

Staff Grievance Procedure

INTRODUCTION

1. This procedure has been prepared in consultation with the Teachers' Associations on the Isle of Wight and the Isle of Wight Governors' Association. It is commended to Governing Bodies to enable them to meet their obligation under the Education Reform Act 1988 to determine and make available to staff a grievance procedure. It applies to all categories of employee within the school, and is designed to enable individual grievances which arise in the course of employment to be resolved as fairly and as quickly as possible and to minimise any effects of the grievance upon relationships at the school.

2. Whilst employment legislation requires that this procedure be available to staff, it is in the interests of the parties to any grievance to seek to resolve it at the earliest possible stage by any appropriate informal means available to them.

3. The following matters cannot be raised under this grievance procedure:-

i) Disciplinary matters (for which there is a separate disciplinary/dismissal procedure which makes provision for the hearing of appeals);

ii) Matters relating to income tax, national insurance and other statutory deductions from pay;

iii) Matters raised by a group of staff.

4. The categories of grievance to be dealt with under this procedure are those:-

A Between members of staff requiring an arbitral decision to settle the matter (e.g.; personal disputes);

B The solution to which lies within the responsibilities of the Headteacher (e.g.; general management matters, application of personnel policies);

C The solution to which requires a decision of the governing body (e.g.; matters of general policy and grievances with governors);

D The solution to which requires a decision of the Local Education Authority (e.g.; general conditions of service policy).

5. In this grievance procedure, reference to days means working days when the school is in session. Head teacher includes that person or a senior person appointed by him/her.

6. The parties to a grievance may on occasion, and by mutual agreement, modify the time limits referred to in this grievance procedure.

7. If a grievance is not dealt with within the time limits laid down in the grievance procedure, or within any extended time limits mutually agreed under paragraph 6 above, the employee will be entitled to move to the next stage of the procedure.

8. An employee may be accompanied or represented by a trade union representative or friend at any stage in efforts to resolve a grievance.

9. Where the grievance is against another employee (other than a supervisor or manager where the

grievance relates to that role), initially it may be more appropriate to hear the grievance without that other employee present. An adjournment, a later separate meeting with that other employee, possibly resulting in bringing both parties together, should then be considered.

10. All parties using the procedure should endeavour to settle the grievance as near as possible to the point of origin. The overall aim should be to use the procedure appropriately, fairly and speedily to ensure that its spirit and intention are observed at all times. The value of an impartial approach to the consideration of grievances is recognised by all parties.

INFORMAL STAGE

11. The Head teacher shall be considered to be responsible, as part of his/her overall management responsibilities, for the oversight of matters capable of causing grievances amongst employees, and shall seek to resolve such grievances as they arise without recourse to formal procedures. The resolution of grievances by these means is encouraged, and the informal assistance of the Director of Education and the recognised trade unions may be sought for this purpose in appropriate cases.

12. The formal stages of the procedure set out below shall be applied for the purpose of resolving any grievance held by an employee arising in the course of his/her employment which cannot be resolved through informal discussion amongst those involved as part of the everyday management of the school by the Headteacher and senior staff

FORMAL PROCEDURE

Entering the Formal Procedure

13. In the event that a grievance is not informally resolved within ten days of it being raised, or earlier if the employee decides, the employee shall be entitled formally to present his/her grievance in writing to the Head teacher in summary or in detail.

14. The Head teacher shall have the responsibility for deciding which category(ies) set out at 4 above applies to the grievance, after appropriate discussion with the employee. He/she will consult the chair of the Governing Body in the case of Category C grievances at 4 above, and the Director of Education in the case of Category D grievances.

15. In the event that a grievance, as presented by the employee, cannot be categorised as above and cannot reasonably be dealt with as more than one grievance separately categorised, it should be dealt with as a grievance in the highest category into which it falls.

GRIEVANCES WITHIN CATEGORIES A AND B AT PARAGRAPH 4 ABOVE

Stage 1

16 A grievance falling within Category A or Category B above should in the first instance be dealt with by the Head teacher, who should conduct a formal meeting(s) with the aggrieved employee and any other parties involved within ten days following 'receipt of the grievance in written form. The Head teacher may be advised by a senior colleague in the school or by an officer of the local authority. The value of seeking to resolve any grievance against another employee (other than a supervisor or manager where the grievance relates to that role) initially by a separate meeting should be considered. The aggrieved employee and any other employee (except as part of a supervisory or management role) is entitled to be represented at any such meeting by a trade union

representative, friend or colleague.

