Ysgol Gynradd Maes-y-Deri
Oaklands Primary School

Together Everyone Achieves More

Grievance Policy

Purpose and Aims

All employees have a right to know how their grievances will be resolved. The governing body requires the school grievance procedures to promote fairness and consistency in the treatment of individual employees, and reflect the relevant policy on equal opportunities and avoidance of discrimination.

The procedures will be followed when dealing with a grievance or dispute in relation to an individual's employment. It will not generally be applied to collective disputes which are dealt with under a separate procedure. Allegations of harassment will also be dealt with under a separate procedure.

The policy and procedures aim to ensure that:

- the procedures are known by all employees;
- any employee can raise grievances and issues in respect of their employment within the school;
- grievances are dealt with promptly and in a fair and supportive manner;
- as near as possible to the point of origin; and
- a fair appeal procedure is available.

The Nature of Grievance

Grievances can arise from a variety of sources and it is important for members of the School/College to recognise that many potential problems and difficulties can and should be resolved informally and as quickly as possible. Formal procedures are intended to be used for problems which are serious in themselves, or serious because they remain unresolved after informal steps have failed to achieve a satisfactory outcome.

Responsibilities

The Governing Body

The governing body will make and maintain a Grievance Policy and Procedures.

The governing body has delegated to the Head the responsibility for dealing with staff grievances. (When the Head has a grievance, the matter will be dealt with by the Chair, or if appropriate by another nominated governor.)

The Head also has the power to delegate responsibility for dealing with grievances to appropriate line managers.

The governing body will appoint an Appeal Panel to hear any appeals from the Head's decisions.

Otherwise governors will play no part in the grievance procedures.

The Head
The Head has the responsibility for managing the procedures and for resolving grievances as far as is reasonably practicable. The Head must ensure that the procedures are known to all staff.

The Head has the delegated power to require appropriate line managers to resolve grievances and disputes in the first instance, and to pass the matter to the Head if it has proved impossible to resolve satisfactorily.

The Head must aim to resolve any formal grievances referred to him/her as promptly and as sensitively as possible. He must advise the employee that he/she may be accompanied by a school colleague or trade union representative at the meeting.

The Head must ensure that any decision regarding the grievance is communicated to the employee, wherever possible, at the end of the meeting, and confirmed in writing within 48 hour (or 96 hours out of term time). The letter must also confirm to the employee their right to appeal to the governing body.

Line Managers
The appropriate line managers have the responsibility for ensuring that any grievance brought to their attention is considered promptly and a resolution sought. They are expected to apply the procedures and conduct any investigation in a sensitive and considerate manner.

If it proves impossible to resolve a grievance satisfactorily he/she can refer the matter to the Head.

Rights of the Employee's Companion:
The employee's companion has the right to:

- address the hearing, putting the employee's case;
- sum up the case;
- respond on the employee's behalf to any views expressed at the hearing; and
- confer with employee during the hearing.

The companion may not answer on behalf of the employee any questions put directly to the employee, and may not address the hearing if the employee indicates that he/she does not want the companion to do so.

The companion may not stop the employee explaining his/her case, nor prevent anyone else at the hearing from making a contribution.

Appeal Panel
The governing body will appoint an Appeal Panel of three members. The governing body's Appeal Panel must hear any appeal within five working days of the appeal being received (or seven days out of tem), The Panel must consider evidence from all relevant parties, and must allow all parties to be heard at the meeting.

The members of the Panel should ensure that they have not been involved in any prior stages of the grievance procedure. They must declare any prior involvement and pay no further role.

The Panel may call for expert advice wherever appropriate.

The Panel must retire to make its decision, which may be in the form of a recommendation if appropriate. The Panel can announce its decision at the end of the meeting, or later, but written confirmation of the decision must be sent to all parties within 48 hours (on weekdays)

The Employee
The employee has the duty to use every endeavour to resolve the dispute satisfactorily. The employee has a right to bring a school colleague or trade union representative to any meeting.

The governing body expects that employees will also set out with the intention of settling the dispute as speedily as possible.

Where an employee is aggrieved on any matters involving other staff, they should discuss the matter initially with the individual concerned. If they feel unable to do this or this fails to resolve the matter, it should be raised with their line manager.

If the dispute cannot be resolved informally the employee must follow the formal procedures.

The Formal Procedures

Step 1
Statement of Grievance
Where the informal procedure has failed to resolve the matter, the employee must submit details of the grievance in writing to the Head, including details of any attempt to resolve the matter informally, as soon as is reasonably practicable.

