



Grievance Policy

Formally adopted by the Governing Board:-	Colman Federation
On:-	May 2023
Chair of Governors:-	Karen Gardner
Due for review	May 2024

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<p>This model has been subject to consultation with the recognised trade unions at County level. Any school looking to adopt, or adapt and adopt, as their own should consult recognised trade unions at local level.</p>

1. Principles

1.1 Grievances are concerns, problems or complaints that employees raise with their employers.

1.2 Grievances include reports of any form of bullying and harassment¹.

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

1.3 The school 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.

1.4 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 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.

1.5 Employees will aim to settle most grievances informally with their manager wherever possible.

1.6 Before moving to the formal grievance procedure both the school and the employee will first consider using a mediator to help resolve the problem.

1.7 Managers and employees will raise and deal with issues promptly and will not unreasonably delay meetings, decisions or confirmation of those decisions.

1.8 Managers and employees will act consistently.

1.9 Headteachers will arrange for any necessary investigations to establish the facts of the case.

1.10 The school will allow employees and Headteachers to be accompanied at any formal meeting.

1.11 The school will allow an employee to appeal against any formal decision made.

1.12 The school will keep written records of all grievances.

¹ Harassment is any unwanted conduct, physical or non-physical, affecting the dignity of men and women in the workplace.

- 1.13 The school expects all employees to comply with their obligations under equality legislation and ensure that all reasonable adjustments or supportive measures are considered to allow equal access to the policy and procedure regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status
- 1.14 Through the implementation of this policy, the Governing Board will be mindful of the employer obligation to seek to maintain and protect the mental health and wellbeing of all staff as far as is reasonably practicable.
- 1.15 Headteachers and Governors will seek guidance from EducationHR by telephone on 01603 307760 or by emailing EHRenquiries@norfolk.gov.uk when applying this policy.

2. Scope

- 2.1 This grievance procedure applies to all current employees, both teaching and support staff. There is no legal requirement for an employer to consider grievances from exemployees. This procedure should only be used by a single individual; grievances on a matter of principle raised by a group of employees (or a representative of a recognised trade union on their behalf) should be dealt with under the School's Disputes Procedure.
- 2.2 The Grievance model procedure P307a document governs all matters which have been delegated to the Governing Board of the school. Where a grievance concerns a matter which is decided by the County Council then this should be referred to EducationHR.
- 2.3 Grievances relating to remuneration should be dealt with under the School's Pay and Performance Management Appeal Procedure.
- 2.4 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 School's Whistleblowing Policy and Procedure may be more appropriate.

3. Legal requirements

- 3.1 The way in which a grievance will be dealt with is governed by the policy and procedure adopted by the Governing Board and follows best practice outlined in the ACAS Code of Practice on handling disciplinary and grievance procedures issued under section 199 of the Trade Union & Relations (Consolidation) Act 1992 which came into effect on 6 April 2009 and the ACAS guide to handling discipline and grievances at work.
- 3.2 A failure to follow the ACAS code does not in itself make a person or organisation liable to proceedings. However, Employment Tribunals will take the Code into account when considering relevant cases and can adjust awards by up to 25% for unreasonable failure to comply with the Code. Awards can be adjusted up or down e.g. if the tribunal believes the school has acted unreasonably they can award 25% more, or conversely, if they believe the

employee has unreasonably failed to follow the guidance in the code they can reduce the award by 25%.

- 3.3 Any Statement of Employment Particulars issued to school staff by EducationHR will contain a paragraph which confirms the school's obligation to provide the grievance procedure. The grievance procedure will state to whom any grievance should be addressed. The school through effective induction of staff will ensure the employee knows how to access the grievance procedure.
- 3.4 Under The School Staffing (England) Regulations 2009, the Governing Board must establish procedures by which employees may seek redress for any grievance relating to their work at the school. Where the Governing Board determines on any action which is not within its jurisdiction (under the Education Act 2002), but is within the power of the authority, the authority must take that action at the request of the Governing Board.
- 3.5 School employees have a statutory right to be accompanied by a companion of their choice – a colleague or trade union representative – at any formal grievance meeting.
- 3.6 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.

4. Covert recordings

The Governing Board believes that the covert recordings of workplace meetings undermines trust between individuals.

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 school's 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.

The employee will be informed of this policy position before any disciplinary, grievance or capability meeting.

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

In some circumstances, it may be appropriate for a meeting to be recorded but in these cases, there must be written agreement between management and the employee and consent will need to be obtained by all persons who will be included in the recording. The

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

5. Data protection

The school processes personal data collected during informal complaints and the formal grievance procedure in accordance with its data protection policy. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

Appendix 1 – Table of changes

Date of change	Paragraphs affected	Summary of update
24/11/2021	1.4, 3.6	Additional paragraphs to include consideration for employees with mental health issues.
09/11/2020	4	Addition of section on covert recordings.
05/04/2019	1.2 and 1.4	Updated to make it clear that bullying and harassment complaints are dealt with via the Grievance procedure and also to reflect the changes made to the ACAS Discipline and grievance guidance and also to. Specially 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.
11/05/2018	4	New para added to take into account the new General Data Protection Regulations in force from 25 May 2018.
01/03/2017	All	New formatting due to launch of new HR website, HR InfoSpace – no change to content
15/01/2018	All	All references made to academies deleted as MAT specific document created (P307b).