

Sheringham Woodfields School

Sheringham Woodfields School
Holt Road
Sheringham
Norfolk
NR26 8ND



ANNETTE MACONOCHIE
Head Teacher

Telephone: 01263 820 520
Fax: 01263 820 521

STEVE THURLOW
Chair of Governors

Email: office@sheringhamwoodfields.norfolk.sch.uk

Website: www.sheringhamwoodfields.norfolk.sch.uk

Registered Charity: Friends of Sheringham Woodfields School - 1127142

STAFF GRIEVANCE POLICY & PROCEDURE

Approved by SMT: 30 th April 2024	Approved by Staff: 7 th May 2024	Approved by Governors: 13 th May 2024
Next Review date: Summer 2026	Person(s) responsible for review: Head Teacher, HR Advisor and Business Manager	

1. Principles

- 1.1 Grievances are concerns, problems or complaints that employees raise with their employers.
- 1.2 Grievances include reports of any form of bullying and harassment¹. There is a School Bullying and Harassment policy statement which should be read in line with this policy, where the grievance relates to bullying and/or harassment.
- 1.3 The school aims to have an open policy for communication and consultation so that problems and concerns can be raised and settled as a matter of course.
- 1.4 Grievances will be dealt with in a confidential manner minimising the number of people involved. Confidentiality will be maintained during and after the grievance procedure. However, there may be instances when this is not possible and this will be made clear to the complainant or any witnesses providing statements at the time, for example;
 - the Headteacher may judge the risk to the individual(s) concerned and/or the school as unacceptable
 - it may not be appropriate that the details of any management action resulting from disciplinary procedure are reported back to the complainant

If witnesses are involved in giving evidence, they will be offered support up to and including protection of identity in some circumstances.

- 1.5 Employees will aim to settle most grievances informally with their manager wherever possible.
- 1.6 Before moving to the formal grievance procedure both the school and the employee will first consider using a mediator to help resolve the problem.
- 1.7 Managers and employees will raise and deal with issues promptly and will not unreasonably delay meetings, decisions or confirmation of those decisions.

¹ Harassment is any unwanted conduct, physical or non-physical, affecting the dignity of men and women in the workplace.

- 1.8 Managers and employees will act consistently.
- 1.9 Headteacher will arrange for any necessary investigations to establish the facts of the case.
- 1.10 The school will allow employees and Headteacher to be accompanied at any formal meeting.
- 1.11 The school will allow an employee to appeal against any formal decision made.
- 1.12 The school will keep written records of all grievances.
- 1.13 The school expects all employees to comply with their obligations under equality legislation and ensure that all reasonable adjustments or supportive measures are considered to allow equal access to the policy and procedure regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status
- 1.14 Headteacher and Governors will seek guidance from Norfolk Education HR Services (01603 307760 or EHRenquiry@norfolk.gov.uk) when applying this policy.

2. Scope

- 2.1 This grievance procedure applies to all current employees, both teaching and support staff. There is no legal requirement for an employer to consider grievances from ex-employees. This procedure should only be used by a single individual; grievances on a matter of principle raised by a group of employees (or a representative of a recognised trade union on their behalf) should be dealt with under the School's Disputes Procedure.
- 2.2 This document governs all matters which have been delegated to the Governing Board of the school. Where a grievance concerns a matter which is decided by the County Council then this should be referred to Norfolk Educator HR Services.
- 2.3 Grievances relating to remuneration should be dealt with under the School's Pay and Performance Management Appeal Procedure.
- 2.4 If an employee wishes to raise an issue in confidence concerning unethical, illegal or improper conduct without fear of victimisation, subsequent discrimination or disadvantage the School's Whistleblowing Policy and Procedure may be more appropriate.

