



PLYMOUTH HIGH SCHOOL FOR GIRLS

POLICY: **Grievance Policy and Procedures**

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GOVERNORS SUB COMMITTEE: **Full Governing Body**

This policy was adopted/updated: November 2018

This policy will be reviewed: November 2021

Statutory Policy: NO

Source: LA/School

CHANGES

September 2009: Policy Implemented

June 2010: Styling revised in line with corporate guidelines

Contacts

If you have any questions regarding this policy please contact the Schools HR Adviser

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This model policy has been written with maintained status in mind. If this model is to be adopted by schools with Trust, Foundation or Voluntary Aided status reference to the "Local Authority" need to be replaced with "the Governing Body" Controlled.

1 INTRODUCTION

Plymouth High School for Girls understands that on occasions, employees may want to raise a grievance related to their employment. This policy is to encourage communication between employees and their Headteacher* to ensure that problems arising during the course of employment can be expressed and quickly resolved.

Most grievances will be resolved through informal discussions with Headteachers. Employees are therefore expected to approach their Headteacher with any concerns they have related to their employment.

Employees raising a grievance should be able to do so without fear of victimisation. All those involved in a grievance have a duty to act honestly and without malice to anyone else. Individuals raising complaints maliciously will be subject to disciplinary action.

All cases will be dealt with in a non discriminatory and consistent way. The Investigating Officer and the Chair of the Grievance Hearing will be responsible for ensuring this.

The employee has the right to be accompanied by a work colleague or represented by a trade union official during all stages of the procedure.

Plymouth High School for Girls may vary its Grievance Policy and/or Grievance Procedure Guide, where it is appropriate to do so, and in order to comply with its statutory duty.

* Reference to Headteacher could also mean Principal, member of SMT or line manager

2 DEFINITION OF A GRIEVANCE

A grievance is a complaint made by an employee about an action which **Plymouth High School for Girls** has taken, or is contemplating taking, in relation to their work.

Grievances can relate to:

- terms and conditions of employment
- health and safety
- difficult working relationships
- bullying and harassment
- new working practices
- working environment
- discrimination/unfair treatment

This list is not exhaustive.

3 IN SCOPE

Plymouth High School for Girls Grievance Policy applies to all school employees.

4 OUT OF SCOPE

The Grievance Policy does not apply in the following cases:

- Where alternative appeal processes exist.
- Where the employee has not submitted their grievance following legislative requirements.
- Where the case has already been heard and there is no new evidence.
- If the matter relates to a collective dispute. A collective dispute should be raised by the Trade Union formally in writing to the Assistant Director of HR.
- Where the matter relates to the application of conditions of service laid down by PCC arising from national provincial or local agreements.
- If the employee raises a concern in compliance with the Public Interest Disclosure Act; please refer to the Whistleblowing Policy for further details.

5 PRINCIPLES

Grievances will be handled as quickly and fairly as possible and informal grievances will be resolved by the Headteacher. Timescales specified will apply unless varied by agreement between both parties.

If the grievance relates to bullying, harassment, discrimination or victimisation, please refer to the Anti Bullying and Harassment Policy.

6 INFORMAL PROCEDURE

Employees should discuss their concerns in the first instance with their Headteacher. If they are unable to approach their Headteacher, then they can informally approach the Chair of Governors.

The Headteacher will seek to resolve the grievance on an informal basis, taking advice if necessary from other parties. The Headteacher and employee will work together to resolve the problem. Once resolved, the Headteacher will make a note of the outcome on the employee's file.

If a grievance cannot be resolved via informal discussions, the formal procedure may then be used.

7 FORMAL PROCEDURE

7.1 Statement of Grievance

An employee who wishes to raise a formal grievance should put their grievance formally, in writing without unreasonable delay, to their Headteacher specifying the nature of their grievance. Where the grievance is about their Headteacher, the grievance should be forwarded direct to the Chair of Governors.

The employee should indicate, as part of their formal written statement, what solution they seek.

7.2 Investigation

An investigation will be undertaken. The appointment of an Investigating Officer should ensure they can act impartially and have no conflict of interest.

7.3 Grievance Hearing

Hearings may be conducted by either the Headteacher/Principal or a panel of governors, except in cases where the Headteacher/Principal is the:

- Investigating Officer
- Witness to the investigation
- Subject of the complaint

When a hearing must be conducted by a panel of governors

The Headteacher will write to the employee with a date for a Hearing, normally within 10 working days, of the investigation being completed. If the grievance raised is against the Headteacher the Clerk to Governors will arrange for a panel of governors to meet to hear the grievance.

