



Hounslow Town Primary School Grievance And Fair Treatment Policy

Approved by: Full Governing Body **Date:** June 2023

Last reviewed on: November 2022

Next review due by: November 2023

1 GENERAL PRINCIPLES

Purpose

- 1.1 We wish to establish a working environment which enhances the performance and wellbeing of employees and promotes on going school improvement. We believe that every employee has the right to be treated with respect and has the responsibility to treat others respectfully and to uphold these principles and values when at work. Where conflict does arise the School is committed to addressing and resolving issues effectively.
- 1.2 All employees can expect to work in an environment underpinned by the following core values:
 - Tolerance
 - Trust
 - Respect
 - Mutual co-operation
 - Understanding

When should the Policy be invoked?

- 1.3. This Policy should be invoked in all cases where employees wish to raise grievances or have concerns about fair treatment.

What is a Grievance?

- 1.4 The statutory definition of a grievance is used in the application of this policy. Therefore an employee has a grievance if:
 - S/he wishes to complain about action that the School or a colleague has taken or proposes to take against her/him, **and**
 - S/he considers that this action has been taken for some reason that is not connected with the way he or she is doing the job.
- 1.5 The definition of a grievance includes harassment, bullying and discrimination. Employees wishing to complain about concerns of this nature should use this policy.
 - 1.6. Other issues which may cause grievances include: terms and conditions of employment, health and safety, work relations, new working practices, working environment and organisational change and inconsistent treatment.
 - 1.7. Complaints against people who are not employees or governors of the School (for example a client, member of the public or contractor) cannot be dealt with under this Policy. Any such issues should nonetheless be raised with line management, who must consider the best way of addressing and resolving them.

Protection for Complainants

1.8. Abuse of this policy will not be tolerated. Therefore anyone who is found to have harassed or treated an employee less favourably because s/he has invoked this policy may be liable to disciplinary action.

Malicious complaints

1.9. Any employee who is found to have made a malicious complaint may be liable to disciplinary action.

Who does the Policy apply to?

1.10. This Policy applies to all employees appointed by the Governing Body. Employees are as defined in section 230 of the Employment Rights Act 1996 or any substituting or amending legislation.

How should Grievances or concerns about Fair Treatment be raised?

1.11. Grievances are best resolved when they are raised and addressed promptly. This is most likely to be achieved, where employees first raise any grievances informally with their line manager. If a grievance is not in fact dealt with by the line manager or if, at the outset, the employee feels it would be inappropriate to raise the complaint with their line manager, the matter should be raised formally. The process for doing so is set out in Section 3.

Witnesses

1.12. Anyone named as a witness, or required to provide information as part of the grievance investigation, will be expected to co-operate at all stages of the procedure. In particular, they are expected to provide statements in a timely manner and to make themselves available to attend meetings so that the case can proceed in accordance with the timescales set out in the Policy.

Representation

1.13. All employees have the right to be accompanied by a Trade Union representative or a work colleague throughout this process.

Confidentiality

1.14. All parties involved need to respect confidentiality at all times. Information must not be shared with anyone except those directly involved. This does not preclude a confidential consultation with a friend, colleague or trade union representative for support.

2 THE INFORMAL STAGE

- 2.1 Where an employee has a grievance resulting from a management decision, s/he should discuss the matter with her/his line manager, or the Headteacher. Where an employee has a grievance which involves another member of staff, unless the matter is of so serious a nature as to make it unfeasible, efforts should be made to resolve the matter by making a direct approach to the member of staff concerned. Where such a discussion does not settle the matter or is unfeasible, the employee should bring the matter to their line manager or to another senior member of staff. For complaints of a serious nature, it is possible that the complaint may need to be investigated and possibly dealt with via the Disciplinary Procedure.
- 2.2 Where an employee requests a personal meeting with a manager in accordance with the Informal Stage, it shall be granted within 5 school working days. The employee may be accompanied by a trade union representative or work colleague at the meeting and the manager may engage professional support.
- 2.3 The manager should seek to resolve the problem personally or, by mutual agreement, with other members of staff. If the matter has been referred to the Headteacher he/she may consult with the Chair of Governors. On reaching a conclusion to the matter the manager will confirm this in writing to the employee.
- 2.4 Where a grievance involves a member of the Governing Body the employee should raise the matter first with the Headteacher and it shall be determined whether it is most appropriate for the

employee to try to resolve the matter by direct approach to the person involved or whether the Headteacher will seek to resolve the matter, as per 2.3.

