



Grievance Resolution Policy

A Plymouth City Council model policy.

Policy updated:	November 2021
Policy adopted:	Sept 2024
Status:	Policy & Guidance
Review cycle:	2 yearly
Review date:	Sept 2026



CHANGES

September 2009: Policy implemented

June 2010: Schools' Policy Styling revised in line with corporate guidelines

September 2019: Schools' version updated to include reference to Employee Assistance Programme and reference to School HR Providers

July 2020: Full Corporate review and amalgamation of Grievance Policy and Procedure, incorporating Appeal Process and Bullying and Harassment Policy. Redesignated as Grievance Resolution Policy and procedure in line with ACAS Code of Practice dated March 2015. Appeal section reintroduced.

October 2020: reviewed document shared with TUs

May 2021: Corporate policy made live following consultation with Support Staff TUs

September 2021: Schools' policy to consultation with Teaching TUs

November 2021: Schools' policy made live for adoption by Governing Bodies, following consultation with Teaching TUs

Guidance

If you would like further guidance please refer to the ACAS Code of Practice. ACAS code of practice <https://www.acas.org.uk/acas-code-of-practice-for-disciplinary-and-grievance-procedures/html>

If you have any questions regarding this policy, please contact your HR Consultant.

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1. INTRODUCTION

Lipson Vale Primary School employees are our biggest assets and we strive to have the right people in the right roles, motivated, content and engaged in work, treated fairly and with respect. We recognise that on occasions, employees may feel they have been treated unfairly and want to raise a concern relating to an aspect of their employment. This policy and procedure sets out what to do when this happens, encouraging communication between employees and managers to ensure that problems arising during the course of employment can be expressed and resolved at the earliest opportunity and minimise the need for escalation to formal stages of this process.

This policy and procedure is to be followed, when informal discussions have not resolved the matter and the employee needs to progress their concerns formally and in writing. Many grievances can be resolved quickly and informally through discussion between the employee and their line manager. If the employee feels unable to speak to their manager, for example, because the complaint concerns him or her, then they should speak informally to another manager (normally the manager's manager or this could be the Headteacher or a Governor) to discuss the problem. If this does not resolve the issue, the employee should follow this policy and procedure.

Plymouth City Council/Lipson Vale Primary School may vary its resolution policy and procedure, if agreed by the parties involved, whilst maintaining compliance with the ACAS Code of Practice.

2. DEFINITION OF A GRIEVANCE

2.1 INDIVIDUAL GRIEVANCE

A grievance is a concern, problem or complaint made by an employee in relation to their work and gives an employee a way to raise such issue(s) with their manager and resolve as quickly as possible.

2.2 COLLECTIVE GRIEVANCE

This policy also applies to a grievance raised by two or more employees where they have identical grievances and wish them to be resolved in the same grievance process. In these circumstances, those raising a collective grievance will be entitled to only one grievance resolution meeting and (if applicable) one appeal meeting. There is normally one 'lead employee' and other participating employees will be notified individually of the outcome at each stage of the process.

If the majority of employees belong to the same recognised trade union, that trade union will take the lead and be in attendance. However, there may be times when there needs to be an employee from each trade union and their representative. It is fully recognised that there can only be a reasonable number of people in attendance.

If employees wishing to raise a collective grievance are all members of the same trade union, their trade union representative can (if all employees wish them to do so) raise the grievance on their behalf. If the employees wish to be represented by their trade union representatives on an individual basis, the school will arrange to hear their grievances on an individual basis.

If all parties do not entirely and voluntarily agree to this arrangement or if the grievances are not identical, the school will follow this policy and procedure to resolve the grievances on an individual basis.

2.3 TYPE OF GRIEVANCE

Grievances can relate to:

- Implementation of terms and conditions of employment
- Health and safety
- Difficult working relationships
- Bullying - offensive, intimidating, malicious or insulting behaviour,
- Harassment - unwanted conduct relating to a protected characteristic under the Equality Act 2010
- Discrimination or unfair treatment as a result of a protected characteristic
- New working practices
- Working environment
- Recruitment and selection decisions for internal candidates

This list is not exhaustive.

3. IN SCOPE

Plymouth City Council's grievance resolution policy applies to all council employees employed under the provisions of the following negotiating bodies as amended locally including:

- Centrally employed Teachers
- School Teachers' Pay and Conditions Review body
- All employees at Insert name of school.