3. Legal requirements

- 3.1 The way in which a grievance will be dealt with is governed by the policy and procedure adopted by the Governing Board and follows best practice outlined in the ACAS Code of Practice on handling disciplinary and grievance procedures issued under section 199 of the Trade Union & Relations (Consolidation) Act 1992 which came into effect on 6 April 2009 and the ACAS guide to handling discipline and grievances at work.
- 3.2 A failure to follow the ACAS code does not in itself make a person or organisation liable to proceedings. However, Employment Tribunals will take the Code into account when considering relevant cases and can adjust awards by up to 25% for unreasonable failure to comply with the Code. Awards can be adjusted up or down e.g. if the tribunal believes the school has acted unreasonably they can award 25% more, or conversely, if they believe the employee has unreasonably failed to follow the guidance in the code they can reduce the award by 25%.
- 3.3 Any Statement of Employment Particulars issued to school staff by Norfolk Educator HR Services will contain a paragraph which confirms the school's obligation to provide the grievance procedure. The

grievance procedure will state to whom any grievance should be addressed (which is their immediate line manager in the first instance). The school through effective induction of staff will ensure the employee knows how to access the grievance procedure.

- 3.4 Under *The School Staffing (England) Regulations 2009*, the Governing Board must establish procedures by which employees may seek redress for any grievance relating to their work at the school. Where the Governing Board determines on any action which is not within its jurisdiction (under the Education Act 2002), but is within the power of the authority, the authority must take that action at the request of the Governing Board.
- 3.5 School employees have a statutory right to be accompanied by a companion of their choice - a colleague or trade union representative - at any formal grievance meeting.

4. The informal procedure and mediation

- 4.1 If an employee has a grievance to do with work, (this includes bullying and harassment complaints between employees) or with the people they work with, there should be a first attempt to resolve the issue by making a direct approach to the other person involved. In many cases, it is possible for an employee to make direct contact, to make someone aware of a problem and to agree a solution informally.

In cases of bullying and harassment, it may be possible for the employee to explain to the other person that the behaviour in question is not welcome, that it offends them or makes them uncomfortable. Alternatively, if this personal approach is too difficult they could consider putting it in writing to the individual concerned. Please read the school's Bullying and Harassment policy statement in conjunction with any bullying and harassment related grievances.

However, by its nature bullying and harassment may make the employee feel embarrassed, worried about damaging their reputation or the working environment and fearful of not being taken seriously and subsequent reprisals. In these situations, a management representative or a Trade Union Representative can make the initial approach.

If the employee cannot resolve the matter through this approach, the next step is to raise it with the immediate line manager, through an informal meeting at which any concerns are raised and examined through discussion. The employee can be accompanied or represented at this meeting by a companion (a work colleague or trade union representative).

Where an employee discloses a mental health issue, which could be a disability, reasonable adjustments will be made to the procedure. This could be allowing a companion that does not meet the statutory definition of a companion but is someone who understands the individual's condition and its effects or; having regular breaks during longer grievance meetings or; holding the meeting at a neutral venue. Where it is clear the process is causing repeated signs of distress to someone involved in the procedure the Headteacher will ensure the employee is aware of the support offered by Norfolk Support Line or suggest the employee seeks advice from their GP. In some cases, help may need to be sought from Occupational Health, with the agreement of the employee, to determine how the grievance procedure can continue fairly. Advice will be sought from HR in these situations.

- 4.2 At that meeting, the employee should clearly outline their own view of the problem and explain to the manager what they consider to be a suitable resolution to the matter. After the informal meeting, the manager should give a reply, verbally, as soon as possible. The initial response will be given within five working days but further discussion may be needed to resolve the problem.

In some circumstances, the immediate line manager does not have the authority to resolve the grievance and they may need to refer it directly to the Headteacher. Flexibility around timescales is

often appropriate when trying to resolve informal grievances, particularly where it concerns interpersonal conflict between two or more employees.

