

# Schools HR Policy & Procedure Handbook



*Rushbury C E Primary School*

## **Grievance Procedure**

This Policy/Procedure has been consulted on and negotiated with the following professional associations and Trade Unions representing Teachers, Headteachers and Support Staff:

- Association of School and College Leaders
- GMB
- National Association of Headteachers
- National Association of Schoolmasters Union of Women Teachers
- National Education Union
- Unison

This policy has been adopted by the governing body of

Rushbury C E Primary School

on

September 2024

## CONTENTS

		Page
1.	<b>Introduction</b>	3
	<ul style="list-style-type: none"> <li>• <i>What is a grievance?</i></li> <li>• <i>When should this procedure be used?</i></li> <li>• <i>When does this procedure not apply?</i></li> </ul>	4 4 4
2.	<b>The Informal Procedure: Raising Concerns</b>	5
3.	<b>Roles and Responsibilities under the Formal Procedure</b>	5
4.	<b>The Formal Grievance Procedure</b>	7
	<ul style="list-style-type: none"> <li>• <i>Stage One: Statement of Grievance</i></li> <li>• <i>Grievance Resolution / outcome</i></li> <li>• <i>Stage Two – Initial Confidential Meeting between Receiver and Grievant</i></li> <li>• <i>Stage Two – Initial Confidential Meeting between Receiver and Subject</i></li> <li>• <i>Outcome of Receiver’s initial meetings with the Grievant and Subject</i></li> <li>• <i>Appointment of an Investigation Officer</i></li> <li>• <i>Confidentiality</i></li> <li>• <i>Summary Investigation Report</i></li> <li>• <i>Stage Three – The Appeal</i></li> <li>• <i>The Appeal Committee</i></li> </ul>	7 7 8 8 9 9 9 10 10 11 11
5.	<b>Written Records and Notes</b>	12
6.	<b>Recording Meetings</b>	13
7.	<b>Mediation</b>	13
8.	<b>Collective Grievances</b>	14
9.	<b>Post-Employment Concerns</b>	14
10.	<b>Data Protection &amp; GDPR</b>	14
11.	<b>Monitoring and Review</b>	15

## Appendices

<b>A.</b>	<b>Flowchart: Overview of Stages 1 &amp; 2 of the Procedure</b>
<b>B.</b>	<b>Stage 3: Procedure for Hearing a Grievance Appeal</b>
<b>C.</b>	<b>Formal Procedure: CONFIDENTIAL Grievance Register Form</b>

## The Grievance Procedure

### 1. Introduction

Any member of staff working in a school may, at some point in their employment, have worries or concerns about their work, working conditions or relationships with colleagues which they will want to address and resolve.

The Governing Body is committed to ensuring that staff are treated fairly and with respect in all aspects of their employment, as well as in accordance with all relevant legislation. This policy is designed to resolve any concerns/disputes that arise, in a timely fashion and in a manner which focuses on avoiding adversarial exchanges.

Many concerns can be raised and settled during the working day, which also allows for problems to be resolved quickly. Members of staff are encouraged to discuss and resolve issues and concerns, informally, with the aim of all parties contributing to and agreeing an amicable and solution-focused outcome under the informal element of the procedure.

Where an informal approach to resolving worries and concerns has not succeeded, the school's agreed procedure provides a means for employees to raise the matter formally.

Where applicable, members of staff are encouraged to seek the advice and support of their trade union or professional association before raising a formal grievance under this procedure.

This procedure is drawn up to ensure compliance with the ACAS Code of Practice on Disciplinary and Grievance Procedures.

#### What is a grievance?

For the purpose of the formal procedures, the term 'grievance' means a **work-related concern** meeting the following criteria:

- The grievance must relate to the individual member of staff and be specific to their employment.

NB. grievance procedures cannot be used to raise concerns about matters such as pay, conditions of service, general policies/procedures or where there is another recognised route available.

- The grievance must be substantial in the sense that, if the facts of the matter were found to be as stated by the member of staff, it would be reasonable to conclude that significant evidence for the grievance existed.

NB. Where there are several individual grievances about the same issue, then this procedure may be used to agree a collective resolution.

The school's HR Advisor will provide advice to Headteachers/Line Managers and Governing Bodies on the application of the procedure.

## **When should this procedure be used?**

Staff concerns can arise from a variety of sources. The principal aim of this procedure is to enable a concern to be resolved informally, wherever possible.