4. OUT OF SCOPE

The JNC for Chief Executives has its own model procedure for Chief Executives.

The grievance resolution policy does not apply in the following cases:

- Where an alternative appeal process exists
- When there are concerns under another formal procedure, which should be considered as part of that procedure
- Where the case has already been heard and there is no new evidence
- When the matter is part of collective negotiation or consultation
- If the employee raises a concern covered by the Public Interest Disclosure Act; the school's Whistleblowing Policy should be followed. It is recognised that if there is any detriment to the employee, the grievance resolution procedure may also be used.
- Where an individual has left Plymouth City Council's employment at the time of receipt of their complaint.

5. PRINCIPLES

This policy and procedure complies with the legal requirement for all employers to set out a procedure for dealing with employee grievances and sharing it in writing with all employees. It must include:

- Who the employee must contact about a grievance

- How to contact this person

This Grievance Resolution procedure follows the ACAS Code of Practice for Grievance Procedures

<https://www.acas.org.uk/acas-code-of-practice-for-disciplinary-and-grievance-procedures/html>

Grievances should be resolved as quickly and as near the point of origin as is reasonably possible.

An employee must state what they regard as resolution of the matters raised.

Grievances will be handled as quickly and fairly as possible.

The grievance resolution procedure should not be used as a substitute for day to day management of employees and constructive dialogue between employees.

This grievance resolution procedure should not be used to complain about disciplinary, performance management (capability), sickness and redundancy policies which have their own appeal processes. If an employee is dissatisfied with any of these policies, the employee should submit an appeal under the appropriate policy. If the grievance concerns action being taken under another policy, processes can run concurrently or may be dealt with under the other policy where appropriate.

Where a grievance is raised in an employee's notice period, every attempt should be made to resolve the grievance prior to the last day of employment. If not, a written outcome should be sent.

All employees involved in a grievance process should respect confidentiality and privacy of others at all times. Confidentiality breaches may result in disciplinary action being taken.

The school will take all grievances seriously, save where there is evidence to suggest that a grievance has been raised in bad faith and/or is malicious or vexatious. The procedure followed should be fair and transparent and accessible to all employees.

There should be regular communication to any affected employees throughout the process.

Throughout the process and investigation, the Chair of the Governors' Panel will ensure that any employees affected by this process are informed of likely timescales.

At the conclusion of the matter, any employee(s) named in the submission and any witnesses will be advised in writing or in a meeting that the matter has been concluded.

** Reference to Headteacher could also mean Principal, member of SLT or line manager*

6. RESOLUTION PROCEDURE

6.1 Formal Resolution Procedure

If an employee's grievance cannot be resolved informally, it should be put in writing at the earliest opportunity and be submitted to the Headteacher, stating clearly that it is a formal

grievance. Where the grievance is about their Headteacher, the grievance should be forwarded direct to the Chair of Governors. The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates, and names of individuals involved. In some situations the employee may be asked to provide further information. A template is available for employees to use, ensuring the necessary information is provided.

If the grievance is about a:-

- line manager, submit the grievance to the line manager's manager
- Colleague, submit the grievance to that employee's line manager
- Headteacher, submit to a Governor, via the Clerk to Governors.

Upon receipt of a formal grievance, Plymouth City Council HROD must be advised, so that it can be logged on the case management system.

6.2 Reference to other employee(s) in formal submission

If a grievance relates/refers to a specific employee(s), they must be advised at the earliest appropriate opportunity, unless circumstances have changed and they are not part of the resolution. Managers must deal with this situation carefully and sensitively, ensuring the following principles are observed:

- Meet the employee in private and advise them that a complaint has been received about them/reference to them.
- Share a summary of the grievance.
- Explain the complaint is being handled formally, and give the employee a copy of this Grievance Resolution Policy and Procedure
- In the event that the matter requires further investigation, they may be invited to an investigation meeting so they can put forward their statement of events.
- The employee has the right to be accompanied at the meeting.
- Inform the employee that they may be requested to attend the formal resolution meeting as a witness.
- Ensure that the employee feels appropriately supported, and is provided with information regarding the Employee Assistance Programme
- Remind the employee of the confidential nature of the complaint.