- 4.3 If the employee is not satisfied with the manager's reply, or if they feel unable to talk to their immediate line manager, then they should talk to the Headteacher. If the grievance relates to the Headteacher and the employee is not satisfied with the Headteachers reply, or if the employee feels unable to discuss it with the Headteacher, then the employee should discuss the grievance with the Chair of Governors.
- 4.4 If the grievance is against the Headteacher the word 'Headteacher' should be replaced by 'Chair of Governors' throughout the remainder of this section. The Chair of Governors may also request support from the Local Authority in addressing such issues with any request being made through the HR Business Partner (Schools).
- 4.5 If an employee other than the Headteacher has a grievance against a governor, the employee should raise the matter initially with the Headteacher who will discuss it with the Chair of Governors and agree a mechanism for informal resolution. If an employee has a grievance against the Chair of Governors, the employee should initially raise it with the Headteacher, who will seek to agree a mechanism for informal resolution, taking advice from Norfolk Education HR Services where required.
- 4.6 If a Headteacher has a grievance against a governor, they should raise the matter with the Chair of Governors. If the grievance includes the Chair of Governors, the Headteacher should refer it to the Clerk to the Governors. The clerk should seek guidance from Norfolk Education HR Services on a mechanism for informal resolution, which may involve facilitation by a Local Authority Officer.
- 4.7 If it is not possible to resolve the grievance through these initial discussions, it may be appropriate for the Headteacher or Chair of Governors to nominate someone to mediate with the aim of achieving a solution and conciliation. If mediation is to be used, it should take place before the formal procedure commences.
- 4.8 The employee should keep a record of any incidents, including a note of any witnesses, even where an informal approach is enough to resolve the immediate problem. Similarly, where the Headteacher or another management representative is involved in resolving the problem, proper notes must be kept to document the action taken.
- 4.9 Where the employee approaches a work colleague for support, it is important to respect the fact that this person may not wish to become involved. In such circumstances, the employee may consider contacting their trade union representative and/or the Norfolk Support Line to seek advice and informal assistance.
- 4.10 The role of the work colleague or representative at this stage is not to impose a solution but to offer support, explore possible options open to the employee and assist the employee to choose a suitable and satisfactory course of action. The work colleague or representative may feel it is appropriate to assist in resolving the problem by acting as mediator. In carrying out this function, they will be protected from victimisation and will not be forced to disclose any confidences arising from their assistance with the informal stages of this procedure.

5. Using mediation to resolve a grievance

- 5.1 An independent third party or mediator can sometimes help resolve grievance issues. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the

mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

5.2 A mediator does not have to be someone specially trained for the task, but they should have the necessary skills to facilitate a discussion between two people who may have different views about a situation. Mediators may be employees from within the school, Norfolk Educator HR Services, or they may be from an external mediation provider, in which case, there may be a cost.

5.3 There are no hard-and-fast rules for when mediation is appropriate but it can be used:

- for conflict involving colleagues of a similar job or grade, or between a line manager and their employees
- at any stage in the conflict as long as any ongoing formal procedures are put in abeyance, or where mediation is included as a stage in the procedures themselves
- to rebuild relationships after a formal dispute has been resolved
- to address a range of issues, including relationship breakdown, personality clashes, communication problems, bullying and harassment.

5.4 Most grievances may lend themselves to the possibility of mediation.

6. Cases unsuitable for mediation

6.1 Mediation may not be suitable if:

- used as a first resort - because people should be encouraged to speak to each other and talk to their manager before they seek a solution via mediation
- it is used by a manager to avoid their managerial responsibilities
- a decision about right or wrong is needed, for example where there is possible criminal activity
- the individual bringing a discrimination or harassment case wants it investigated
- the parties do not have the power to settle the issue
- one side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.

7. The formal procedure

7.1 If an employee has not been able to resolve the grievance by talking informally with their manager or Headteacher, Chair of Governors, or through mediation, or it is not appropriate to resolve the problem informally, because the complainant regards attempts at informal resolution as inappropriate because of the serious nature of the complaint. Then they should, without unreasonable delay, prepare a written statement of the grievance (Grievance statement F307) and submit this in line with the following:

- If the grievance is against a colleague other than the Headteacher, the statement of grievance should be submitted to the Headteacher.
- If the grievance is against the Headteacher, the statement of grievance should be submitted to the Chair of Governors.
- If the grievance is against an individual Governor, the statement of grievance should be submitted to the Chair of Governors.
- If the grievance is against the Chair of Governors, a Governors' Committee or the whole Governing Body, the statement of grievance should be submitted to the Clerk to the Governors who will take advice from Norfolk Educator HR Services.