Where an informal approach to resolving matters is inappropriate or has failed, the formal procedure should be followed. Even when accessing and following the formal procedure, all parties should aim to resolve the grievance fairly, pragmatically and as soon as possible.

The formal procedure should be used to address formal grievances relating to the rights of employees under their terms and conditions of service and any other matters relating to their employment.

Examples of such rights or matters may include, but are not limited to:

- health and safety
- workplace relations
- new or existing working practices
- the working environment
- organisational change
- perceived discrimination
- failure by the senior leader team to manage the conduct of others, to the detriment of the Grievant
- excessive or inequitable workload

## **When does this procedure not apply?**

The procedure does **not** apply in the case of:

- disciplinary and dismissal matters (an appeal process exists within the disciplinary and redundancy procedures in relation to these)
- following an unsuccessful appeal under another procedure
- questions relating to statutory adjustments to pay and allowances (e.g. income tax, national insurance, occupational pension scheme and statutory sick pay).
- national agreements (other than in relation to local interpretation and application)
- grading issues in respect of job roles (these should be raised through the appeals procedure of the school's agreed pay procedure)
- personal matters not directly related to employment or conditions of service.
- whistleblowing\*
- bullying and harassment\*
- low-level concerns\*
- allegations relating to child protection and/or safeguarding\*

*\*There are specific school policies and procedures in place to deal with these matters.*

## 2. The Informal Procedure: Raising Concerns

Most issues are best resolved informally, and staff are encouraged to try to resolve matters in this way, before initiating the formal process.

The individual should, in the first instance and wherever possible, endeavour to resolve the matter via a direct and pragmatic approach. This includes when the matter involves the headteacher.

However, if the circumstances mean that it is inappropriate for the staff member to make a direct approach, or where a direct approach does not improve the situation, the staff member may still wish to progress an informal route to resolution by discussing their concern, informally, with a member of the school's leadership team.

Who the individual progresses and raises their concern with on an informal basis will vary depending on the circumstances, but where a direct approach has not worked or is not appropriate, the matter should generally be informally discussed with the:

- **Headteacher/Line Manager** – where the matter relates to a member of staff
- **Chair of Governors** (also to the HR provider for information) – where the matter relates to the Headteacher.
- **Director of Children's Services** (who may delegate the responsibility) – where the matter relates to either the Governing Body or an LA Officer.

In some circumstances, staff may also wish to consider mediation as a possible means of resolving the problem informally (see **Section 7**). If mediation is sought as part of the informal procedure, the **Mediator** must be appropriately trained and must not have had any prior involvement in the matter.

In situations where direct approaches under the informal procedure do not adequately address and/or remedy concerns, the staff member should initiate the **Formal Grievance Procedure** set out in **Section 4** and complete the confidential **Formal Grievance Register Form** at **Appendix C**.

## 3. Roles and responsibilities under the formal procedure

The definitions below are given to assist with understanding the roles in this procedure:

- **The Grievant(s)** - the person(s) who raises the grievance under the formal procedure.
- **The Subject(s)** - the person(s)/issue(s) that the formal grievance relates to/is about.
- **The Receiver** - the person to whom a formal grievance register form is submitted, and who makes an assessment of the matter in terms of next steps. (This could be the Line Manager, Headteacher, Chair of Governors or Director of Children's Services)

- **The Investigating Officer** - the person who the **Receiver** may decide to appoint to investigate the grievance. For example, this could be a member of the school's Senior Leadership Team or a representative of HR.
- **The Mediator** – an independent individual who may be involved at any point during a grievance to facilitate and promote a resolution between the parties.
- **A Companion** – The Employment Relations Act 1999 provides for an employee, **Grievant** or **Subject**, to be accompanied during the formal element of the procedure by either a fellow worker or Trade Union Representative, if they so wish.
- **The school's HR Advisor** – *the person who provides advice and guidance to the school, in support of the effective application of the school's agreed procedure.*

### **The role and responsibilities of the Receiver**

The aim of the procedure is for the parties to communicate and collaborate to bring the matter to a close as soon as is practically and pragmatically possible. The Grievant should be encouraged, at all stages of the formal procedure, to consider a manageable resolution to the matter and communicate in a clear and timely fashion with the Receiver.

If, during any part of the procedure, the Receiver observes clear, repeated and/or sustained signs of distress from the Grievant and/or the Subject they should consider referring the individual to the school's occupational health adviser and/or signposting to an external counselling service.

If the Grievant or the Subject has an existing mental health condition or disability which they have previously disclosed, the Receiver must make reasonable adjustments to the process that are discussed and mutually agreed by the parties at the outset.

