consider using a mediator to help resolve the problem (where this is deemed appropriate).

3.2 All parties will raise and deal with issues promptly and will not unreasonably delay meetings, decisions or confirmation of those decisions.

3.3 Employees are entitled to be accompanied by a companion (defined as "a trade union representative or work colleague") at any formal meeting.

3.4 Employees are entitled to appeal against any decision made at the formal stage (paragraph 9.8, step 4 in the procedure below).

3.5 The relevant manager will keep written records of all grievances, see section 11 below.

3.6 Any manager responsible for considering and resolving grievances may seek guidance from external advisers when applying this policy.

4. Legal requirements

4.1 This policy and procedure follows the best practice outlined in the ACAS Code of Practice on handling disciplinary and grievance procedures and the ACAS guide to handling discipline and grievances at work.

4.2 Any Statement of Employment Particulars issued to employees will contain a paragraph which confirms the Governing Board's obligation to provide a grievance procedure. The procedure contained in this document states to whom any grievance should be addressed. The Governing Board, through effective induction, will ensure employees know how to access the grievance procedure.

4.3 Under statute, the Governing Board must establish procedures by which employees may seek redress for any grievance relating to their work. Where the Governing Board determines on any action which is not within its jurisdiction but is within the power of the Local Authority, the Local Authority must take that action at the request of the Governing Board.

5. Covert recordings

5.1 The Governing Board believes that the covert recordings (audio and video) of workplace meetings undermines trust between individuals.

5.2 The covert recordings of any meetings or proceedings, including disciplinary and grievance hearings and appeals, by an employee potentially constitutes an act of gross misconduct. It features in the list of non-exhaustive acts of gross misconduct in the guidelines on conduct document. Without sufficient mitigation, the covert recording by an employee of colleagues in such a meeting may lead to the employee's summary dismissal.

5.3 Affected employees will be informed of this policy position before any disciplinary, grievance or capability meeting.

5.4 Similarly, no covert recording of the deliberations of a panel at the end of any hearing may be made. This would also potentially constitute an act of gross misconduct likely to lead to summary dismissal.

5.5 In some circumstances, it may be appropriate for a meeting to be recorded but in these cases, there must be written agreement between the manager leading the discussion and the affected employee. Consent will need to be obtained by all persons who will be included in the

recording. The parties will then be under an obligation to ensure that all recordings are processed, securely stored and used in a manner consistent with the Data Protection Act 2018.

6. The informal procedure and mediation

Informal approach

6.1 If an employee has a grievance[2] to do with work, they should first attempt to resolve the issue informally. This would normally be through an informal discussion with their line manager or other individual who the grievance relates to. In most cases, it should be possible for the employee to make direct contact with their line manager, to make them aware of the problem and to seek to agree a solution informally.

6.2 In cases of discrimination, bullying and harassment, it may be possible for the employee to explain to the other person that the behaviour in question is not welcome, that it offends them or makes them uncomfortable. Alternatively, if this personal approach is too difficult, they could consider putting it in writing to the individual concerned. The Discrimination, bullying and harassment policy must be read in conjunction with any bullying and harassment related grievances.

By their nature, discrimination, bullying and/or harassment may make the employee feel embarrassed, worried about damaging their reputation or the working environment, fearful of not being taken seriously and concerned about subsequent reprisals. In these situations, a management representative or a Trade Union Representative can make the initial approach.

6.3 If the employee cannot resolve their grievance through this informal approach, the next step is to notify the appropriate line manager that they wish for their grievance to be discussed at an informal grievance meeting.

6.4 Where an employee discloses a mental health issue, which could be a disability, reasonable adjustments will be made to the procedure. This could be allowing a companion that does not meet the statutory definition of a companion, but is someone who understands the individuals condition and its effects or; having regular breaks during longer grievance meetings or; holding the meeting at a neutral venue. **[Where it is clear the process is causing repeated signs of distress to someone involved in the procedure, the Headteacher will ensure the employee is aware of the support offered by Norfolk Support Line (where subscribed)]** or suggest the employee seeks advice from their GP. In some cases, help may need to be sought from Occupational Health, with the agreement of

[2] This includes discrimination, bullying and harassment complaints between employees

the employee, to determine how the grievance procedure can continue fairly. Advice will be sought from the HR provider in these situations.

Informal Grievance Meeting

6.5 Subject to 6.8 to 6.12 below, the line manager will arrange an informal grievance meeting at which any concerns are raised and examined through discussion. The employee can be accompanied or represented at this meeting by a companion.

6.6 At the informal meeting, the employee should outline clearly their own view of the problem and explain to the line manager what they would consider to be a suitable resolution to the matter.

6.7 After the informal meeting, the line manager should give a reply, verbally, as soon as possible. The initial response will be given within five working days, but further discussion may be needed to resolve the problem.

