



# The Spinney Primary School

## GRIEVANCE PROCEDURE

### 1. Terms of Reference

1.1 For all employees employed by the Governing Body of The Spinney Primary School

1.2 Definitions:

“Headteacher” also refers to any other title used to identify the Headteacher, where appropriate, or other senior manager delegated to deal with the matter by the headteacher.

“Companion” refers to a person chosen by the employee to accompany him/her, who shall be a trade union representative or a workplace colleague.

### 2. General Principles

2.1 The aim of this Grievance Procedure is to enable any employee to have his/her grievance heard and to seek redress as appropriate. The intention is that grievances should be settled quickly and fairly and should be first dealt with as close to the source as possible.

2.2 The procedure applies to all employees at The Spinney Primary School, including the Headteacher and members of the leadership team, full and part-time, permanent and temporary employees. If it is the Headteacher who has a grievance then the Chair of Governors is the person to whom the Headteacher refers to as his/her immediate line manager at Stage 2. If the Headteacher’s grievance is not resolved at that stage, the matter should be referred to Stage 3, the Appeal Committee of the Governing Body.

2.3 If individual governors are the subject of the grievance, such person(s) shall not sit with the Appeal Committee but may attend the Governors’ hearing to present his/her case.

2.4 A grievance is a complaint by an employee about any aspect of his/her employment such as

- a) terms and conditions of employment;
- b) health and safety;
- c) work relations;
- d) bullying and harassment; (except where dealt with under the Bullying and Harassment Procedure - *delete if the school has not adopted this procedure*)
- e) new working practices;
- f) working environment;
- g) organisational change;
- h) discrimination
- i) pay (except where dealt with under the Pay Policy)

2.3 The grievance must be one that lies within the power of management and governors of The Spinney Primary School to resolve, e.g. it must not be a grievance about matters determined

by legislation or collective agreements. Where another policy is used to address the grievance then the grievance procedure is not available in addition.

- 2.4 A grievance arising from dismissal or disciplinary action is to be resolved by appeal within the disciplinary procedure. The grievance procedure is **not** available in addition to, or in substitution for the disciplinary procedure unless the grievance is against the person(s) who are the decision makers of the disciplinary issue.
- 2.5 An employee who is a member of a trade union may consult that trade union's representative before invoking the grievance procedure, but the employee should normally raise the problem personally with the immediate supervisor before involving his/her trade union representative.
- 2.6 Those responsible for dealing with employees' grievances will treat them seriously and attempt to resolve them as quickly as possible. There should be no attempt to block an employee's wish to raise the grievance at a higher level.
- 2.7 Employees should recognise that an investigation may be necessary which may delay the process beyond normal time limits.
- 2.8 At any stage of the procedure the Headteacher and/or Governors may wish to refer to an adviser external to the school for guidance to bring about a resolution of the grievance acceptable to both sides outside the formal hearing within the Grievance Procedure. Such conciliation is without prejudice to the position of both parties in the procedure.
- 2.9 The Headteacher and/or Governors may wish to take advice from the school's Personnel Adviser before considering a grievance.
- 2.10 This procedure has been implemented following consultation with employees and Trade Unions.

### **3. Stages of the Grievance Procedure**

#### **3.1 Stage 1: Raising Grievances Informally**

The employee should raise the grievance with the person causing the grievance in the first instance. If the grievance cannot be resolved directly, or the employee feels unable to raise it directly then the employee should personally present the grievance, either orally or in writing, to his/her immediate line manager. The line manager should give a reply as soon as possible, within a calendar week, even if it is only an interim reply. If the employee's grievance is against the line manager personally, the grievance may be referred direct to Stage 2 but it would be reasonable to let the line manager know this move is intended. If the immediate line manager is the Headteacher then the employee may go direct to Stage 2 paragraph 3.4 but it would be reasonable to let the Headteacher know this move is intended.

#### **3.2 Stage 2: Formal Grievance Hearing**

If the employee is not satisfied with the reply by his/her line manager (who is not the Headteacher), the employee should submit the grievance in writing, indicating that it is a formal grievance, to the Headteacher. The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates and names of individuals involved.

3.3 The Headteacher will normally meet the employee to hear the grievance and reply as soon as possible, within two calendar weeks, even if it is only an interim reply pending further investigation. At this stage, the employee may be accompanied by a "companion" (see terms of reference) at any meeting to discuss the grievance.

3.3 The Headteacher may be accompanied by another employee, or the school's Personnel Adviser. If it is necessary for the Headteacher to attempt conciliation between two or more employees at this stage, each employee may be accompanied

by a “companion” at any meeting called by the Head. If the Headteacher is unable to resolve the grievance and/or the employee raising the grievance is not satisfied with the outcome then the employee may appeal to the Appeal Committee of the governors at stage 3.

3.4 Where the grievance is against the Headteacher Stage 2 shall be heard by a committee of governors in accordance with paragraphs 3.2 and 3.3 above.

3.5 Stage 3: Formal Appeal Hearing

An Appeal Committee of 3 governors shall be convened by the Clerk to Governors. The Appeal Committee may have an adviser(s) to attend it at its meeting who may also be involved in its private deliberations. The adviser(s), who should not have had any previous involvement in dealing with the grievance, shall not have a vote in the decision of the Appeal Committee. The Appeal Committee shall decide the procedure by which it will hear the grievance which will allow all parties to present their cases. The Appeal Committee shall advise all parties, prior to the start of the hearing, of the procedure it intends to follow. The Appeal Committee’s decision is final.

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