

# Grievance Resolution Policy

## Schools

### Policy Purpose

The purpose of this policy is to create an open and honest environment that empowers you to raise workplace concerns that you have as soon as possible and to work together with management and sometimes other colleagues to resolve them. The Council believe that a positive environment and good working relationships have a significant impact on well-being and engagement, leading to better performance and reduced stress and absence.

### Document Control

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## 1. Overview

- 1.1 The Council, in consultation with recognised trade unions, has agreed this policy for adoption by those employed under the delegated powers of Governing Bodies of schools. Governing Bodies of Community and Voluntary Controlled Schools are required to adopt this policy for all employees within their delegated powers.
- 1.2 Governing Bodies of non-Derby City Council schools, for example academies, may wish to adopt this policy within their delegated powers.
- 1.3 This policy applies to all school-based colleagues.
- 1.4 The policy is designed to cover work related concerns such as:
  - interpretation of terms and conditions of employment
  - health and safety
  - new working practices
  - working environment
  - harassment, discrimination, victimisation and bullying including in relation to protected characteristics
  - unacceptable behaviour by other colleagues
- 1.5 Please refer to **Appendix 1** for definitions of roles and **Appendix 2** for a Glossary of Terminology used in this Grievance Resolutions Policy.

## 2. Roles and responsibilities

### *Colleagues*

- 2.1 You are responsible for raising your concerns informally with your manager as soon as you can. This is to make sure your concerns are dealt with quickly and efficiently. You will work with your manager or your appointed representative to find a solution to your concerns.
- 2.2 Whilst your grievance is being dealt with, it's important that you comply with all management instructions and continue to work as normally as you can with full co-operation. We know this may be difficult for you, but we can give you support.
- 2.3 With appropriate support, you are expected to co-operate as a witness with any investigations or with management action.
- 2.4 You cannot use the grievance resolution procedure to challenge reasonable management actions or requests.

### ***Manager, Headteacher, Informal or Formal Resolution Managers***

- 2.5 Your Manager, Headteacher, Informal or Formal Resolution Manager is expected to deal promptly and reasonably with your grievance and to treat all complaints seriously and sensitively and respond to complaints without bias.
- 2.6 Your Manager, Headteacher, Informal or Formal Resolution Manager must make sure that any individuals named in the grievance are informed early in the process about the details of the complaint against them and that they are advised of their rights and responsibilities under this policy. They should also be kept informed during the process and in its conclusion.

### ***Companions***

- 2.7 The permitted role of your companion should be to address the grievance meeting, to present and with your permission to respond on your behalf to any views expressed at the meeting and confer with you during the meeting. Your companion does not, however, have the right to answer questions on your behalf, address the hearing if you do not wish, or prevent your manager from explaining their case.
- 2.8 Please refer to **Appendix 4** for a table of roles and responsibilities.

## **3. Policy aspects**

- 3.1 You have the right to raise a concern or complaint relating to your employment. These may be raised by an individual or collectively, where a group or groups of colleagues are affected by the same work-related issue.
- 3.2 If two or more colleagues have an identical grievance, they can use this policy to raise a collective grievance. Where a collective grievance is raised the colleagues can either use their trade union representative to raise the grievance or nominate one person to act on their behalf. Colleagues using this procedure collectively cannot then raise an individual grievance on the same issue.
- 3.3 Your Manager, Headteacher, Informal or Formal Resolution Manager will not investigate events which are historical i.e., more than three months old, unless they are specifically related to a current issue.
- 3.4 All concerns raised should be dealt with informally in the first instance. However, a grievance can be progressed formally.
- 3.5 The internal grievance process will contain no more than two stages and summary of the grievance stages are:

### **Informal Resolution Stage**

- 3.6 You raise an issue or concern with your Informal Resolution Manager.

- 3.7 Informal Resolution Manager considers the grievance.
- 3.8 Informal Resolution Manager responds verbally as soon as possible and confirms this in writing.

### **Formal Resolution Stage**

- 3.9 You raise a grievance in writing or if you are a disabled colleague in a way accessible to you, to the Formal Resolution Manager. Receipt of your grievance should be acknowledged within two working days.
- 3.10 Further information may be needed before meeting about the grievance with you and the Formal Resolution Manager may need to commission an investigation.
- 3.11 Other than in exceptional circumstances, the grievance meeting must be held as soon as possible and give you a minimum of five working days' notice of the grievance meeting date.
- 3.12 The Formal Resolution Manager will hold a meeting with you to consider your grievance and will deliberate on the possible use of mediation.
- 3.13 The Formal Resolution Manager will adjourn the meeting for further fact-finding if required.
- 3.14 The Formal Resolution Manager will confirm the decision in writing to you within seven working days'.
- 3.15 Please refer to **Appendix 3** for a definition of the informal and formal resolution managers.