### **Trade Union involvement and the right to be accompanied**

Where the informal procedure to resolve concerns has failed, and prior to registering a formal grievance, the staff member is advised to seek the advice of their Trade Union or Professional Association, where applicable.

Under the formal procedure, the Employment Relations Act 1999 provides for an employee to be accompanied to any meeting (if they wish) by a fellow worker, a full-time trade union official, or a lay trade union official/representative certified by the union as having experience of, or having received training in, acting as a representative.

If their chosen representative cannot attend a scheduled formal meeting convened under this procedure, the Receiver should reschedule an alternative date and time, **within five working days** of the original proposed date.

The Grievant or the Subject has the right to change the person they chose to accompany them at any time during the procedure, however they should inform the Receiver of the change as soon as possible.

When choosing a companion, the employee should consider the following:

- Avoid nominating someone whose presence may prejudice the procedure or who might otherwise have a conflict of interest.
- The companion will be allowed to address the grievance meeting to put forward and sum up the member of staff's case, respond on behalf of the member of staff to any views expressed during the meeting and confer with the member of staff during the meeting.
- The companion does not, however, have the right to answer questions on behalf of the member of staff, address the meeting if the member of staff does not wish it or prevent the staff member from explaining of the case. An exception will be made in special circumstances, such as situations where a person has difficulty in conducting their own case because of their disability or because their first language is not English.
- The **Receiver** may reject the employee's choice of companion in exceptional circumstances if it is unreasonable for them to request to be accompanied by that person. This may be the case, for example, if the companion is involved in the proceedings or because they will not be available for a meeting for a substantial length of time.

The Receiver should contact the school's HR Advisor for further advice if they have a question or query about an individual, chosen to accompany a Grievant or a Subject.

## 4. The Formal Grievance Procedure

### 4.1 Stage One: Statement of Grievance

Where the staff member feels the matter has not been resolved to their satisfaction, under the informal element of this procedure, they should register and submit written notice of a grievance, in a formal capacity as a Grievant.

The Grievant is required to complete and submit the confidential **Grievance Register Form** supplied at **Appendix C**, setting out the details of the steps taken to date, to address the matter informally. The Grievant is advised to seek the advice and guidance of their trade union or professional association prior to submitting the Grievance Register Form.

#### **Grievance resolution / outcome**

The Grievance Register Form should set out the resolution sought by the Grievant, as the outcome of the formal procedure under **Section D**.

The focus of the outcome should be on pragmatic resolution, which is realistically achievable, fair and reasonable and addresses the core issues raised. There will be an opportunity for the Grievant to discuss and refine their preferred resolution at an initial meeting with the Receiver.

Should, for any reason, the Grievant have difficulty in expressing themselves in writing (for example by virtue of disability, difficulties with reading and writing, or because their first language is not English), they may ask their trade union representative or a

workplace colleague for assistance in preparing the complaint or speak to the school's HR Advisor for further advice.

The completed Grievance Register Form should be submitted, in confidence, to the **Receiver only**, as follows:

- **Headteacher/Line Manager** – where the grievance relates to a member of staff.
- **Chair of Governors** (also to the HR provider for information) – where the grievance relates to the Headteacher.
- **Director of Children's Services** (who may delegate the responsibility) – where the grievance relates to either the Governing Body or an LA Officer.

On receipt of the completed Grievance Register Form, the Receiver will invite the Grievant to a meeting, **within 5 working days**, to discuss and agree next steps.

### **Stage Two – Initial Confidential Meeting between the Receiver and the Grievant**

The Grievant has the right to be accompanied to the meeting by a fellow worker, a full-time trade union official, or a lay trade union official/representative certified by the union as having experience of, or having received training in, acting as a representative, or a professional association representative.

If the Grievant's companion/representative cannot attend on the date proposed by the Receiver, consideration will be given to an alternative date, on the basis that it is **not more than 5 working days** from the original proposed date.

During the initial meeting and to help to determine next steps, the Receiver will ask questions based on the information provided on the confidential Grievance Register Form. The Grievant's preferred outcome will also be discussed and confirmed.

Wherever possible, the principal aim of the meeting will be to find a pragmatic resolution to the concerns raised by the Grievant and so bring the matter to a close as soon as possible.

Where the Receiver determines that, to make an informed decision about the way forward, they need further information from the Subject of the grievance, the Grievant will be notified that a fact-find meeting between the Receiver and the Subject will be convened as soon as is reasonably possible.