If the Headteacher has been the Investigating Officer the matter will be referred to a panel of governors.

The employee should take all reasonable steps to attend the Grievance Hearing.

If the employee is unable to attend the Grievance Hearing and can provide reasonable grounds for not being available, an alternative date will be arranged, normally within 5 working days. If the reasons are medical then a medical certificate will need to be submitted by the employee.

Failure to attend without reasonable justification will be investigated and appropriate action taken.

The employee has the right to be accompanied by a work colleague, represented by a trade union official or professional representative.

At the Grievance Hearing the employee will be given an opportunity to discuss their grievance.

After the Hearing, the Chairperson will write to confirm the outcome of the grievance, normally within five working days. Employees have the right to appeal.

7.4 Appeal

If the employee wishes to appeal, they must formally write to the Headteacher/Chair of Governors confirming their grounds for appeal. This must be received within 5 days of receiving written confirmation of the outcome of the Grievance Hearing.

The Appeal Hearing is the final stage of the procedure.

8 PROCEDURE FOR PEOPLE WHO HAVE LEFT EMPLOYMENT

Wherever possible a complaint should be dealt with before an employee leaves employment. However, an employee who has left employment and wishes to raise a grievance should write to their Headteacher, setting out their complaint as soon as possible after leaving employment, preferably within two weeks. Where the complaint is about their Headteacher, the complaint should be sent to the Chair of Governors.

The Headteacher/Chair of Governors will respond in writing and send to the employee. The response letter must be sent without unreasonable delay. There is no appeal process.

9 KEEPING RECORDS

Written records will be kept in accordance with Plymouth High School for Girls 'Retention and Disposition Schedule' and the Data Protection Act 1998. Records should include:

- The nature of the grievance
- A copy of the written grievance
- The Headteacher or governors response
- Action taken
- Reasons for action taken
- Whether there was an appeal and, if so, the outcome; and
- Subsequent developments

All records will be treated as confidential. Copies of notes will be given to the employee. In certain circumstances, for example to protect a witness, Plymouth High School for Girls might withhold some information. If witnesses request to remain anonymous, all practical steps will be taken to protect the identity of employees, however in some circumstances it may be inevitable that their identity is revealed. Confidentiality of the employees' identity therefore cannot be guaranteed.

10 SUPPORT AVAILABLE FOR EMPLOYEES

Employees can approach their Headteacher or Schools HR Adviser for support. In some cases a referral may be made to the Occupational Health Unit for counselling.

Alternatively, employees who are a member of a Trade Union may wish to contact their Trade Union Official or professional representative.

11 FURTHER GUIDANCE

If you would like further guidance on how to handle a grievance, please refer to the current Grievance Procedure Guide, or your Schools HR Adviser.

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APPENDIX 6: SUGGESTED SEQUENCE TO BE FOLLOWED DURING A GRIEVANCE HEARING

Selection in Procedure Guide	Suggested Actions to Take	Date
1	Attempt to resolve the grievance informally in the first instance	
2.1	<p>Statement of grievance. Employee to:</p> <ul style="list-style-type: none"> ▪ Put their grievance in writing without unreasonable delay ▪ Set out the nature of the grievance ▪ Explain how they think it should be resolved, and ▪ Send to Headteacher who is not the subject of the grievance. If the grievance is against the Headteacher the matter is referred to the Chair of Governors and therefore Headteacher should be substituted to Chair of Governors if this is applicable in these guidance notes. 	
2.3	<p>Clarifying the points in the grievance.</p> <p>The Headteacher who receives the formal written grievance will meet the employee as soon as possible to confirm receipt of the grievance and to clarify the facts. Discuss with the employee whether formal procedures are necessary.</p>	
2.4	The Headteacher to appoint someone to investigate the complaint (Investigating Officer)	
2.5.1	<p>Investigation Officer meets employee to:</p> <ul style="list-style-type: none"> ▪ confirm that they will be investigating the grievance, ▪ clarify the facts, ▪ find out what attempts have been made (if any) to resolve the grievance informally, ▪ clarify what evidence is available, ▪ find out whether there are any witnesses (if relevant), ▪ understand how the employee would like to see the problem resolved 	
2.5.2	The Headteacher will notify the employee who the grievance is against (where relevant).	
2.5.3	Investigating Officer to meet and take statements from witnesses (where relevant).	
2.5.4	Investigating Officer to compile a Grievance Report.	
	Investigating Officer to advise Headteacher that the investigation is complete.	
2.5.5	Clerk to governors to arrange hearing	
2.5.6	Hearing takes place and Governors Staffing panel confirms their decision either at the Hearing, if they have sufficient information to make a decision, or later in writing if there is a need to do further investigations after the Hearing.	
2.5.8	Employee informed of their right to appeal.	