### **4. Informal Resolution Stage**

- 4.1 You must aim to discuss any issues or concerns informally with your manager (or the next most relevant manager) as soon as possible after the issue arises.
- 4.2 Grievances should be dealt with at the first level of management, unless this is deemed inappropriate, and dealt with as quickly as possible. It is the responsibility of all involved to engage fully with the grievance resolution process to try and resolve the issue as quickly as possible.
- 4.3 Should an issue relate to a Chair of Governors or Governing Body in the school, complaints should be referred to the Service Director of Learning, Inclusion and Skills at Derby City Council.
- 4.4 Grievances are best resolved promptly and as near to the point of origin as possible. This is particularly important where the grievance relates to behaviour and there is a need to rebuild relationships. This policy actively encourages you to raise issues and try to resolve them with your manager.

- 4.5 Mediation should be considered at all stages but particularly before progressing from the informal to formal stage of the grievance resolution process.
- 4.6 All parties will be expected to show what steps they have taken to reasonably explore a concern with a view to reaching a resolution during the informal stage, prior to a colleague raising a formal grievance.
- 4.7 In exceptional circumstances, when it is mutually agreeable to all parties involved, the process may continue during non-working days.

## **5. Formal Grievance Resolution Stage**

- 5.1 Formal grievances should be raised in writing or in another way that is accessible to you if you are a disabled colleague and must address all of the following:
- A summary of the issues from your perspective
  - Evidence supporting your view (if any is available)
  - Details of the steps you have already taken to address the situation
  - What you consider will rectify the situation and the role that all parties will play in that
- Any grievance submission that does not satisfy all of the above points cannot be taken forward.
- 5.2 You have the right to be accompanied at formal meetings by a companion, but this should not delay the process.
- 5.3 In order to prevent delays, formal grievances that are submitted in relation to another school process will be heard as part of that case.
- 5.4 On rare occasions, the investigation may establish that a grievance has been raised vexatiously or with malicious intent. This goes against our values and approach to resolution. If following investigation there is reason to believe that a grievance has been raised vexatiously or with malicious intent, this will be taken seriously and the person making the complaint may be subject to formal disciplinary action.
- 5.5 The outcome of a grievance raised against a colleague, if upheld, could result in a disciplinary process against them. You will be advised if your grievance results in a disciplinary but not about any action or outcomes as part of this procedure. This information remains confidential and would not be shared with the individual who has raised the grievance.
- 5.6 The Formal Resolution manager reserves the right to move straight to a disciplinary investigation depending on the circumstances that are outlined in a formal grievance. At this point the grievance process will end and the colleague who raised the grievance will be notified of this.

5.7 Where other formal action (disciplinary, performance management or attendance management) involving either party overlaps, the Formal Resolution manager should consider suspending the Hearing and/or investigation for a short period (generally no more than one week) to consider the implications. If you raise a grievance during any stage of another formal process and this relates to the formal process in question, you must present your grievance as part of your case under the other formal policy. If the cases are not related, they should be dealt with separately and concurrently.

5.8 To respect confidentiality specific details of any outcomes/actions in relation to other colleagues will not be shared.

## **6. Reasonable adjustments**

6.1 Disabled colleagues making a grievance will have reasonable adjustments made to this process such as a support worker, in addition to a companion, alternative versions that are accessible, a BSL interpreter.


## **7. Appeals**

7.1 You will have the right of appeal against the outcome of a final stage grievance meeting. Use the appeal e-form available on SiP or the paper copy in your outcome letter. Further details on the appeals process can be found in the Appeals Policy.


7.2 This is the final stage of the Grievance Resolution Policy; you do not have any further internal right to appeal.

## **8. Support and guidance**

8.1 A full description of the process including guidance, supportive information and documentation can be found at:

 (XXX (file path for SiP))

8.2 Other related guidance, policies and websites can be found at:

 (XXX (hyperlink))

8.3 Colleagues without access to this information can ask their manager for a printed copy.

### Role definitions

In this policy, the following expressions will have the following meanings:

‘Chair of Governors’ - the Chair of the Governing Body as elected

‘Chair of Hearing’ or ‘the Chair’ - a suitable manager or member of the Governing Body appointed to the process role of Chair of the absence management capability hearing

‘Companion’ - a work colleague, a trade union official, or a workplace trade union representative who’s certified or trained in acting as a companion

‘Governing Body’ - the governing body of the school in accordance with the Instrument of Government

‘Headteacher’ - the most senior teacher in the school who is responsible for leadership and the day to day running of the school.

‘Your Manager’ - the person that you report to

‘Informal Resolution Manager’ - your line manager, or a representative appointed to progress an informal resolution grievance.