6.8 In some circumstances, the immediate line manager does not have the authority to resolve the grievance and they may need to refer it directly to the Headteacher.

6.9 Flexibility around timescales is often appropriate when trying to resolve informal grievances, particularly where it concerns interpersonal conflict between two or more employees.

6.10 If the employee is not satisfied with the line manager's reply, or if they feel unable to talk to the immediate line manager, then they should talk to the Headteacher. If the grievance relates to the Headteacher and the employee is not satisfied with the Headteacher's reply, or if the employee feels unable to discuss it with the Headteacher, then the employee should discuss the grievance with the Chair of Governors.

6.11 If the grievance is against the Headteacher, the procedure detailed below will apply but reference to 'Headteacher' or 'Headteacher or other management representative' will need to be read as 'Chair of Governors or other nominated governor'. The Chair of Governors may also request support from the Local Authority in addressing such issues with any request being made through the HR Business Partner (Schools).

6.12 If an employee other than the Headteacher, has a grievance against a governor, the employee should raise the matter initially with the Headteacher who will discuss it with the

Chair of Governors and agree a mechanism for informal resolution. If an employee has a grievance against the Chair of Governors, the employee should initially raise it with the Headteacher, who will seek to agree a mechanism for informal resolution, taking advice from the HR provider where required.

6.13 If the Headteacher has a grievance against a governor, they should raise the matter with the Chair of Governors. If the grievance includes the Chair of Governors, the Headteacher should refer it to the Clerk to the Governors. The clerk should seek guidance from the HR provider on a mechanism for informal resolution, which may involve facilitation by a Local Authority Officer.

6.14 If it is not possible to resolve the grievance through informal discussions, it may be appropriate for the Headteacher or Chair of Governors to nominate someone to mediate with the aim of achieving a solution and conciliation. If mediation is to be used, it should take place before the formal procedure commences.

6.15 Where an informal approach is enough to resolve the immediate problem, the employee should keep a note of what happened, including any witnesses, and how their issue was resolved. Similarly, where the Headteacher or another management representative is involved in resolving the problem, proper notes must be kept in order to document the action taken.

6.16 Where the employee approaches a work colleague for support, it is important to respect the fact that this person may not wish to become involved. In such circumstances, the employee may consider contacting their trade union representative **[and/or the Norfolk Support Line (where this service is purchased)]** to seek advice and informal assistance.

6.17 The role of the work colleague or trade union representative at this stage is not to impose a solution but to offer support, explore possible options open to the employee and assist the employee to choose a suitable and satisfactory course of action. The work colleague or representative may feel it is appropriate to assist in resolving the problem by acting as mediator. In carrying out this function, they will be protected from victimisation and will not be forced to disclose any confidences arising from their assistance with the informal stages of this procedure.

7. Using mediation to resolve a grievance

7.1 An independent third party or mediator can sometimes help resolve grievance issues. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or

to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

7.2 A mediator does not have to be someone specially trained for the task, but they should have the necessary skills to facilitate a discussion between two people who may have different views about a situation. Mediators may be employees from within the school, the HR provider or from an external mediation provider.

Strategy consideration – Using an external mediation provider may incur a cost to the school. The HR provider may be able to help identify potential mediators.

7.3 There are no hard-and-fast rules for when mediation is appropriate but it can be used:

- for conflict involving colleagues of a similar job or grade, or between an employee and their line manager,
- at any stage in the conflict as long as any ongoing formal procedures are put in abeyance, or where mediation is included as a stage in the procedures themselves,
- to rebuild relationships after a formal dispute has been resolved,
- to address a range of issues, including relationship breakdown, personality clashes, communication problems, discrimination, bullying or harassment.

7.4 Where mediation is used, the individual convening the mediation meeting should make a record of the alleged incident and the outcome of the meeting. To indicate agreement with the outcome, all parties should sign the record. This will remain confidential to the signatories.

8. Cases unsuitable for mediation

8.1 Mediation may not be suitable if:

- used as a first resort – because people should be encouraged to speak to each other and talk to their manager before they seek a solution via mediation.
- it is used by a manager to avoid their managerial responsibilities.
- a decision about right or wrong is needed.
- the individual bringing a discrimination or harassment case wants it investigated.
- the parties do not have the power to settle the issue.
- one side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.

9. The formal procedure

9.1 If the grievance has not been able to be resolved informally, including through mediation, or it is not appropriate to resolve the problem informally, either because the complainant regards attempts at informal resolution as inappropriate because of the serious nature of the complaint or where informal attempts at resolution have failed, the issue should move to the formal stage to be resolved.