2.6	Employee must submit their appeal within 5 days of receiving written confirmation of the outcome. Employee to provide the grounds of their appeal.	
	Clerk to Governors to arrange Appeal hearing	
	Employee must submit their appeal within 5 days of receiving written confirmation of the outcome. Employee to provide the grounds of their appeal.	
2.6.2	Appeal Hearing decision is given either at the Hearing or later in writing. This decision is the end of the procedure.	

1 INFORMAL GRIEVANCES

Before embarking on formal grievance procedures, employees are encouraged to raise concerns informally with their Headteacher as soon as problems occur, to prevent minor disagreements developing into more serious disputes.

If an employee's grievance involves their Headteacher, where possible the employee should still discuss their concerns with them outside of the formal procedures. This is because issues are often resolved through open discussion. The employee must have a clear idea of what a satisfactory resolution might be and the Headteacher and the employee must seek to agree a solution.

Headteacher should ensure that the employee understands that the matter is being dealt with informally. They should make a note of the conversation and outcome during the informal stage of resolution. If a successful resolution is achieved then the Headteacher should record this outcome and include a copy on the employees file. This information will be useful should the issue be raised again in the future. If a resolution cannot be found and the grievance progresses to the formal stage, this note must be made available to the Investigating Officer.

Where the employee does not feel able to approach the person implicated in the grievance, they can informally discuss the situation with either one of the following;

- Chair of Governors,
- Human Resources (HR) Adviser,
- Trade Union (TU) Official or professional representative

Although there is no statutory right to be accompanied during the informal stages, Plymouth High School for Girls are happy for an employee to be accompanied if they feel they need the support.

There may be situations where the breach of duty is sufficiently serious, or the employee feels it is necessary to go straight to formal procedures. If an employee is unsure whether to seek resolution via informal or formal means, they can speak to their Headteacher, Chair of Governors, HR Adviser or TU Official/professional representative.

The employee reserves the right, at any stage of the informal procedure, to request that the grievance is handled formally.

2 FORMAL PROCEDURE

The formal grievance procedure is normally only adopted where, despite all efforts; a resolution has not been achieved through informal communication channels.

The following steps should be followed when dealing with formal grievances. It is consistent with the requirements of the ACAS Code of Practice and complies with the Employment Act 2008.

2.1 Step 1– Statement of Grievance

When attempts to resolve a grievance informally have been exhausted, and the employee wishes to submit a formal grievance they must;

- put their grievance in writing, without unreasonable delay,
- set out the nature of the grievance,
- explain how they think it should be resolved, and
- send to the Headteacher who is not the subject of the grievance, if the Headteacher is the subject of the grievance than the matter would need to be referred to the Chair of Governors.

When stating their grievance, employees should keep to the facts. Where a grievance is against another person, a copy of the grievance letter (or its relevant sections) will be made available to the person whom the grievance is against. Employees may wish to use the template letter. (Appendix 1)

2.2 Who do employees submit their grievance to?

If the grievance does not concern the employee's Headteacher they should send their grievance letter to him or her.

If the grievance is about a Headteacher the grievance letter should be sent to the Chair of Governors.

In any cases where the employee is unsure, they should contact either their HR Adviser or TU official/professional representative.

2.3 Clarifying the points in the grievance

The Headteacher/Chair of Governors who receives the formal written grievance will meet the employee as soon as possible to;

- confirm that they have received the grievance,
- ensure that the employee has complied with the requirements of the policy,
- ensure that it is not a repeat grievance which has already undergone formal procedures to investigate,

- check whether the complaint is best dealt with under the formal grievance procedure,
- explain the formal grievance procedure so that the employee understands what is involved, and give the employee a copy of the Grievance Policy and this Procedure Guide.

This meeting is intended to take place promptly after receipt of the written complaint. Headteacher may wish to invite their HR Adviser to attend this meeting. The employee may wish to be accompanied and should be given that opportunity. Notes should be taken which may later be used as part of the formal investigation.

It may be agreeable to the employee for the grievance to be dealt with informally in the first instance. If this is the case, the Headteacher/Chair of Governors must record the decision to handle the grievance informally and then make a record of the resolution which has been agreed and keep a copy in the employees file.

If the employee raises a repeat grievance, and there is no new evidence, the Headteacher/Chair of Governors who receives the grievance will write to the employee to advise that the matter has already been dealt with.

2.4 Who investigates a formal grievance and decides the outcome?

The Headteacher/Chair of Governors and HR Adviser must be notified of the grievance as soon as it is received. The Headteacher/Chair of Governors is responsible for allocating a person to investigate the complaint and for a panel of governors to formally hear the grievance.