- 2.5 Where the grievance lies with the Headteacher the employee may approach the Chair or Vice-Chair of Governors.

INFORMAL PROCEDURE FOR THE HEADTEACHER

- 2.6 Where the Headteacher has a grievance, s/he should first try to resolve the matter by a direct approach to the person concerned. If this does not settle the problem, s/he should discuss the matter with the Chair of Governors.
- 2.7 Where the Headteacher has a grievance with the Chair of Governors and this cannot be resolved by a personal approach, s/he should discuss the matter with the Vice-Chair of Governors or a representative of the LA.

Notes should be kept of all informal discussions and kept securely for a minimum of two years.

WHERE THE INFORMAL STEPS DESCRIBED ABOVE DO NOT RESOLVE THE MATTER OR ARE OTHERWISE CONSIDERED INAPPROPRIATE IN VIEW OF THE NATURE OF THE COMPLAINT, THE EMPLOYEE MAY PROCEED TO MAKE A FORMAL GRIEVANCE.

3. FORMAL PROCEDURE FOR DEALING WITH A GRIEVANCE

- 3.1 Where the grievance has not been resolved under the informal stages described above, the employee may submit a formal written notice of the grievance to the Headteacher, or in the case of the grievance lying with the Headteacher, to the Chair of Governors, together with any relevant documents. Such formal notice should be submitted as soon as possible after the conclusion of the informal stage and must be within three months of the most recent incident. Where the Chair of Governors receives a complaint against the Headteacher, he/she should consult with the Director of CS&LL to determine how the matter will be investigated.
- 3.2 Where the Headteacher wishes to make a formal grievance s/he should send written notice to the Chair of Governors (see 3.4 and 3.5).
- 3.3 The Headteacher (or in the case of a complaint against the Headteacher, the Chair of Governors) should seek to settle an employee's grievance. The Headteacher (or Chair) may delegate this to an appropriate manager (or Governor in the case of a matter raised with the Chair). The person responsible for addressing the grievance complaint is hereafter referred to as "the manager". Much of the procedure given below may have taken place during the informal stage but once the grievance has been formalised the steps must be reconsidered and, as appropriate, repeated and written records collated. The manager shall:
- arrange to meet the grievant within 5 school working days of the written grievance,
 - explore with the grievant the nature of the grievance and any action s/he wishes to have taken to resolve it,
 - undertake an investigation involving all relevant parties
 - determine whether the grievance is justified, and if so, what action can be taken/recommended to resolve it,
 - write a letter to the grievant as soon as possible, saying:
 - what is understood to be the nature of the grievance,
 - whether the grievance is considered justified and if so what action can be taken/recommended to resolve it,
 - if the grievance is considered not justified the reasons for arriving at this conclusion, and advising on the right of appeal
 - securely store a full written record of the grievance, including the facts established, the decision taken and the reason for it, together with the dates upon which the grievance was heard and responded to,

- (j) send a report of the grievance and action taken to the Chair of Governors. Where the grievance is a complaint against the Headteacher a copy of the report shall be sent to the Director of CS&LL.

The grievant may be accompanied by an accredited trade union representative or work place colleague throughout the above procedure. The manager may engage professional support (e.g. from CS&LL Human Resources).

FORMAL PROCEDURE FOR THE HEADTEACHER

- 3.4 Where the Headteacher considers that his/her grievance has not been satisfactorily settled through an informal process s/he should write to the Chair of Governors (copied to the Director of CS&LL) asking for the grievance to be considered by a Grievance Committee of the Governing Body.
- 3.5 The Grievance Committee shall be formed in accordance with School (Government) Regulations and shall not involve any Governor with prior involvement or interest in the matter. The Committee shall determine how the matter shall be investigated to enable it to fulfil the process as outlined for 3.3 above. In addition a copy of the report shall be submitted to the Director of CS&LL.