(If the grievance is against the Head, or the Head is the aggrieved party, the written grievance will be forwarded without delay to the Chair of Governors, or other nominated Governor.)

Step 2
The Meeting
The Head will arrange to meet the employee within five working days (or seven days out of term time) with a view to resolving the dispute. The Head may seek advice from any appropriate source, and may take evidence from the original line manager and/or all the parties to the dispute

It may be necessary to convene a series of meetings, with those involved in the grievance for this purpose. The first meeting should, wherever possible, be arranged within ten working days (or fourteen out of term time) of receipt of the formal written grievance. Any other meetings should be arranged as soon as reasonably practicable after the first one.

Copies of all relevant documents should be provided to all parties involved at least three working days before the meeting (or five days out of term time).

Each party may be accompanied by a school colleague or representative of their trade union and will be given an opportunity to present their case.

The decision of the Head will normally be advised at the end of the meeting, or as soon as reasonably practicable thereafter, and confirmed in writing at the earliest opportunity (normally within 48 hours (or 96 hours out of term time)).

If the employee is not satisfied with the Head's decision he/she has a right of appeal to the Governing body's Appeal Panel.

Right of Appeal

The aggrieved employee has the right to an Appeal Panel of the Governing Body

The appeal should take place within ten working days of the receipt of the written notification of an appeal.

Copies of all relevant documents will be provided in advance of the meeting to all parties involved.

Each party may be accompanied by a school colleague or representative of their trade union and will be given an opportunity to present their case to the Panel.

The decision, or recommendations, of the Panel will be given to all parties at the end of the meeting, or as soon as possible thereafter, and confirmed in writing within 48 hours (on weekdays).

There is no further right of appeal and the findings of the Appeal Panel will be binding on all parties.

Conduct of the Appeal Hearing

The grievance will be set out by the employee or representative. Any relevant witnesses or witness statements may be considered, and expert advice can be sought if appropriate.

The Panel will then ask the Head to explain his/her decision and to offer any evidence.
The employee (or companion) may ask questions of the Head and any witnesses.

At any point the Panel members can ask questions of all parties.

The Panel will finally ask the employee (or representative) to sum up on behalf of the employee.

At the end of the meeting the Panel will consider its decision without any other party being present (except where a clerk may be present for the purpose of taking minutes).

Adjournment

The Panel may adjourn the proceedings at any stage if this appears necessary or desirable. If the adjournment is for the purpose of enabling further information to be obtained the Panel will specify the nature of that information.

All parties may ask for an adjournment for the purpose of consultation.

Any adjournment will normally be for a specified time.

New Code of Practice

From April 2009 the statutory dismissal and disciplinary procedures set up in 2004 are abolished. There is no longer a requirement for statutory grievance procedures to be followed before the disciplinary and capability procedures click in. This effectively means a reversal to the guidance and procedures that existed before 2004. As a result ACAS has produced an updated Code of Practice on Disciplinary and guidance Procedures to highlight the key component of a fair procedure and the school will follow the new advice available.

Witness Statements

If witness statements have been obtained during the course of any investigation all parties must be given copies of them at least 48 hours (on weekdays) before the hearing. A shorter period may be agreed by the parties. Where there is a request to preserve the anonymity of a witness the Local Authority should be consulted **before any decision is made.**

Witnesses

Either side may introduce witnesses to the meeting with the Head or Appeal Panel hearing, but must notify all relevant parties at least 24 hours (on weekdays) beforehand that they intend to do so.

Confidentiality

In order to preserve the rules of the natural justice for all parties, the Head and governors must ensure that matters relating to any disputes are not discussed outside the meetings called expressly to consider the matters.

Equal Opportunities

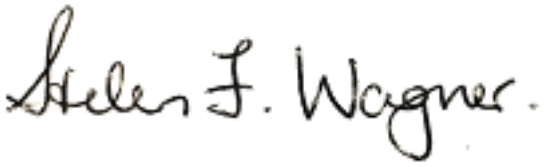
In all the procedures all parties must take into account the school's/college's equal opportunities policy and to ensure that there is no discrimination on the grounds of sex, race, disability, sexual orientation, religion and belief, nor age.

Monitoring and Review

The Governing Body will review the policy every two years and after any formal disciplinary action has been taken.

Date reviewed: Autumn 2013

Date of next review: Autumn 2018

Signed: (Chair of Governors) 

Signed: (Headteacher) 