Investigating Officer: Responsible for finding out the key facts and compiling a report.

Panel of Governors: Is impartial. Will review the findings at the Hearing, and will decide the outcome.

The employee will be notified of the name of the Investigating Officer and the names of the governors. If they have any concerns about the suitability of the governor's panel they should address them immediately.

In most cases the complaint will be handled within the school/college in which the grievance has been made.

2.5 Step 2 – Investigation and Grievance Hearing

2.5.1 Investigation

The Investigating Officer will arrange to meet the person who has raised the complaint. This is expected to occur within 10 working days, however it is understood that there may be situations which cause delay. This meeting will be held in private to discuss the following;

- confirm that they will be investigating the grievance,

- clarify the facts of the grievance,
- find out what attempts have been made (if any) to resolve the grievance informally,
- clarify what evidence is available to support their grievance,
- find out whether there are any witnesses (where relevant) and what evidence they may have,
- understand how the employee would like to see the problem resolved.

The Investigating Officer will arrange for someone who is not involved in the case to take notes at the meeting. The employee is entitled to be accompanied or represented at this meeting.

At the end of this meeting, the Investigating Officer will, where possible, estimate how long they believe they will need to undertake their investigations and advise the employee.

It is normally expected to take no more than four weeks from the receipt of the grievance to the Grievance Hearing date, however it is understood that there may be situations which cause delay.

As part of the investigation, the Investigating Officer will meet separately with the relevant parties to investigate the grievance, hear an account of relevant events which will include:

- The employee whom the grievance is against (where relevant),
- Witnesses (where relevant).

The Investigating Officer may have to meet the parties involved more than once to ensure they get the relevant facts so that a fair resolution can be found.

2.5.2 Notifying the employee whom the grievance is against

If a grievance relates to a specific employee they must be advised at the earliest opportunity that a grievance has been brought against them. Headteacher/Chair of Governors must deal with these cases carefully and sensitively ensuring the following principles are observed;

- meet the employee in private and advise them that a complaint has been made, providing relevant details,
- explain whether the complaint is being handled informally or formally and give the employee a copy of the Grievance Policy and Grievance Procedure Guide, and if relevant, the Anti Bullying and Harassment Policy and Procedure Guide,
- advise the employee that they will be invited to a meeting with the Investigating Officer to discuss the situation so that they can put forward their statement of events,
- Inform the employee of the name of the Investigating Officer

- advise the employee that they will have the right to be accompanied or represented during investigations, and ensure that the employee feels appropriately supported and offer counselling where necessary.

2.5.3 Witnesses

The Investigating Officer will meet witnesses to take their statements (where relevant). Witnesses have the right to be accompanied or represented and it is the witness's responsibility to make suitable arrangements.

Only points relevant to the investigation will be used in the statement. Witnesses will be given a copy of their statement, and a reasonable amount of time to amend and sign their statement. In cases where we do not receive a signed statement, unless we receive written confirmation from the witness that they do not wish their statement to be used, the statement will, if relevant, still be used as part of the Hearing.

Witnesses can be called to attend the Hearing, however if it is not practical for witnesses to attend, consider proceeding if it is clear that their verbal evidence will not affect the substance of the complaint.

2.5.4 Grievance Report

The Investigating Officer will write a Grievance Report. Before the Hearing a copy of the report will be given to;

- the individual who raised the grievance
- Panel of governors
- HR Advisers attending the Hearing
- Accompanier or Representative of the employee raising the grievance

It will not be shared with witnesses or any persons who the grievance is against.

The report will capture the key facts and findings to assist the Panel to make an informed decision. Reports will vary and may contain:

- 1 The grievance letter (or relevant sections).
- 2 Details of how the investigation was conducted, i.e. who was interviewed as witnesses, and other factual documentation collected.
- 3 Copies of evidence relevant to the complaint.
- 4 Witness statements (in full or extracts from).
- 5 Summary of the findings and evidence.

Further information can be collected at the Hearing and after (as long as it is collected before the outcome letter is sent to the employee).

2.5.5 Arranging the Grievance Hearing

When the investigation is finished, it is the responsibility of the Clerk to governors to arrange a mutually suitable time and date for the formal Grievance Hearing, and to ensure that invitations are sent out to the relevant people.

Invitations to attend the Grievance Hearing should be sent a minimum of 5 working days before, with copies of the Grievance Report (where relevant – see 2.5.4). In some grievance cases it may be necessary to send out reports with more than 5 days notice to ensure members of the panel have sufficient time to prepare.