The Receiver will keep the Grievant apprised as to the anticipated timescales for the fact-find meeting and progress towards its completion.

### **Stage Two – Initial Confidential Meeting between the Receiver and the Subject**

Where the Receiver determines that they need further information from the Subject of the grievance, the Subject will be provided with a copy of the confidential Grievance Register Form and any associated documents or evidence provided in support of the grievance, with a view to being invited to a meeting with the Receiver, **within 5 working days**.

The Subject has the right to be accompanied to the meeting by a fellow worker, a full-time trade union official, or a lay trade union official/representative certified by the union

as having experience of, or having received training in, acting as a representative, or a professional association representative.

If the Subject's companion/representative cannot attend on the date proposed by the Receiver, consideration will be given to an alternative date, on the basis that it is **not more than 5 working days** from the original proposed date.

### **Outcome of the Receiver's initial meetings with the Grievant and Subject**

The Receiver will write to both the Grievant and the Subject as soon as possible after the conclusion of the meetings, and in any event **within ten working days** of the last meeting, setting out next steps.

This may include one or more of the following:

- An invitation to the Grievant and the Subject to meet - individually and/or jointly - and discuss a resolution to the matter, supported by TU representatives and/or the school's HR Advisor
- Presenting the Grievant and the Subject with an opportunity for **mediation** between the parties
- Advice to the Grievant and the Subject that further investigation to establish facts and/or gather further information is necessary

The Receiver may seek the advice of the school's HR Advisor at this or any stage of the formal procedure.

### **Appointment of an Investigating Officer**

Where a more detailed response is necessary or further investigation is required, the Receiver may decide to appoint an **Investigating Officer**.

The Receiver may seek the advice of the school's HR Provider in respect of the role of the Investigating Officer who may be appointed from the school's senior management team. If appropriate, the school's HR Advisor may be approached to carry out the investigation on the school's behalf.

The Investigating Officer must ensure that they keep the Receiver updated with progress towards the conclusion of the investigation in line with an anticipated timescale agreed between the parties. The Receiver will, in turn, update the Grievant and Subject as to the same.

### **Confidentiality**

It is important that confidentiality is maintained in any investigation. Those interviewed as part of the investigation, including the Grievant, Subject and any witnesses, must ensure that they do not discuss or disclose the nature of the grievance nor share the details of the investigation with any other members of school staff, pupils, parents, or Governors

In the unlikely event that the need or necessity arises for information to be disclosed to a third party (other than a trade union representative, HR Advisor or Occupational Health Practitioner) this should be discussed and agreed with the Investigating Officer, prior to any disclosure.

It is recognised that in some cases the Grievant or the Subject may be related to another member of staff in the school, and if this has not already been confirmed to the Receiver, this should be done as soon as possible.

Any witnesses interviewed as part of an agreed investigation should be informed that their statements/meeting notes may be disclosed to all parties concerned as part of an Appeal.

### **Summary Investigation Report**

At the conclusion of the investigation, a summary report, setting out the findings of the investigation will be shared by the Receiver with both the Grievant and the Subject, and where appropriate, their respective TU representatives.

NB. If the findings of the investigation highlight any issues relating to the application of school policies and procedures or other aspects of the workings of the school, these should be addressed as soon as possible.

The Receiver will convene a further **Resolution/Outcome Meeting** with both the Grievant and the Subject (either separately or together) and their representatives to discuss the investigation findings with a view to concluding the matter. The Receiver may seek the advice of the school's HR Provider who may be present at these meetings.

The summary report should be shared with both parties, simultaneously, and **at least 5 working days** prior to the dates of the outcome meetings.

At the conclusion of the meetings with the Grievant and the Subject, the Receiver will write to **both parties** setting out their final written response to the grievance, **within 10 working days**.

Where relevant and/or applicable, the written response should include:

- a summary of the grievance
- details of the informal approach followed by the Grievant, prior to initiating the formal element of the procedure
- details of the initial response to the management of the Grievance by the Receiver
- appropriate details of the findings of any investigation conducted under the formal procedure, to include those in relation to school policy and procedure
- the decision and reason for the decision of the Receiver in relation to the grievance,
- if the grievance has been upheld, wholly or in part, the necessary and/or next steps to be taken to address it e.g. any arrangements for mediation
- what further steps are available to the Grievant, within this procedure, if they do not feel their grievance has been resolved satisfactorily

If the Grievant is dissatisfied with the Receiver's response, they have the right of appeal as set out in **Stage 3** of the procedure.

