


## JFS Policies – Grievance Procedure – September 2024

Headteacher	Chair of Governing Board
	
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## 1. Introduction

- This procedure does not form part of any employee's contract of employment and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.
- The procedure provides an open and fair way for employees to make known their concerns and enables grievances to be resolved quickly, before they fester and become major problems. This procedure is intended to apply to all school-based teaching and support staff. It may apply to an individual employee or to a group of employees with a common grievance.
- It is recognised that, in the course of their employment, employees may raise complaints or problems with their line manager. Most grievances can be resolved quickly and informally through discussion with your line manager or other senior manager or Headteacher as appropriate. If this does not resolve the problem you should initiate the formal procedure set out below.
- This is part of normal working relationships and it is in the interests of all parties that matters be dealt with informally wherever possible. In this instance, matters would normally be raised with the immediate line manager or other senior manager or Headteacher as appropriate. However, there may be occasions where grievances have to be addressed formally and this procedure is to ensure that grievances are settled fairly and as near to the point of origin as possible. This procedure is not a substitute for sound employment practices which should resolve most grievance situations before they reach the formal stage.
- This procedure shall cover grievances that fall within the jurisdiction of the Governing Body, as specified in the relevant legislation. The membership of any Grievance Appeal sub-committee of the Governing Body should be a matter for determination by the Governing Body.
- This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

## 2. General principles

Issues that could cause grievances may include:

- terms and conditions of employment;
  - health and safety;
  - work relations;
  - bullying and harassment;
  - new working practices;
  - working environment;
  - organisational change;
  - discrimination; and
  - whistleblowing.
- The procedure shall not apply to grievances relating to:
    - Dismissals and disciplinary matters that fall within the Disciplinary Procedure, which form the subject of an appeal.
    - Matters that are covered by alternative Appeals Procedures, e.g. Pay Policy;
    - A matter that is the subject of a collective agreement; and,
    - Personal disagreements between individuals not connected with their duties/roles within JFS.

- Any formal grievance should be raised as soon as reasonably possible and in any event within three months of the circumstances or event that has occurred.
- You should put your formal grievance in writing and submit it to the Headteacher having followed the informal discussion route set out below first. If your grievance concerns the Headteacher, this should be submitted to the Chair of Governors. The written grievance should set out the nature of the complaint, including any relevant facts, dates, and names of individuals involved so that we can investigate it.
- It is imperative that basic principles of fairness are followed when dealing with grievance cases and that they are dealt with in a reasonable manner.
- The Headteacher, line managers, Governors and employees should act consistently throughout the grievance process.
- The Headteacher, line managers, Governors and employees should raise and deal with grievance issues promptly and should not unreasonably delay grievance meetings, decisions or confirmation of decisions.
- All meetings should be held in private, on School premises and at a time that is reasonable for the employee and any colleague or trade union representative who is accompanying them. If either the employee or their 'companion' has any special requirements, they should inform the Headteacher prior to the meeting and, where appropriate, reasonable adjustments will be made.
- The purpose of each meeting throughout the grievance process is to try to resolve the grievance satisfactorily. Everyone involved in dealing with the grievance should ensure that discussions are open and constructive.
- Any necessary investigations should be carried out to establish the facts of the case. We may adjourn the meeting if we need to carry out further investigations, after which the meeting will usually be reconvened.
- The complainant should be allowed to appeal against any formal decision made.
- A written record of any grievance and the outcome of any meeting involving the formal stages of these procedures will be placed on the employee's file, together with copies of the written evidence considered and correspondence involved. Such records should be treated as confidential and retained in accordance with the Data Protection Act 2018 and GDPR regulations.
- Where a specific grievance has been dealt with under this Grievance Procedure, the same grievance cannot be raised again at a later date. This provision stands even where the complainant feels the grievance has not been resolved to their satisfaction.
- All employees have the right to be accompanied by a work colleague or an accredited trade union representative at any meetings undertaken within the formal stages of these procedures excluding any investigatory meetings which does not require accompaniment. Employees will be informed, in writing of this. Employees may also alter their choice of companion if they wish. Again, this will be notified to them in writing.
- If an employee has difficulty at any stage of the Grievance Procedure because of a disability or because English is not their first language, the employee should discuss the situation with the Headteacher as soon as possible.

- All aspects of any grievance, whether formal or informal, should be treated as confidential by all relevant parties, including the complainant, the Investigating Officer (as defined below) and any witnesses. A breach of confidentiality would be viewed as a disciplinary breach within the Disciplinary Procedure.
- JFS is committed to resolving as best as possible all grievances raised in good faith by any employee. Vexatious or malicious grievances without any basis or evidence and which cause unnecessary distress to other members of staff will be treated as a disciplinary breach within the Disciplinary Procedure.
- JFS will notify all staff of the Grievance Procedure and its provisions.
- If an employee raises a grievance during a disciplinary or capability process, a decision will be taken (taking into account the views of the person raising the grievance) as to whether it is appropriate to run both processes concurrently particularly where the cases are related.