If there are any concerns about the contents of the Grievance Report they should be addressed with the Investigating Officer prior to the Grievance Hearing taking place.

The people who attend the meeting include;

- Governor's panel.
- HR Adviser supporting the Panel
- The employee and their accompanier/representative (if required).
- The Investigating Officer.
- A note taker.
- Witnesses (if required).

It is also the responsibility of the Clerk to governors to ensure that appropriate preparations are made. They include:

- Meeting to be in a private room where there will be no interruptions,
- Arrange for notes to be taken by an independent employee,
- Find out before the meeting whether similar grievances have been raised before, how they were resolved, and any follow-up action that was necessary. This allows consistency of treatment and information on this is available via the Schools HR Adviser.
- Consider arranging for an interpreter where the employee has difficulty speaking English.
- Find out whether any reasonable adjustments are necessary for anyone attending the meeting.

2.5.6 Grievance Hearing

The panel of governors will take into account that a Grievance Hearing is not the same as a Disciplinary Hearing, and is an occasion when discussion and dialogue will hopefully lead to an amicable solution. It should be recognised that employees may be anxious, therefore the panel should make allowances if the employee's behavior is not as calm and professional as they might otherwise expect.

The Principles set out in paragraph 3.1 (support for Disabled or Vulnerable Employees), 3.2 (Accompaniment), 3.14 (Data protection) and 3.15 (confidentiality) apply to this meeting.

The Clerk to governors will prepare an agenda for the meeting, however sample agendas are provided in the appendices.

2.5.7 Outcomes

The Panel must put care and thought into resolving grievances. Key outcomes are either:

- The grievance is upheld or part upheld and the Panel seeks to resolve the situation.
- The grievance is not upheld.

The employee will be given the decision;

- on the day of the Hearing, or,
- it can be sent out in writing within five working days of the Hearing, or, a different date if further investigation is required by the Panel to make a decision and a date is agreed at the Hearing when the outcome letter will be sent.

2.5.8 Written Confirmation of Decision

Within a reasonable time frame, normally within five working days of the Hearing, the Chair of the Panel must provide a written statement of the panel's findings, their decision including the reasons for upholding or rejecting the grievance, any agreement reached and what, if any, actions are to be taken. This statement must be sufficiently detailed so the employee can understand the reason for the decision. The letter should also provide details of who the employee should submit an appeal to. The employee who raised the grievance has five working days from receipt of the letter in which to submit an appeal. (See appendices for template letters)

As soon as possible after the Grievance Hearing, any persons directly implicated in the grievance will be advised of the outcome in writing by the Chair of the Panel normally within five working days of the Hearing.

Witnesses will not be advised of the outcome of the Hearing.

2.6 Step 3 – Appeal

Employees wishing to appeal should do so in writing setting out the grounds for their appeal.

An Appeal Hearing will not be a rehearing of the whole case, but will focus on the grounds for the appeal. Until clarity is provided on the grounds for the appeal, the Appeal Hearing cannot go ahead. Employees can seek advice from either their Schools HR Adviser or TU Official/Professional Representative.

A panel of governors will be convened that had not been involved in the original decision.

Appeals will normally be heard within four weeks of the appeal being submitted, however it is understood that there may be situations which cause delay.

2.6.1 Appeal Hearing

The Clerk to governors will invite the relevant people to attend the Appeal Hearing, giving a minimum of five working days notice.

The people who attend the Appeal Hearing can include;

- Panel of governors hearing the appeal
- HR Adviser supporting the Panel
- Employee and/or their representative/accompanier (if required)
- Investigating Officer
- Chair from the Grievance Hearing
- HR Adviser (from the Grievance Hearing - if required)
- Note taker
- Witnesses (if required)

The same considerations should be taken in account as those when planning a Grievance Hearing. At the meeting the employee will be allowed to explain the grounds of their appeal and how they think it can be resolved.

The Panel will review the grounds for appeal and will consider whether the decision previously made at the Grievance Hearing was reasonable in light of the information presented at that stage. The Panel will also check that a fair process was followed. Only information which may have an impact on the outcome will be permitted to be included at this late stage. The meeting will be adjourned to make a decision or to allow for further investigation or to seek guidance where necessary. The appeal decision will be confirmed either at the meeting and/or in writing within a reasonable time frame, normally within five working days of the meeting. This letter will provide a summary of the findings, setting out the reasons for upholding or rejecting the appeal and any agreement reached or actions to be taken.

This is the end of the procedure.