9.2 The employee who has raised the grievance should, without unreasonable delay, prepare a written statement of the grievance and submit this in line with the following:

- If the grievance is against a colleague other than the Headteacher, the statement of grievance should be submitted to the Headteacher.
- If the grievance is against the Headteacher, the statement of grievance should be submitted to the Chair of Governors.
- If the grievance is against an individual Governor, the statement of grievance should be submitted to the Chair of Governors.
- If the grievance is against the Chair of Governors, a Governors' Committee or the whole Governing Board, the statement of grievance should be submitted to the Clerk to the Governors who will take advice from the HR provider.

For the remainder of the formal stage of this procedure, the individual who is the focus of the grievance will be deemed "**the Respondent**" and the person responsible for managing the formal grievance will be deemed "**the Responsible Person**".

9.3 The Statement of Grievance should explain the nature of the grievance, including details of what the employee has done to try and resolve the matter informally, and what they would consider to be a satisfactory outcome to the matter. It is essential that there is a clear statement about the grievance, in order that it can be properly examined.

Strategy consideration – There is a *Grievance statement – formal procedure F307* or *Collective Grievance statement – formal procedure F307b* on InfoSpace.

9.4 As appropriate, the Responsible Person will identify a panel of Governors (the Grievance Committee) to hear the grievance and work with the parties to achieve a resolution. The Grievance Committee would normally consist of three Governors although in some circumstances, where agreed between the parties, a panel of two Governors may be permitted. If insufficient Governors exist, or if there are too few governors who have not already been

involved in the matter, the LA's Governance Service may be able to identify experienced governors from other schools who can help with the process.

9.5 Step 1 – Statement of Grievance, Statement in Response and investigation

9.5.1 Once a Statement of Grievance has been received by the Responsible Person, that person will then share the Statement with the Respondent.

9.5.2 The Respondent should then prepare a Statement in Response to the grievance. An appropriate timescale should be set for this stage of the process to ensure there is no unreasonable delay. However, the complexity of the situation will determine what is reasonable. If the matter has been considered at the informal stage of the procedure, a note of the steps taken to try to resolve the matter informally will also be required.

9.5.3 If the grievance is of a serious nature relating to misconduct, consideration may be given to suspending the Respondent (or alternatives to suspension e.g. temporary redeployment). Due consideration will be given so that the decision to suspend is only made where it is a reasonable response based on the facts of the case.

Strategy consideration - *Suspension checklist C303* on InfoSpace can be used to determine if suspension is a reasonable response.

9.5.4 If further information is needed in order to respond to the grievance, the meeting outlined below may be postponed while a full investigation is carried out. If such an investigation is considered necessary, both parties will be kept informed. The investigator will need to be independent to the case and be able to present adverse findings. The grievance meeting should not take place until the investigation is carried out.

9.5.5 The Responsible Person (with appropriate Governing Board approval) may request support in identifying an investigating officer from the Local Authority, via the HR Business Partner (Schools).

Strategy consideration - Any cost associated with an external investigating officer will be met by the school.

9.6 Step 2 – Meeting

9.6.1 The Responsible Person will liaise with the HR provider to make the necessary arrangements and invite the employee with a grievance to a meeting as soon as possible. The meeting would ideally take place within ten days of receipt of the Statement of Response, but this will depend on the availability of governors, the companion (if the employee chooses to be accompanied) and others who need to be in attendance. The employee will receive a copy of the Statement in Response and any other relevant documents to be considered at the meeting at least five working days in advance of the meeting. The Grievance Committee will be issued with a copy of the Statement of Grievance, the Statement in Response, and any other supporting documentation provided by either party.

9.6.2 At the grievance meeting, the employee will have the chance to explain their grievance and their suggestions for resolving it. The employee has the right to be accompanied by a companion (i.e. a trade union representative or work colleague) at this meeting.

9.6.3 The Grievance Committee will be advised by an HR adviser and the Respondent may be accompanied and advised by an HR adviser.

9.6.4 At the start of the meeting the Grievance Committee will consider whether it is more appropriate to meet with the employee separately from the other party or may seek agreement from both parties for a joint meeting.

9.6.5 The agenda for a joint meeting will be as set out in 9.6.7 below.

9.6.6 The Chair of the Grievance Committee will introduce those present (where appropriate) and set out how the meeting will be conducted. The Chair will outline the Committee's understanding of the grievance, as notified in the Statement of Grievance.

9.6.7 The agenda for a joint meeting will be as follows:-

- The employee will be asked to present the case and to answer questions from governors, the Respondent and their advisers.
- The employee can call upon named witnesses to provide information and answer questions if appropriate.
- The Respondent will present their case and answer questions.
- The Respondent can call upon named witnesses to provide information and answer questions if appropriate.

- The employee makes a closing statement, followed by the closing statement of the Respondent.

9.6.8 The Grievance Committee will then adjourn the meeting while they consider the information provided and how the grievance might be resolved. If practicable, the Committee will invite both parties back to the meeting on the same day to sum up the main points, and to outline what action, if any, they feel is necessary and try to achieve an agreed resolution.

