



Grievance Procedure

EDUCATION DIRECTORATE –SCHOOLS

Updated June 2015 – *This procedure applies to all schools*

1. General

This procedure applies to all employees of schools under the control of governing bodies.

It is an agreed procedure by which individual grievances can be determined in a fair and equitable manner as close to their source as possible. Please refer to ‘Scope of the Procedure’ for guidance on what issues may or may not be determined under this procedure.

It should be stressed that the Grievance Procedure is not a substitute for sound employment practices, and employees and managers alike are strongly encouraged to try and resolve grievance situations before they reach the formal stages of this procedure.

Where a grievance is against the Headteacher, a governor other than the Chair of Governors (nominated by the Grievance Committee) - will conduct the formal hearing stage of the procedure. In such instances, the employee’s right of appeal will still be to the Chair of Governors.

2. Aims Of The Procedure

- (a) To determine individual grievances relating to employment quickly and equitably;
- (b) To enable any employee to have their grievance heard by management and seek appropriate redress;
- (c) To determine individual grievances as close to their source as possible;
- (d) To promote sound employment practices and encourage a harmonious working environment.

3. Scope Of The Procedure

(please note that this list is not intended to be exhaustive)

- Working conditions/conditions of service, eg. unequal distribution of project work.
- Duties of an employee, eg. duties which could result in undermining the position of an individual within the school, regular requests to carry out duties that are not commensurate with the grade of the postholder.
- Victimization – an individual feels that they have been treated oppressively in revenge; harassment not covered by the school’s anti-harassment procedure.
- Salary/grading issues arising from job applications, job interviews or non-appointment.

4. Excluded From the Procedure

- Personal disagreements between individuals not connected with their duties/roles within the school.
- Matters which are normally subject to national conditions of service or local agreement.
- Collective disputes.
- Issues which are the subject of any other school Human Resources procedure’s.
- Assimilation decisions.
- Schools policies and procedures amended by collective agreement.
- Income tax, national insurance, superannuation, pensions or gratuities.
- Complaints that might be covered by the Public Interest Disclosure Act 1998 (whistle blowing complaints)

5. Equal Opportunities Considerations

There are equalities implications involved when any employment procedure is applied. Application of the Grievance Procedure may have particular implications for the multi-cultural workforce employed by Tower Hamlets LEA.

In order to establish whether any single person or group of employees is being treated less favourably than others, it is important that all action taken under this procedure is monitored.

If details are not already available, employees may be asked to provide information (e.g. about their ethnic origin) to enable the LEA to review any real or perceived imbalances.

The Procedure

(Please note that timescales referred to in the procedure may be varied by mutual agreement.)

1. Informal Stage

An employee should initially raise their grievance verbally with their immediate manager. In the event that the grievance relates to the employee's immediate manager, or to the Headteacher, the next stage of the grievance procedure may be invoked immediately.

The manager will meet with the employee to discuss their grievance within 5 working days of receipt of the complaint. A decision will be communicated to the employee within a further 5 working days of this meeting.

Whilst the manager's decision will normally be communicated to the employee verbally, the manager should keep a written record of the matter.

If, following the informal stage, the employee remains aggrieved, or where the manager has failed to respond to the employee's concerns despite a written request to do so, they may progress to the next stage of the procedure. This must be done by writing to the Headteacher (or to the Grievance Committee in cases involving the Headteacher), giving full details of the complaint, and the redress required within 5 working days of notification of the immediate manager's decision.

2. Formal Hearing

The Headteacher will write to the employee, giving details of the hearing, which will normally take place within 10 working days of receipt of the grievance.

The Headteacher (or a nominated deputy) will hear the grievance. A Human Resources representative may also attend to advise the Headteacher on procedural matters and matters of precedent. The employee will be advised in writing by the Headteacher before the hearing of their right to be accompanied by a trade union representative or work colleague.

The Headteacher will normally conduct preliminary investigations prior to the hearing, but may also decide to adjourn the hearing (for up to 5 working days) in order to conduct further investigations.

The Headteacher will communicate their decision in writing to the employee within 5 working days of the hearing. The employee must be notified of their right to appeal.

If, following this stage, the employee believes there to have been procedural irregularities, then they may proceed to the next stage of the procedure - the appeal stage. This must be done by writing to the Chair of Governors (giving full details of the complaint and why they feel there have been procedural irregularities) within 5 working days of receipt of the Headteacher's decision.

3. Appeal

The Chair of Governors will write to the employee, giving details of the appeal hearing, which will normally take place within 10 working days of receipt of the employee's appeal. The employee will be advised in writing of their right to be accompanied at the appeal hearing by a trade union representative or work colleague.

The Chair of Governors will hear the appeal, which will focus on alleged procedural irregularities and will not be a re-hearing. A representative from Human Resources will also attend to advise the Chair of Governors on procedural matters and matters of precedent.

The Chair will communicate their decision, which will be final, in writing to the employee within 5 working days of the appeal hearing. This decision must be communicated to the Governing Body.

N.B. Other than when a grievance is against the Headteacher, the Chair of Governors may decide to delegate the hearing of the grievance appeals to another governor (e.g. the chair of the personnel committee).

Reviewed: Autumn Term 2015

New Review: Autumn Term 2017

Signed:

Chair of Finance