3 ADDITIONAL INFORMATION

3.1 Support for disabled or vulnerable employees

Consideration must be given to making reasonable adjustments for employees who have a disability to aid communication and thereby improve the likelihood of a successful resolution. Employees with language or communication difficulties are encouraged to seek help from a TU Official/Professional Representative or HR Adviser when setting out their grievance in writing.

Vulnerable individuals (e.g. employees with learning disabilities) should not be interviewed unless absolutely essential and then only in the presence of a representative or accompanier of their choosing, for example a parent, friend or specialist. The meeting rooms used must also be appropriate to the individuals needs and must enable the person to participate as fully as possible.

Reasonable adjustment may also be needed for employees with a disability (and for their companion if they are disabled).

3.2 Accompaniment and Representation

Employees raising a grievance have a statutory right to be accompanied by either a work colleague or Trade Union Official/Professional Representative during the investigatory stages of a grievance, and the formal Grievance Hearing or Appeal Hearing. Clerk to Governors should ensure that this is included on any relevant communication.

The chosen companion may be a fellow worker or a TU Official/Professional Representative.

3.3 What is a reasonable request to be accompanied?

If the employee is being accompanied by a member of a recognised TU/Professional Association, the employee should advise the Investigation Officer/Clerk to Governors of their attendance at the meeting.

Employees must seek approval for non union accompaniment before the meeting. The decision on whether a request for a companion is reasonable will depend on the circumstances of the individual case. When employees are choosing a companion, they should bear in mind that it would not be reasonable to request to be accompanied by a colleague whose presence would prejudice the hearing or who might have a conflict of interest. Nor would it be reasonable for an employee to be accompanied by a colleague from a geographically separate location when someone suitably qualified was available on site.

The request to be accompanied does not have to be in writing.

3.4 Who can be invited to accompany?

The companion may be:

- a fellow worker (i.e. another of the employer's workers)
- a workplace TU Official/Professional Representative as long as they have been reasonably certified by their union/professional association as having received training in acting as a worker's companion at Grievance Hearings.

Fellow workers do not have to accept a request to accompany a colleague, and they should not be pressurised to do so.

An employee who has agreed to accompany a colleague is entitled to take a reasonable amount of paid time off to fulfill that responsibility. This is to cover attending the Hearing, to familiarise themselves with the case and confer with the worker before and after the Hearing. The amount of time they can spend supporting the grievance should be agreed with their Headteacher.

3.5 The role of the accompanier/representative

The accompanier/representative is permitted throughout to:

- put the worker's case
- sum up the worker's case
- respond on the worker's behalf to any view expressed at the hearing

- confer with the worker during the hearing.

It is good practice to allow the accompanier/representative to participate as fully as possible in the Hearing, including asking witnesses questions. The accompanier/representative is not legally permitted to;

- answer questions on the worker's behalf,
- address the hearing if the worker does not wish it,
- prevent the employer from explaining their case.

3.6 Delay or postponement of meetings

Employees should take all reasonable steps to attend a Grievance or Appeal Hearing. In situations where a meeting has been arranged and, it is not reasonably practicable for the employee to attend, then the meeting will be rearranged on another mutually convenient date (usually within 5 days). If the reasons are medical then a medical certificate will need to be submitted by the employee.

If an employee or employee's accompanier/representative cannot attend a meeting on a proposed date, another date will be arranged, ideally it should be no more than five working days after the date originally proposed by the employer. If an accompanier/representative is unable to attend within a reasonable period, the employee will be asked to select someone else to accompany/represent him or her.

3.7 Inability to take part due to long term ill health

If the employee who raised the grievance is absent from work due to a long-term illness, their Headteacher will seek advice from Occupational Health about the employee's fitness to take part in the grievance investigation and/or Grievance Hearing. In this situation a decision will be made on how to proceed in consultation with Occupational Health and HR.

If the nature of the grievance is sufficiently serious, Plymouth High School for Girls may decide to continue to investigate the situation, even in the absence of the employee who raised the grievance, as Plymouth High School for Girls has an overall duty of care to ensure the safety of all employees

3.8 Non Attendance at the hearing

If any employees invited to attend the Grievance Hearing are unable to attend, they must inform the relevant person as soon as possible. Failure to attend a meeting without reasonable justification will be investigated and appropriate action taken.

3.9 False or vexatious grievances

Plymouth High School for Girls) will take cases of false or vexatious grievances very seriously. The disciplinary procedure will be invoked where it is clear that an employee has made a false, vexatious or malicious claim against another employee.

3.10 Multiple Grievances

Where an individual raises multiple grievances relating to different issues, management reserves the right to deal with the different matters at one Grievance Hearing to avoid duplication of procedure and aid a prompt resolution.