9.7 Step 3 – Confirmation of outcome

9.7.1 The Chair of the Committee will write to the employee within five working days of the meeting, with their decision and the reasons behind it. If the grievance is not upheld, the employee will have a right of appeal against that decision.

9.7.2 Where other individuals are affected by the outcome of the grievance, or some aspects of the outcome, they will be informed of the affect the outcome has on them and the reasons for it. The employee who raised the grievance will be informed of who else will be told and what information they will be given. Confidentiality remains of upmost importance so only information which affects another individual(s) will be communicated.

9.8 Step 4 – Appeal

9.8.1 If the employee does not accept the Committee's decision, they have the right of appeal to another panel of governors.

9.8.2 The members of the Appeals Committee must not have prior involvement in the grievance.

9.8.3 If the employee wishes to lodge an appeal against the decision of the Grievance Committee, they should, within ten working days of receiving written confirmation of the outcome, write to the Clerk to Governors setting out the grounds for appeal and enclosing any documents to be taken into account.

Strategy consideration - *Grievance statement - appeal against decision of Grievance Committee F307a* or *Collective Grievance statement – appeal against decision F307c* on InfoSpace can be used for this.

9.8.4 The employee and the Respondent will then be invited to another meeting which will normally take place within fifteen working days of receipt of appeal. The employee has the right to be accompanied by a companion to the appeal meeting. The Respondent may also be supported.

9.8.5 The format for the meeting will follow that outlined in paragraph 9.6.7 above.

9.8.6 The Appeals Committee will consider the outcome from the first Grievance Committee hearing. They will listen to the grounds for appeal and consider any further statements provided by those involved.

9.8.7 The decision of the Appeals Committee is final. The Chair of the Appeals Committee will write to the employee within five working days to confirm this and to share the outcome of the meeting. The Appeals Committee will give the reasons behind the decision made.

- **10. Overlapping procedures**

10.1 If an employee raises a grievance after disciplinary proceedings have already started against them, the disciplinary proceedings may be temporarily suspended in order to consider the implications of the grievance (if any) on the disciplinary process. If the grievance and disciplinary proceedings address related matters, it may be possible to deal with the issues simultaneously as part of disciplinary proceedings.

- **11. Record keeping**

11.1 The grievance and related papers will be stored on the file of the employee who raised the grievance.

11.2 If the grievance is against another named individual and is upheld, it may be appropriate for a disciplinary investigation to be undertaken and/or a professional guidance letter issued, in which case relevant papers may also be placed on that individual's personal file.

- **12. Data protection**

12.1 Personal data collected and processed for the purpose of this policy and procedure will be handled in accordance with the data protection policy and applicable statutory obligations. Any personal data collected is held securely and accessed by, and disclosed to, individuals

only for the purposes of employee management or to comply with statutory reporting obligations. Inappropriate access to, or disclosure of, employee data constitutes a data breach and should be reported without delay, in accordance with the data protection policy. It may also constitute a disciplinary offence in which case it would be dealt with under the disciplinary policy and procedure.

- **Appendix 1 – Table of changes**

Date of change	Paragraphs affected	Summary of update
10/03/2025	1.6, 1.7	Updated to include Collective Grievances
13/12/2023	All	Previous Grievance model policy P307 and previous Grievance model procedure P307a merged into one document and reviewed. Addition of new paragraph to include overlapping procedures as defined in ACAS code. Review of whole document and terminology to ensure consistency across all policies and procedures.
24/11/2021	1.4, 3.6	Additional paragraphs to include consideration for employees with mental health issues.
09/11/2020	4	Addition of a new paragraph to include covert recordings at meetings.
05/04/2019	1.1.1, 1.4, 1.8, 1.9, 2.5, 4.1, 4.3.2, 4.5.2	Updated to reflect the changes made to the ACAS Discipline and grievance guidance and also to make it clear that bullying and harassment complaints are dealt with via the Grievance procedure. The procedure has been updated to: • make it clear that employees should be informed of any decisions which affect them and the reasons for the decision, but confidentiality remains key. • include that where an employee who is involved in the grievance procedure, discloses a mental health issue, which could be a disability, employers should allow for reasonable adjustments • how to support employees who make a complaint of bullying or harassment • reinforce the importance of taking notes of any bullying and harassment incidents • consider that were the grievance is of a serious nature relating to misconduct, consideration may be given to suspending the employee who the grievance is against.
11/05/2018	6	New para added to take into account the new General Data Protection Regulations in force from 25 May 2018.
15/01/2018	All	All references made to academies deleted as MAT specific

		document created (P307b).
01/03/2017	All	New formatting due to launch of new HR website, HR InfoSpace – no change to content