If mediation is recommended as an outcome of the meetings, the **Mediator**, will be appropriately trained and must not have had no prior involvement in the grievance.

Please see **Section 7** for further information on mediation.

Should the matter lead to action under the Disciplinary Procedure, further details of the investigation report may be subject to disclosure.

Further details of the investigation report may also be subject to disclosure during the appeal process.

### **Stage Three – Right of Appeal**

The Grievant has the right of appeal against the outcome of Stage Two of the formal procedure. The appeal must be made **within ten working days** of receipt of the Receiver's decision and outcome letter.

In the event of an appeal, a written statement outlining the reasons why the Grievant remains dissatisfied with the Receiver's response must be provided together with any further evidence to support their appeal that has not yet been submitted.

The Grievant should notify the Clerk to the Governing Body of their intention to appeal, along with a copy of their appeal documentation.

The Grievant should also notify the **Schools HR Advice Manager** of their appeal, via the school's HR Advisor. The school's HR Advisor will then notify the Subject(s) that an appeal has been received and passed to the Chair of the Appeal Committee.

### **The Appeal Committee**

The Appeal Committee should be made of three members of the Governing Body that have had no prior involvement in the grievance.

The Chair of the Appeal Committee will write to the Grievant, setting out the procedure to be followed in respect of the appeal hearing, reminding the Grievant of their rights at the hearing, including the right to be accompanied by a fellow worker, a full-time trade union official/representative, or a lay trade union official certified by the union as having experience of, or having received training in, acting as a representative.

Should the Grievant change the individual they wish to accompany them to the appeal, they should inform the Chair of the Appeal Committee as soon as possible.

The Chair of the Appeal Committee will send a copy of the letter of appeal to the Receiver asking them to submit their full report. They may also ask any other relevant parties to the grievance for their observations, if or where appropriate.

The Chair of the Appeal Committee will convene a meeting of an appropriate committee of the Governing Body as quickly as possible, and **normally within 20 working days** of the receipt of the appeal.

The Grievant should be given **5 working days' notice** of the date, time and venue of the meeting. Refusal of any party to attend will not invalidate the proceedings. The Subject of the grievance is not required to attend. Should the attendance of the Subject be deemed necessary or appropriate by the Appeal Committee, an invitation will be extended to them. The Appeal Committee should seek the advice of the school's HR Advisor in this instance.

The **Grievant**, if they so wish, may make a written submission instead of being present at the hearing. However, it is preferable and may be of benefit to the proceedings, if they attend, in person.

There will be an opportunity for all those involved in the appeal hearing to comment on any new evidence arising, before any decision is taken as to the outcome of the grievance.

The procedure which applies at the hearing is detailed at **Appendix B**.

The Appeal Committee may uphold the Receiver's decision or modify the action the Receiver proposed to take to resolve the grievance. Modifying the action may include overturning the Receiver's decision. Where this occurs, an alternative resolution must be presented to the Grievant, and potentially the Subject, where appropriate.

The Grievant will be notified of the decision by the Chair of the Appeal Committee **within 5 working days** of the meeting which will be confirmed in writing.

The Chair of the Appeal Committee will notify the Receiver of the Committee's decision.

The decision of the Appeal Committee of the Governing Body is final.

Any variations to the timescales in this procedure must be mutually agreed by all those involved in the hearing, including the relevant trade union representative.

## **5. Written Records and Notes**

Non-verbatim notes should be taken and agreed at all grievance meetings. Both the Grievant and the Subject will be given the opportunity to review the notes from individual and joint meetings and to comment upon them. The notes should be signed and dated by the parties to a meeting as an accurate record of what was discussed.

Written records of any formal grievance should be kept for no longer than required and in accordance with the principles set out in the Data Protection Act 2018.

This procedure allows for the Receiver to appoint a Clerical Officer to record a note of meetings held. The notes will reflect the contents of the meeting but will not be a verbatim report.

Records should include:

- the nature of the grievance
- what was decided, and the actions taken
- the reason for the actions
- whether an appeal was lodged
- the outcome of the appeal
- any subsequent developments

Witnesses who have been interviewed as part of an investigation under Stage 2 of the procedure should be informed that their statements/meeting notes may be referred to and/or disclosed to all interested parties.

When employees have difficulty expressing themselves because of language or other difficulties, they may seek help from their trade union, other employee representatives or from colleagues.

## 6. Recording Meetings

Staff members concerned in the grievance, or any person acting on their behalf, are not normally permitted to electronically record any meeting held by the school as part of the grievance procedures. Any breach of this provision may lead to disciplinary action against the member of staff, up to and including dismissal.