3.11 Collective grievances and Collective Disputes

Collective grievances apply where two or more employees raise the same grievance and a decision is taken to consider them together.

Collective Disputes affect all staff and therefore should be raised by the Trade Union/Professional Association formally in writing to the Head of Human Resources. For clarification on whether the complaint is a collective grievance or collective dispute, please seek advice from an HR Adviser or Trade Union/Professional Representative.

3.12 Other complaints which may trigger a formal grievance

Headteachers should be alert to the possibility that an employee may make a complaint within a written correspondence, such as a resignation letter, or e-mail. Where this is the case, the Headteacher who receives the complaint must clarify with the employee whether it is their intention to raise a formal grievance. If so, they must put their grievance formally, in writing, to comply with Stage 1 of the grievance process. If the complaint is against the Headteacher this would be handled by the Chair of Governors.

3.13 Grievances against external third parties

Employees might raise issues about matters not entirely within the control of the school, such as client or customer relationships. These should be treated in the same way as grievances within the school, with the Headteacher investigating as far as possible and taking action if required. We will make it clear to third parties that grievances are taken seriously and action will be taken to protect our employees.

3.14 Data Protection

Information about the grievance will only be provided to those who need to know, in order to assist with the resolution of the grievance. All notes of meetings are to be treated as confidential, however where necessary other staff will be asked for their view on relevant parts of the information provided in order to progress the investigation and seek resolution.

If employees provide information that they do not want to be available to other employees during the course of the investigation, they should clearly state which information they wish to be withheld, and from whom. The Investigating Officer may seek advice before they agree on conditions being attached to the use of the information as withholding facts may prevent a fair resolution being reached.

Data will be held in line with our Retention and Disposition Schedule (which can be found on the School Room).

Where the grievance relates to a Young Person (anyone under the age of 18, as defined by the Children's Act 1989), records will be retained indefinitely for future reference.

3.15 Confidentiality

If employees become involved in a grievance procedure they will be expected to maintain confidentiality. Breaches of confidentiality will be taken seriously, especially if it hinders an investigation and may result in disciplinary action.

If employees are uncertain who they can talk to about the case, they should seek advice from their Headteacher, HR Adviser or TU/Professional Representative.

3.16 Overlapping disciplinary & grievance issues

If an employee raises a grievance during their involvement in a disciplinary investigation, management should seek advice from their HR Adviser to determine how to proceed.

3.17 Grievances from employees who have left employment

An employee who has left employment and wishes to raise a complaint should write to their previous Headteacher, setting out their complaint as soon as possible after leaving employment, ideally within two weeks. Where the complaint is about their former Headteacher, the complaint should be raised to the Chair of Governors.

The Headteacher/Chair of Governors who receives the complaint will set out their response in writing and send to the employee. The response letter must be sent without unreasonable delay. There is no appeal process.

3.18 Exemptions which apply to the grievance procedures

There is no requirement to start or complete the grievance procedures if one or more of the following situations apply;

- i. one party has reasonable grounds to believe that starting or completing the procedure would result in a significant threat to any person or any person's property;
- one party has been subject to harassment and has reasonable grounds to believe that starting or completing the grievance procedure would result in further harassment; or
- factors beyond the control of either party make it effectively impossible for the procedure to be started or completed within a reasonable period.

Please seek further guidance or information from your Schools HR Adviser if necessary

APPENDIX 2: SAMPLE INVITATION TO A GRIEVANCE HEARING

PRIVATE AND CONFIDENTIAL

Date

Dear [employee's name]

I am writing to confirm that you are invited to attend a Hearing to discuss the details of the grievance you have raised in your letter dated in accordance with (name of school) Grievance Policy. We have agreed that the Hearing will take place on [date] at [time] in [place].

Please find enclosed a report which summarises the information which has been gathered during the investigation. The panel will discuss the contents of the report during the meeting.

As you are aware you are entitled to be accompanied by either a work colleague or Trade Union/Professional Representative. Please let me know the name of the person you would like to accompany you if they are not a representative of one of our trade unions/professional representative. If this date is not convenient to you or your work colleague/Trade Union/Professional Representative please confirm the reasons for this and provide details of any further dates on which it will not possible for you to attend a re-arranged meeting.

Please confirm your attendance at the meeting with [name and telephone number] as soon as possible. Please also advise me if you have a disability and require any adjustments to aid your participation at the Hearing.

Please contact me if you have any queries.

Yours sincerely

Clerk to Governors

APPENDIX 3: SAMPLE GRIEVANCE HEARING OUTCOME LETTER

PRIVATE AND CONFIDENTIAL

Date

Dear [employee's name]

Further to the Grievance Hearing held on [date] at [time] in [place] to discuss the grievance that you raised in your letter dated, I am writing to advise you of the panel's decision.