‘Formal Resolution Manager’ - your line manager, or a representative appointed to progress a formal resolution grievance.

### Glossary

In this policy, the following terms will have the following meanings:

‘Protected characteristics’ - you have a right not to be treated less favorably, or subjected to an unfair disadvantage, by reason of that characteristic, for example, because of your age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation under the Equality Act 2010.

‘Equality Act 2010’ - The Equality Act 2010 legally protects people from discrimination, harassment and victimisation in the workplace and in wider society.

‘Concurrently’ - at the same time

‘Bias’ - to have a strong inclination of the mind or a preconceived opinion about something or someone

‘Vexatious’ - A vexatious complaint is one that is without foundation or made to cause problems.

‘Malicious’ - intending to cause someone unnecessary harm to hurt their feelings and or reputation

‘Intent’ - to do something on purpose or with intention

‘Perspective’ - the way that individuals think about something. It comes from a personal point of view and may not be shared by others

‘Confidentiality’ - keeping a matter private and not disclosing information to other people

‘Interpretation’ - an explanation or opinion of something

‘Permitted’ - officially allowed to do something

‘Mediation’ - is a process where the parties involved meet with a mutually selected impartial and neutral person who assists them in the negotiation of their differences

‘School’ - the school or academy named at the beginning of this policy and includes all sites.

‘Working day’ / ‘school working day’ - any day on which a school based colleague is contracted to work



'Reasonable adjustments' - adaptations that can be put in place that might help disabled colleagues to remove barriers at work. For example, dedicated parking equipment such as hearing loops or ramps.

## RESOLUTION MANAGERS

A grievance is a complaint made by a member of staff or governor about another member of staff or governor.

The Resolution Manager should, apart from in exceptional circumstances, be someone not personally involved in the matter which is the subject of the grievance and will be appointed in accordance with the table below depending on the subject matter of the grievance:

Grievance relates to	Informal stage Resolution Manager	Formal Stage Resolution Manager
Pupils, Parents or a member of staff (other than the Headteacher)	The Headteacher's appointed senior representative	Headteacher
The Headteacher	The Chair of Governors' representative	The Chair of Governors' appointed Investigating Officer
A Governor or Governors (other than the Chair of Governors')	The Chair of Governors' representative	The Chair of Governors' appointed Investigating Officer
The Chair of Governors', a group of Governors including the Chair of Governors' or the whole body of Governors	The Clerk will arrange for a suitably skilled member of the Governing Body or an external independent person (in liaison with the DCC Governor Support Manager)	The Clerk will appoint an independent Investigating Officer (in liaison with the DCC Governor Support Manager)

## Policy roles and responsibilities of key stakeholders – School based Council colleagues

<b>Governing Body</b>	<b>Headteacher/ Executive Headteacher Chair/ Co-Chair/ Chairs' Representative</b>	<b>Managers/ Headteachers/ Executive Headteacher</b>	<b>Colleagues</b>	<b>External Human Resources Provider</b>	<b>Derby City Council (as the employer in law) Human Resources</b>
<b>Fairness and equality</b>					
To ensure this policy is implemented in a fair, consistent and non-discriminatory manner.	To provide reasonable adjustments as required.	To provide reasonable adjustments as required.	To notify managers of reasonable adjustments required.	Provide advice and guidance to Governors,  Headteachers, Managers and	Provide policy and procedure documentation and guidance via the Schools' Information portal.
<b>General Operation of the Scheme</b>					
Ensure managers carry out their responsibilities	Ensure managers carry out their responsibilities	Ensure colleagues are aware of where to access information on SIP	Comply with statutory requirements for notification of leave requests	Provide advice and guidance to Governors,  Headteachers, Managers and colleagues.	Provide policy and procedure documentation and guidance via the Schools' Information portal.
<b>Document Retention</b>					

<p>Ensure documents are treated in confidence and in line with the School's and Council's data protection and IT policies.</p> <p>Ensure information is processed through HR management system and that key documents are scanned on the employee's personal file</p>	<p>Ensure documents are treated in confidence and in line with the School's and Council's data protection and IT policies.</p> <p>Ensure information is processed through HR management system and that key documents are scanned on the employee's personal file</p>	<p>Ensure documents are treated in confidence and in line with the School's and Council's data protection and IT policies.</p> <p>Ensure information is processed through HR management system and that key documents are scanned on the employee's personal file</p>	<p>Keep a copy of documents and decision letters.</p>	<p>Ensure documents are treated in confidence and in line with the School's and Council's data protection and IT policies.</p> <p>Keep a copy of documents and decision letter in case file</p>	<p>Ensure documents are treated in confidence and in line with the School's and Council's data protection and IT policies.</p> <p>Keep a copy of documents and decision letter in case file</p>
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