### **3. Stage 1: informal discussion**

- The School aims to ensure that the majority of concerns can be resolved at this stage. The procedure is intended to provide a structured approach that, taking into account the particular circumstances of each case, will ensure consistent and fair treatment. It is expected that an informal grievance will be raised as soon as possible after the subject of the complaint. The member of staff shall, in the first instance, raise the matter directly with the appropriate line manager, as follows:
  - The direct line manager, in all cases, except where s/he would have no authority to resolve the grievance;
  - An alternative senior manager, where the grievance has resulted directly from a decision of that individual;
  - The Headteacher, where the grievance has resulted from a decision of the Headteacher or involved a decision of the Governing Body.
- Where the employee raises a grievance with an individual other than the line manager the employee should attempt to resolve the matter by direct approach to the colleague and they should keep the line manager fully informed.
- The manager who has been approached should seek to resolve the grievance informally wherever possible and in consultation with other parties as necessary. Wherever possible a response should be given, to the member of staff who raises the grievance, within 10 working days.

#### **Stage 2: formal grievance to the headteacher**

- Where the employee wishes to pursue the grievance further s/he will submit a written notice of the grievance, together with any relevant documents, to the Headteacher. The written notice should contain a brief description of the nature of the complaint, including any relevant facts, dates, and names of individuals involved and the remedy sought. In some situations the Headteacher may ask to be provided with further additional information to enable the complaint to be fully investigated.
- It may be necessary for the School to carry out an investigation into the grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the complainant and any witnesses, and/or reviewing relevant documents.
- If required, the Headteacher shall ask a member of the Senior Leadership Team to investigate the grievance (the “Investigating Officer”). The Investigating Officer will have had no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned. The Investigating Officer will offer the complainant a meeting and will speak to others involved. The complainant must co-operate fully and

promptly in any investigation. This may include informing the Investigating Officer of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of the investigation.

- JFS may initiate an investigation before holding a grievance meeting where considered appropriate. In other cases the School may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases a further grievance meeting with the complainant will be held after the investigation and before a decision is reached.
  - The Investigating Officer will put her/his findings in writing to the Headteacher and will indicate what, if any, steps should be taken to resolve the matter. This will be done as soon as reasonably possible, taking into account the size of the investigation.
  - A grievance meeting will be arranged as soon as reasonably possible and normally within 10 school days of receiving the written grievance. The complainant and companion (if any) should make every effort to attend the grievance meeting. If the complainant or your companion cannot attend at the time specified, the Headteacher should be informed immediately in order to try to agree an alternative time.
  - The purpose of a grievance meeting is to enable the complainant to explain the grievance and how they believe it should be resolved, and to assist the Headteacher to reach a decision based on the available evidence and the representations made.
  - In trying to resolve the grievance the Headteacher shall consider the written notice of the grievance, any oral submissions/additional evidence made by the employee, evidence produced in the course of the investigations, and any submissions from the person(s) against whom the grievance is being raised.
  - The Headteacher will write to the complainant, usually within 10 school days of the final grievance meeting, of the outcome of their grievance and any further action that the school intends to take to resolve the grievance. The complainant will also be reminded of their right of appeal. Where appropriate the Headteacher may hold a meeting to give the complainant this information in person.
  - Any complaint relating to the Headteacher must be raised in the first instance with the Chair of Governors (or Vice-Chair in the absence of the Chair) who will, if an informal resolution cannot be reached, designate a Governor or an adviser or independent person acting on behalf of the governors to investigate in the same way as in Stage 2 of the formal process outlined above.
- 4. Stage 3: appeal to the governing body**
- Following receipt of the Headteacher's notification of decision, where a complainant feels that their grievance has not been satisfactorily resolved, they may decide to submit an appeal.
  - In order to appeal the complainant must submit a written statement to the Chair of the Governing Body within 10 working days of receiving the notification of the decision. Should an appeal not be received within this timescale it will be considered that the grievance has been resolved.
  - The Chair of the Governing Body shall determine whether the substance of the appeal is capable of coming within the jurisdiction of the Governing Body.
  - Where the Governing Body does have jurisdiction, the Chair will convene an appeal panel of at least three members of the Governing Body (the "Appeal Committee"). Such members shall be appointed, as a Committee, to hear such matters and shall not be personally involved in the grievance itself.
  - Wherever possible the Appeal Committee shall be convened without unreasonable delay.

- The complainant will be given at least five working days' notice in writing of the date, time and place of the appeal hearing, the right to be accompanied by a work colleague or accredited trade union representative and the right to bring any witnesses considered to be of material importance to the appeal.
- The Chair of the Appeal Committee shall have control of all procedural matters and shall:
  - introduce the parties and explain their role in the proceeding;
  - explain the purpose of the appeal hearing and how it will be conducted;
  - invite the parties to make their submissions;
  - allow witnesses/evidence/questioning of the parties, as directed by the Chair;
  - consider whether any further investigation is required based on the evidence produced;
  - allow all parties to sum up their case and then withdraw, whilst the Appeal Committee deliberates the case.
- Where appropriate, all parties shall be recalled and informed of the Appeal Committee's decision. The outcome of the appeal should be communicated to the complainant in writing, without unreasonable delay.
- If the appeal is upheld the Appeal Committee shall determine the appropriate form of redress depending on the nature of the grievance.
- The decision of the Appeal Committee shall be confirmed in writing to all relevant parties and shall be final