In certain limited circumstances, the school may permit the meeting to be recorded electronically. For example, where the member of staff is disabled, it may be appropriate as a reasonable adjustment under the Equality Act 2010. Where the school permits the meeting to be recorded electronically, the school will take responsibility for making the recording.

## 7. Mediation

If the grievance relates to relationship difficulties and/or conflict, it is strongly recommended that the Grievant and their Headteacher/Line Manager consider mediation as a way of resolving issues. The Schools HR Advice Team is able to source a trained mediator to assist with this.

Mediation is a confidential, informal and voluntary process which provides both parties, with the help of the mediator, the time and space to listen to each other in a 'safe environment' with the aim of progressing a solution-focused outcome that is acceptable to both parties.

The mediator acts as a neutral third party whose role is not to apportion blame but to enable the parties involved to come to an agreement.

Schools should contact their HR Advisor for further information or for a confidential discussion about what mediation involves. Please note that there may be an additional charge to the school for the provision of mediation support.

Headteachers/Line Managers play an important role in encouraging their employees to consider an informal resolution (which may include mediation), before submitting a formal grievance. Even if an employee has submitted a formal grievance, the manager should ask them to consider an informal resolution (which may include mediation), before the formal process starts.

A Trade Union representative may be appropriately placed to assist in resolving the matter at the informal stage.

Mediation may also be used at the end of a formal grievance process in order to try and bring two parties together. It is the responsibility of the Receiver to decide if mediation would be of benefit to the parties. The Receiver should note that not all cases will be suitable for mediation, and they should seek advice from their HR Advisor as to the appropriateness of this course of action.

NB. The **Mediator** cannot participate in any future formal processes following the mediation.

## 8. Collective Grievances

Where two or more members of staff raise a grievance of the same nature, they may be dealt with as a **collective grievance**. The Receiver, on receipt of the grievance form, must confirm with each Grievant that they wish to submit their grievance collectively. It should be explained to each Grievant that should they wish to submit their grievance together, they will only be entitled to one grievance response from the Receiver and to one grievance appeal. Should the Grievant(s) not wish to proceed as a collective, they will each need to follow the individual grievance procedure.

A collective grievance will follow the same procedure as an individual grievance, with the Receiver ensuring that information is shared with each Grievant at the same time, where possible.

Each Grievant has the right to be accompanied to any meetings during the grievance procedure by a fellow worker, a full-time trade union official, or a lay trade union official certified by the union as having experience of, or having received training in, acting as a representative. Should the Grievant(s) wish to be accompanied by two different individuals, they will be dealt with under the individual grievance procedure. Should, during the process of a collective grievance, the Grievant(s) wish to change the individual accompanying them to meetings they will need to inform the Receiver or, where a grievance moves to the appeal stage of the procedure, the Clerk to the Governing Body

### Post-Employment Concerns

There are specific and separate appeal procedures relating to dismissal and redundancy. The grievance procedure should not be used in these instances except where the issues relate to a dispute regarding the payment or non-payment of redundancy pay.

There is no formal procedure to raise a grievance for employees who have left the employment of the school. Where an employee has left the school and has concerns, they should write to their former Headteacher/Line Manager (or to the Chair of Governors where the concern relates to the Headteacher) setting out the concern. The Headteacher/Line Manager/Chair of Governors should then contact the school's HR Advisor who will review the concerns and advise them on responding to the concern.

The grievance should be submitted within 3 months of the last date of employment and there is no right to appeal.

## 9. Data Protection & GDPR

The General Data Protection Regulation (GDPR) requires employers to comply with principles for processing personal data, including protecting against unauthorised access of personal data. Personal data that is inappropriately accessed or disclosed may constitute a data breach.

The GDPR requires the school to keep a record of all data breaches and, where the breach is likely to result in a risk to the rights and freedoms of individuals, the school must notify the Information Commissioner within 72 hours of becoming aware of the

breach. If the data breach results in a high risk to the rights and freedoms of individuals, those individuals must be notified without undue delay.

The school processes personal data collected during any stage of the grievance procedures in accordance with the school's Data Protection Policy. Data collected as part of grievance procedures is held securely and accessed by, and disclosed to, individuals only for the purposes of completing procedures in accordance with the Grievance Policy.

Inappropriate access or disclosure of members of staff 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 Policy.