6.3 Witnesses

When employees are identified as witnesses, managers should ensure that the same principles regarding communication and support are provided to them.

Witnesses may be called to attend the formal grievance resolution meeting where appropriate.

External witnesses (non-employees of the school and/or Plymouth City Council) will not generally be invited to attend the grievance resolution meeting, however written statements may be included if the Chair of the Governors' Panel deems their evidence to be relevant to the concerns raised. Where the employee raising the grievance wishes to provide external witness statements as part of their case, it will be their responsibility to provide them, at least 5 working days prior to the meeting

6.4 Right to be accompanied

The employee has the right to be accompanied in the grievance resolution procedure detailed in section 6.7 onwards by a companion who is either a trade union

representative or a workplace colleague. This needs to be agreed in advance with the Chair.

6.5 Role of Companion

- Present the employee's case on behalf of the employee, if the employee wishes this
- Ask questions of the manager or any witnesses
- Respond on behalf of the employee, if employee wishes the companion to speak on their behalf. If question is posed directly to the employee in relation to the issues under consideration, the employee should respond
- Request adjournments
- Sum up the employee's concerns at the conclusion of the meeting, confirming if resolution in the grievance submission still stands or alternative resolution has been identified

Acting as a companion is voluntary and colleagues are under no obligation to do so. If a colleague agrees to do so, reasonable time off from duties without loss of pay to act as a companion will be considered.

6.6 Resolution meeting

This meeting should take place within 5 working days of receipt of the grievance submission where possible. The aim of the meeting is to discuss the contents of the grievance submission, collect evidence, confirm possible resolutions and if possible to reach an outcome to the employee's grievance. The employee and the recipient of the grievance (who will usually act as meeting Chair) will be present at the meeting.

Resolution meetings may be conducted by either the Headteacher/Principal or a panel of Governors, except in cases where the Headteacher/Principal is the:

- Investigating Officer
- Witness to the investigation
- Subject of the complaint

The Resolution meeting must be conducted by a panel of Governors

The employee should take all reasonable steps to attend the grievance resolution meeting. If the employee is unable to attend, additional evidence can be submitted. The Chair will normally be supported at the grievance resolution meeting by the school's HR Provider.

The outcome of this meeting is likely to be:-

- A resolution which will be confirmed in writing within 5 working days of the meeting to the employee. The outcome letter, including a statement of resolution, must be sufficiently detailed so the employee can understand the reason for the decision. The letter should also provide details of the appeal process.
- Adjournment to seek the views of others affected by/involved in potential resolution.
- Commissioning of an investigation to gather more information, including statements from those named in the grievance and other witnesses. The scope of the investigation needs to be jointly agreed at this meeting, along with the identification of any witnesses.

One request for the date of the meeting to be changed can be made by the employee if:-

- The chosen companion is unable to attend
- The employee can provide reasonable grounds for not being available. If there are medical reasons, a FIT note from a GP should be provided.

Failure to attend without reasonable justification will be fully considered and the grievance meeting will proceed in the employee's absence. The meeting will proceed with the recognised trade union representative/workplace companion providing clarification on the submission. If in the absence of all parties, the Headteacher/Governor will decide the appropriate outcome.

6.7 Investigation

If further investigation is required, the Chair will commission the investigation and appoint an Investigating Officer, ensuring that the role is impartial and there is no conflict of interest.

The Chair will be responsible for informing the employee of the likely duration of any investigation required. Once the investigation is complete, the Chair will:

- Reconvene the resolution meeting. The investigation report and findings should be sent to the employee five working days in advance of this grievance meeting.
- In some circumstances, the Chair will be able to make recommendations based on the investigation report without the need for a meeting if it is in line with the resolution sought by the employee. In this instance the outcome will be confirmed in writing.

If required the grievance resolution meeting will consider the investigation report. The Chair will invite the following:

- Investigating officer – to present the report (with support from the school's HR Provider if required)
- Employee who submitted the grievance with their companion
- Witnesses if necessary (witness(es) can be called by the Investigating Officer, the employee or the Chair)

6.8 Possible Outcomes from the grievance resolution meeting

The Chair's decision is based on the evidence presented. The possible outcomes and actions could be:

- The requested resolution(s) in the grievance are fully or partially agreed and management will determine the appropriate action to take going forward.
- The requested resolution(s) are not agreed or the evidence is inconclusive.
- The case may be referred to an alternative school policy.
- Individuals are asked to participate in formal mediation, if not taken up at an earlier opportunity.