17. The procedure at any meeting should be as follows:

The Head teacher shall allow the aggrieved employee or his/her representative to make a statement. Where it has been decided to involve more than one party, the aggrieved person or his/her representative shall make the opening statement and be allowed to call any witnesses. There shall be an opportunity for questioning by the other party and the Head teacher. The same opportunity to make a statement and call witnesses shall then be afforded to the other party. There shall be an opportunity to make a closing statement. The person raising the grievance shall make his/her closing statement last.

18. If the circumstances permit, the Head teacher should give his/her decision on the grievance orally, normally after an adjournment to consider the decision. This decision shall be confirmed in writing within three working days.

19. Alternatively the circumstance may require further review and/or enquiries. This should be confirmed orally at the end of the meeting. A decision should be given orally within five working days of the meeting and confirmed in writing within three further working days.

Stage 2

20. Where the employee is not satisfied following Stage 1, he/she should send written details of his/her grievance to the Head teacher within ten working days of receiving the written decision. The Head teacher should arrange through the Correspondent to the Governors a meeting of a Panel of Governors authorised by the Governing Body to hear grievances. Normally the meeting shall take place within twenty working days of the receipt of the written grievance by the Correspondent.

21. The procedure followed by the panel during the meeting shall be the same as at Stage 1. Their decision is final.

GRIEVANCE WITHIN CATEGORIES C AND D AT 4 ABOVE

Stage 1

22. Such grievances shall first be submitted to the Head teacher following the arrangements described at Stage 1 for grievances within Categories A and B.

23. In contrast to Categories A and B, the Head teacher's role will not be to give a formal decision, but to seek to resolve the grievance by whatever means are available at his/her level, including discussion with the Chair of Governors/Director of Education as appropriate. Any meeting(s) with the aggrieved employee will take place within ten days following the receipt of the grievance in written form.

Stage 2

24. In the case of Category C grievances that remain unresolved, the matter will be considered by a Panel of Governors authorised by the Governing Body to hear appeals. In the event of the Governing Body being unable to appoint a Panel of Governors who have not so far been involved in the case, the Governing Body will appoint a Panel from Governors of other schools to consider the matter. Advice from the Director of Education concerning the composition of this Panel will be sought.

25. In the case of Category D grievances, the matter will be considered by a senior officer appointed by the Director of Education.

26. In both cases the procedure followed by the governors or the senior officer of the meeting shall be the same as for the Stage 1 hearing under Categories A and B (see paragraphs 17 and 18 above). The time scales will be as for the Stage 2 hearing under Categories A and B (see paragraph 20 above).

Stage 3

27. In the case of the grievance remaining unresolved, Category C cases will be considered by a separate panel authorised by the Governing Body to hear grievance appeals, and Category D by a panel authorised by the Education Committee to hear grievances.

28. In both cases, the procedure followed by the governors or the County Councillors will be the same as for the Stage 1 hearing under Categories A and B (see paragraphs 17 and 18 above). The time scale will be as for the Stage 2 hearing under Categories A and B (see paragraph 20 above).

29. The decision in the case of either panel will be final.

GRIEVANCES RAISED BY THE HEAD TEACHER

30. In the case of grievances raised by the Head teacher, which he/she cannot resolve at an informal stage with the Chair of Governors and/or the Director of Education, the following formal arrangements will apply:-

- i) A Category C grievance will be considered by the panel authorised by the Governing Body with any appeal to the grievance appeal panel established by the governors;
- ii) A Category D grievance will first be considered by a senior officer appointed by the Director of Education. Where the grievance remains unresolved, the matter will be considered by a panel authorised by the Education Committee to hear grievances.

31. At these stages the procedure will be the same as for the Stage 1 hearing under Categories A and B (see paragraphs 17 and 18 above). The time scales will be the same as for the Stage 2 hearing under Categories A and B (see paragraph 20 above).

RECORDS

32 Details of any grievance and the steps and decisions taken in an effort to resolve it should be retained on the personal file(s) of the person(s) involved.

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