## 10. **Monitoring and Review**

The Governing Body will monitor the outcomes and impact of this policy/procedure on an annual/bi-annual basis in conjunction with school representatives.

This procedure will be reviewed **no later than every 2 years** by Human Resources in consultation with Trade Unions.

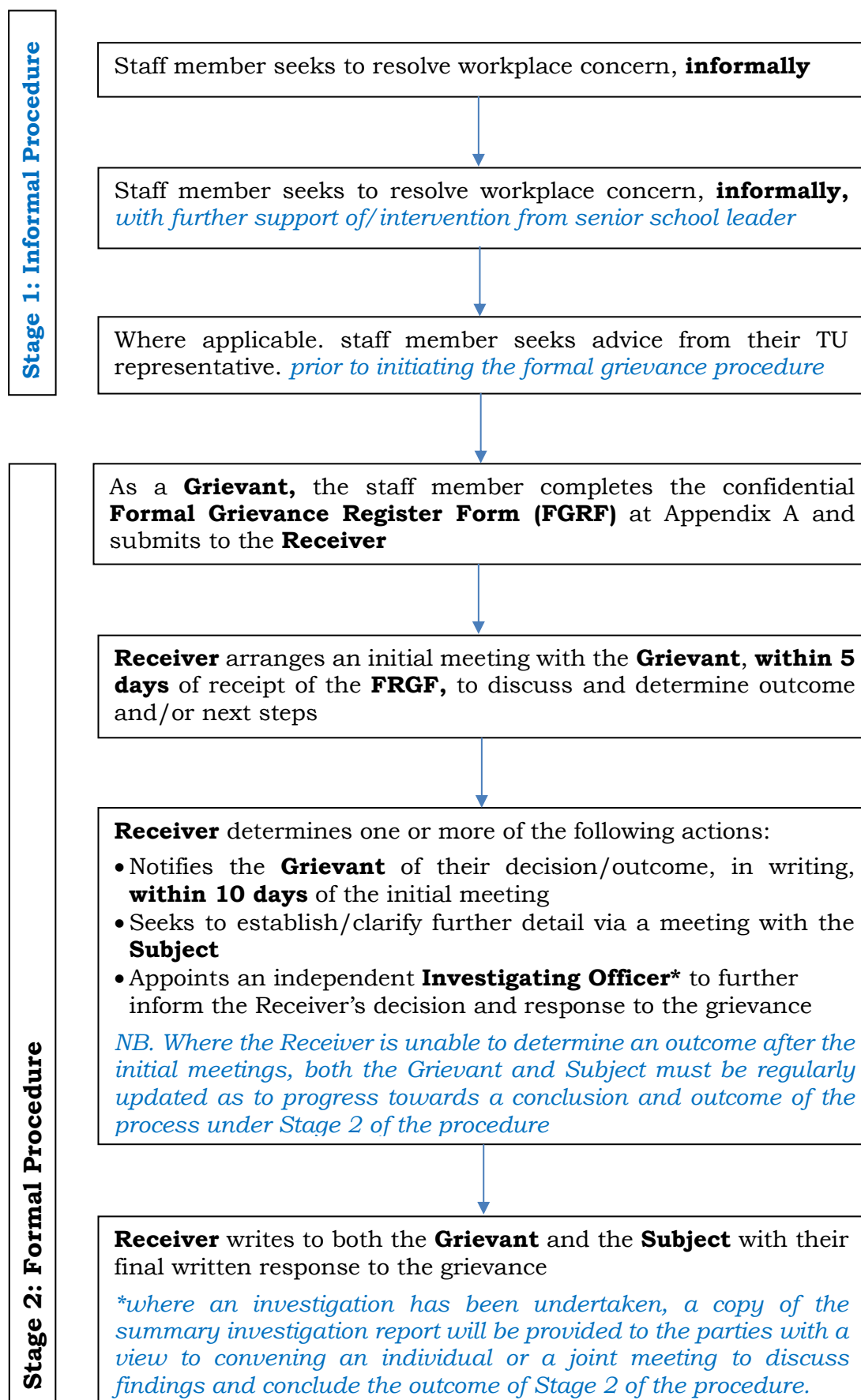
## **Appendices**

Appendix A – Overview of Stages 1 & 2 of the Procedure

Appendix B – Stage 3: Procedure for Hearing a Grievance Appeal

Appendix C – Formal Grievance Register Form

## Overview of Stages 1 &amp; 2 of the Procedure



## Governors' Committee

## Stage 3: Procedure for Hearing a Grievance Appeal

Under this procedure, taking into account additional information and/or the advice from the school's HR Advisor at the hearing, the Governors Committee has the power to confirm or vary any decision made by the **Receiver** under Stage 2 of the procedure.