Please note this list is not exhaustive.

7. RIGHT OF APPEAL

Where the employee feels that their grievance has not been satisfactorily resolved they have the right to appeal within five working days from receipt of the outcome letter.

It is very important that all of the grounds of the appeal are set out in the appeal letter.

Examples are: the correct process was not followed resulting in a detriment to the individual; the sanction or outcome was unduly harsh; additional information has come to light that was not available for the initial hearing.

An appeal can be submitted by TU Representatives/companion where they have explicit permission from the employee.

7.1 Receipt of Appeal

- The Clerk to Governors who receives the Appeal will send a letter of acknowledgement to the employee within 5 working days. The Governors' Panel who hear the Appeal should not have been involved in the grievance before..
- The manager from the original grievance resolution meeting is responsible for preparing an 'Appeal Pack' comprising management's response to the grounds of the Appeal together with any relevant appendices which must be sent to the employee at least five working days before the Appeal meeting.

7.2 Appeal Meeting

- The school is committed to ensuring the Appeal is heard as soon as possible. The Chair of the Appeal Panel will ensure that the necessary arrangements are in place to hold the Appeal meeting.
- It is only in exceptional cases, that a witness may be recalled.
- The employee has the right to be accompanied by a companion who is either a trade union representative or a workplace colleague.
- The employee will only be able to refer to the grounds of Appeal specified in their Appeal letter.
- At the meeting, the employee will state the grounds of their Appeal, and the original Chair will have the opportunity to respond. All parties will have the opportunity to ask questions of the employee's case, the manager's case or question witnesses if in attendance.
- The Chair will be advised by the school's HR Provider.
- The Chair will consider the facts of the case and may uphold, partially uphold or dismiss an Appeal.
- The decision letter will be from the Chair of the meeting and will give the reason(s) for the decision.
- The decision letter will be sent electronically where possible or by special delivery to the employee within 5 working days of the Appeal meeting. The decision is final.
- The above procedure can be amended by the Chair of the Appeal if it is deemed appropriate to do so, provided that all parties are in agreement.

If further external procedures are considered, for example ACAS Conciliation or at an Employment Tribunal, any statements may be subject to disclosure and parties will be advised accordingly.

8. EARLY RESOLUTION OPTIONS

8.1 Facilitated Discussion

A facilitated discussion can be considered at any stage in the process and would normally be between the relevant employees and facilitated by a manager. The facilitator would not normally actively take part in the discussion between the employees, unless their assistance is required to ensure the discussion proceeds smoothly.

8.2 Mediation

Mediation can be considered at any stage, allowing early resolution or a way forward. It can be used to help two or more individuals, normally when there are working relationship/communication issues and will look at how to agree on working together in the future.

It can be a quick way to resolve a grievance and is:-

- Less formal
- Flexible
- Voluntary
- Confidential

The mediator will not take sides. Their role is to help both parties find a solution

Outcomes to mediation might include:-

- An acknowledgement of each party's views
- A commitment to change behaviour
- A commitment to regularly review the agreement reached
- An agreement to review processes
- An agreement to share work more fairly and provide more responsibility

If you wish to explore mediation please speak to your manager, or the school's HR Provider.

9. PROCEDURE FOR PEOPLE WHO ARE LEAVING THE SCHOOL/COUNCIL

Wherever possible a complaint should be dealt with before an employee leaves employment.

The employee also has the opportunity to express concerns during the exit interview. There should be a commitment to resolve and a written response, if it is concluded after the leaving date.

It is not expected that an employee would submit a grievance during their notice period.

10. SUPPORT

All employees involved in any form of resolution process are encouraged to contact the Employee Assistance Programme for any additional support they may require. Your school will be able to inform you if they purchase the counselling support from EAP or if the school has the basic level only.

11. RECORDS OF GRIEVANCE OUTCOMES

Records of grievance outcomes will be retained on the employee's file in line with the school/Council's retention schedule. The employee file refers to paper as well as electronic information held by the school/Council.

Monitoring information will be held by HROD, in accordance with the Data Protection Act 2018 and employment legislation.