4 APPEAL

- 4.1 If the employee wishes to appeal against the decision, s/he must send a written notice of appeal to the Chair of Governors within 10 school working days of the date of the letter notifying him/her of the decision. The notice of appeal must include the grounds on which the appeal is being made. In the case of the Headteacher appealing against the decision of the Grievance Committee the appeal shall be lodged with the Chair of the Grievance Committee (copied to the Director of CS&LL).
- 4.2 Appeals shall be considered by an Appeals Committee formed in accordance with School (Government) Regulations and which shall not include any Governor with prior involvement or interest in the matter. If the decision subject to appeal has previously been considered by the Grievance Committee then the number of governors on the Appeals Committee shall be at least equal to the number that sat on the Grievance Committee. The Grievance Committee shall meet within 15 school working days of receipt of the written notice of appeal. The parties involved shall be given not less than 10 school working days notice of the time and place of the hearing. In the notification to the employee, she/he will be advised that she/he can submit additional documentary evidence and call witnesses. Any documentation and notification of witnesses must be sent to be received by the Headteacher by 3 working days in advance of the hearing. Arrangements will be made for the release of staff called as witnesses, as far as this is in the power of the school to arrange (i.e. it is expected that staff of the school will be released, however it is accepted that witnesses who are not employees of the school will not fall within the direction of school management).
- 4.3 The Director of CS&LL must be notified of the date of the hearing, and be supplied with copies of relevant documents.
- 4.4 Copies of documents to be placed before the Appeals Committee will be given simultaneously to all those attending the appeal not less than 3 school working days before the hearing.
- 4.5 The procedures to be followed will be as described in Appendix One.
- 4.6 The decision of the Appeals Committee shall be final.
- 4.7 The employee may at any time withdraw an appeal by writing to the Chair of Governors.

5 The Modified Procedure for Employees who have left the School

- 5.1 The School's 'Standard Procedure' set out in section 3 will apply in all cases where the complainant is employed by the School. However, where an employee has left the School's employment and particular circumstances exist, a Modified Procedure will apply. These circumstances are that:
 - a) the School was not aware of the grievance before employment ended

OR

- b) the School was aware of the grievance but the standard procedure had not been started or completed by the time employment ended.

AND

- c) the parties agree in writing that the modified procedure should apply.

5.2 Under the Modified Procedure, the following steps must take place:

- The employee must set out their grievance, and the basis for it, in writing and address it to the Chair of Governors.
- The Chair of Governors shall either directly deal with the matter or refer it to the Headteacher.
- The manager in receipt of the written grievance must consider the case, set out their response in writing and send it to the former employee. A copy of the response should be sent to Chair of Governors.

GUIDANCE FOR THE PROCEEDINGS OF THE GRIEVANCE APPEALS COMMITTEE

Those in attendance at the appeal hearing shall be:

1. The members of the Appeals Committee, one of whom shall be designated the Chair.
2. Professional advisers engaged by the Appeals Committee for support and/or attending to advise the Committee on behalf of the Director of CS&LL.
3. The grievant who will have the right to be accompanied by an accredited trade union representative or workplace colleague.
4. The manager (i.e. the person/people responsible for reaching the original finding on the grievance which is subject to appeal). If the manager investigated the grievance in association with a professional adviser, the adviser may also be present.
5. Witnesses who may be called by the grievant or the manager and who shall only be in attendance when they submit their evidence.
6. A note taker.

Proceedings:

7. The chair of the committee will be responsible for the conduct of the meeting, and ensuring that confidentiality is maintained by all those involved in the process.
8. The grievant or his/her representative should state the reasons for the appeal, calling witnesses if s/he wishes.
9. The grievant and witnesses can be questioned by the manager and members of the Committee.
10. The response to the appeal is made by the manager who may call witnesses.
11. The manager and witnesses can be questioned by the grievant and members of the committee.
12. The grievant then has an opportunity to make a final statement and to sum up.
13. The manager can then make a final statement and sum up.
14. The Chair of the Committee should then explain how the grievant and manager will be informed of the decision.
15. The grievant and manager withdraw. They may be asked to remain available for a short period of time, in order to provide additional clarification to the Committee, if required. If either party is required to provide further information then both parties shall be invited to return.
16. The Committee will then consider the issues raised, and:
 - a) determine whether the appeal is justified, and if so, what action can be taken/recommended to address the matter,
 - b) write a letter to the grievant within 5 days of the decision, stating:
 - what is understood to be the nature of the appeal,
 - whether the appeal is considered justified and if so what action can be taken/recommended to address the matter,
 - if the appeal is considered not justified the reasons for arriving at this conclusion
 - c) securely store a full written record of the appeal, including the facts established, the decision taken and the reason for it, together with the dates upon which the appeal was heard and responded to,
 - d) send a report of the appeal and action taken to the Chair of Governors. Where the appeal concerns a grievance against the Headteacher a copy of the report shall be sent to the Director of CS&LL.