The decision of the Governors' Committee is final.

**Running Order**

1. The Chair will introduce those present, confirm the purpose of the hearing, the process to be followed and that any party may request an adjournment at any stage of the proceedings.
2. The **Grievant** and/or their representative will be asked to present the grounds for the appeal.
3. The **Receiver** will be asked to outline their response to the grounds of appeal.
4. Members of the Committee will then ask questions of the **Grievant** and/or their representative and the **Receiver**. NB. Members can ask questions at any stage of the Hearing.
5. The **Grievant** and/or their representative may ask questions of the **Receiver** (and the Investigating Officer, if present) which may be directed via the Chair of the Committee, and which have not already been asked or clarified by members of the Committee.
6. The **Receiver** may ask questions of the **Grievant** and/or their representative which may be directed via the Chair of the Committee, and which have not already been asked or clarified by members of the Committee.
7. The **Grievant** and/or their representative will be invited to sum up their position.
8. The **Receiver** will be invited to sum up their position.
9. At the conclusion of the hearing all parties, except for the HR representative providing advice, shall withdraw whilst the Committee deliberates.
10. The Grievant will be notified of the decision by the Chair of the Appeal Committee **within 5 working days** of the meeting which will be confirmed in writing.

**Notes:**

- A note of the meeting will be taken. This record will not normally be a verbatim report but should aim to accurately reflect the content of the meeting and will be provided for both parties' information.
- The Chair of the Committee may call for further evidence on specific points but if it becomes necessary to act in this way following conclusion of the hearing (i.e. at 9 above) then both parties must be recalled and notified of the same.

**CONFIDENTIAL: Formal Grievance Register Form**

**Notes on completing the confidential Formal Grievance Register Form:**

Please provide as much information as possible to enable the **Receiver** to establish and investigate your concerns. Include dates, times and the names of any other individual(s) to which the grievance relates or involves. At the initial meeting with the **Receiver**, you will have the opportunity to discuss and refine the detail of your grievance, present any relevant information and/or evidence and state your preferred outcome to the matter.

**Please note:** this form and supporting documents will be provided to the **Subject(s)** of the grievance, setting out their right to respond and the process of doing so. This includes the provision for the **Subject(s)** to be accompanied to any relevant meetings convened to address and resolve the grievance under this procedure.

<b>Employee Name</b> (Grievant)		<b>Employee Name</b> (Subject)	
<b>Name of Receiver</b> (Line Manager, Headteacher etc)		<b>Job Title</b>	
<b>Name of TU Rep</b> (where applicable)		<b>School Name</b>	

**A: Details of my Grievance** *(please continue on additional sheets, if needed)*

**B: Details of the Informal Procedure followed before the Formal Procedure was initiated:**

*Please note the details of the informal approach used to try and address/resolve your concerns. Include the name(s) of anyone you communicated with, (to include advice sought from TU representatives, where applicable) along with dates, times and brief notes of any discussions and exchanges. (please continue on additional sheets, if needed)*

**C: Clearly state the reason(s) why you feel that the informal procedure did not achieve an acceptable resolution (please continue on additional sheets, if needed)**

**D: Tell the Receiver what you feel should be the outcome of your grievance.**

*The focus of the outcome should be pragmatic resolution, which is realistically achievable, fair and reasonable and addresses the core issued raised. (please continue on additional sheets, if needed)*

**E: Your signature, confirms that you wish to proceed with the formal grievance, as set out in Section 4 of the school's agreed procedure, and that you agree to maintaining confidentiality throughout the process.**

Date grievance submitted to / accepted by the Receiver

**Office use only**

Does the Grievant need support to complete this form? **Y / N**

The grievance meets the criteria to be managed under this procedure (TBC by school's HR Advisor) **Y / N**

Is this a Collective Grievance? **Y / N**

Date of the initial meeting between Grievant and Receiver (to be arranged **within 5 working days** of receipt of this form)

Grievant has been made aware that this form and associated paperwork may be provided to the Subject of the Grievance and of the provision for the Subject to be accompanied in this process. **Y / N**

Date Grievance Register Form and associated documents provided in support of the grievance, plus a copy of the Procedure sent to Subject, where deemed appropriate to do so by the Receiver

Date of initial, fact-find meeting with the Subject of the grievance, where applicable

Date Investigating Officer appointed, where appropriate