Include details of decision taken and why that decision was made.

Should you believe that your grievance has not be satisfactorily resolved, you have the right of appeal against this decision, by writing to the Clerk to Governors within 5 working days of receiving this letter, detailing the grounds for your appeal.

Please don't hesitate to contact me should you have any queries.

Yours sincerely

Chair of Governors Panel

APPENDIX 4: SAMPLE INVITATION TO GRIEVANCE APPEAL HEARING

PRIVATE AND CONFIDENTIAL

Date

Dear [employee's name]

In response to your appeal letter dated against the decision made at the Grievance Hearing held on [date] at [time] in [place]. I am writing to confirm that, as provisionally agreed, the Grievance Appeal Hearing will take place on [date] at [time] in [place] in accordance with (name of school) Grievance Policy. If this is no longer convenient, please set out the reasons for this and provide details of any further dates on which it will not be possible for you to attend a re-arranged meeting.

Your appeal will be heard by a panel of governors who have not taken part in the original decision.

The decision of this grievance appeal will be final and there will be no further right of appeal.

You are entitled to be accompanied by a work colleague or Trade Union/Professional Representative. Please let me know the name of the person you would like to accompany you if they are not a representative of one of our trade unions/professional associations. Please also advise me if you have a disability and require any adjustments to aid your participation at the Hearing.

Please confirm your attendance at the meeting with [name and telephone number] and you may contact me on [insert telephone number] if you have any queries.

Yours sincerely

Clerk to Governors

APPENDIX 5: SAMPLE DECISION AFTER A GRIEVANCE APPEAL HEARING

PRIVATE AND CONFIDENTIAL

Date

Dear [employee's name]

Further to the Grievance Appeal Hearing that was held on [date] at [time] in [place] to discuss your appeal dated, I am writing to advise you of the panel's decision

Enter details here and why

You have now exercised your right of appeal under (name of school) Grievance Policy and Procedure and this decision is final.

Yours sincerely

Chair of Governors Appeals Panel

APPENDIX 6: SUGGESTED SEQUENCE TO BE FOLLOWED DURING GRIEVANCE HEARING

The Chairperson has a responsibility to ensure that the meeting is conducted in calm and objective manner, being as fair to the employee as possible in the resolution to the problem.

1 Introductions

The Chairperson to thank everyone for attending, introduce each person and state their role at the meeting.

State the purpose of the Hearing.

Remind everyone that the issue is confidential and must not be discussed outside of the procedure.

Check that the employee was offered to be accompanied during the investigations.

Check that the employee has had sufficient time to review the grievance report.

Check whether the employee has any disabilities that may affect their ability to participate in the meeting and whether any adjustments are required.

2 Employee Case

The Chairperson to invite the employee to state their grievance and how they would like to see it resolved.

3 Questions

The Panel and/or HR Adviser may wish to ask questions to clarify details of the complaint.

4 Presentation of Investigation Findings

Investigating Officer to present their findings by outlining how the investigation was conducted and confirm their findings, referring to relevant supporting evidence.

5 Open discussion regarding investigating findings

The employee who raised the grievance is offered the opportunity to comment on the findings and ask questions. The Panel, HR Adviser and accompanier/representative may also ask questions.

6 Witnesses

Witnesses, if they are invited to attend, will be invited to attend separately and asked to clarify their statements.

7 Questions for the witnesses

The employee, Panel, HR Adviser, Investigating Officer may wish to question or clarify points with the witness.

At this point the Chairperson will ask the witnesses to leave.

8 Recall parties to clarify points of uncertainty, if necessary

The Panel may recall parties to clear points of uncertainty on evidence already given.

9 Adjournment

The Panel having concluded all discussions should check whether there are any final comments any member of the panel wish to make. The Panel will then adjourn to consider all the information.

The Panel may also adjourn at any point during the Hearing if they wish to take further advice.

10 Decision and Outcomes

The Hearing can either be reconvened on the same day with a decision given verbally, or the decision can follow in writing (usually within 5 working days). Where the decision is given verbally it will always be confirmed in writing.

11 Grievance Conclusion

The Chair of the Panel will confirm in writing their decision and any actions they propose to take in light of the grievance raised.

Close Grievance Hearing

Additional responsibilities of the Panel

If the grievance highlights any issues concerning policies, procedures or conduct (even if not sufficiently serious to merit separate disciplinary procedures) they should be addressed as soon as possible.

Ensure that any action taken is monitored and reviewed, as appropriate, so that it deals effectively with the issues.