The statement (Grievance statement F307) should explain the nature of the grievance, including details of what the employee has done to try and resolve the matter informally, and what the employee considers to be a satisfactory outcome to the matter. It is essential that there is a clear statement about the grievance, in order that it can be properly examined.

7.2 As appropriate, the Headteacher, Chair of Governors or Clerk to Governors will identify a panel of Governors (Grievance Committee) to hear the grievance and work with the parties to achieve a resolution. The Grievance Committee would normally consist of three Governors although in some circumstances, where agreed between the parties, a panel of two Governors may be permitted. If insufficient Governors exist, or if there are too few governors who have not already been involved in the matter, Norfolk Educator Governance Support may be able to identify experienced governors from other schools who can help with the process.

7.3 **Step 1 - Statement of grievance and response**

7.3.1 Once a statement of grievance has been received by the Headteacher, Chair of Governors or Clerk to Governors, as appropriate (see above), that person will then share the statement of grievance with the person against whom the grievance is lodged.

The individual against whom the grievance is lodged, then prepares a statement of response to the grievance. An appropriate timescale should be set for this stage of the process to ensure there is no unreasonable delay. However, the complexity of the situation will determine what is reasonable. If the matter has been considered at the informal stage of the procedure, a note of the steps taken to try to resolve the matter informally will also be required.

7.3.2 If the grievance is of a serious nature relating to misconduct, consideration may be given to suspending the employee who the grievance is against (or alternatives to suspension e.g. temporary redeployment). Due consideration will be given so that the decision to suspend is only made where it is a reasonable response based on the facts of the case. Suspension Checklist C303 on HR InfoSpace will be used to determine if suspension is a reasonable response.

7.3.3 If further information is needed in order to respond to the grievance, the meeting outlined below may be postponed while a full investigation is carried out. If such an investigation is considered necessary, both parties will be kept informed. The investigator will need to be independent to the case and be able to present adverse findings. The grievance meeting should not take place until the investigation is carried out. The Chair of Governors may request support from the Local Authority in identifying an investigating officer. Any request will be made through the HR Business Partner (Schools). Any cost associated with an external investigating officer will be met by the school.

7.4 **Step 2 - Meeting**

7.4.1 The Clerk to the Governing Body will liaise with Norfolk Educator HR Services to make the necessary arrangements and invite the individual with a grievance to a meeting as soon as possible. The meeting would ideally take place within ten days of receipt of the statement of response, but this will depend on the availability of governors, the companion (if the individual chooses to be accompanied) and others who need to be in attendance. The employee will receive a copy of the statement of response and any other relevant documents to be considered at the meeting at least five days in advance of the meeting. The Grievance Committee will be issued with a copy of the statement of grievance, the statement in response, and any other supporting documentation provided by either party.

7.4.2 At the meeting, the employee has the chance to explain the grievance and their suggestions for resolving it. The employee has the right to be accompanied by a companion (ie a trade union representative or work colleague) at this meeting.

7.4.3 The Grievance Committee will be advised by a senior member of Norfolk Educator HR Services and the Headteacher may be accompanied and advised by an HR Consultant.

- 7.4.4 At the start of the meeting the Committee will consider whether it is more appropriate to meet with the employee separately from the other party, or may seek agreement from both parties for a joint meeting.
- 7.4.5 The agenda for a joint meeting will be as follows below. The term "Headteacher" has been used below, but is of course replaceable with any other person against whom the grievance is lodged.
- 7.4.6 The Chair of the Committee will arrange introductions and set out how the meeting will be conducted. The Chair will outline the Committee's understanding of the grievance, as notified in the statement of grievance.
- The employee will be asked to present the case and to answer questions from governors, the Headteacher and their advisers.
 - The employee can call upon named witnesses to provide information and answer questions if appropriate.
 - The Headteacher will present their case and answer questions.
 - The Headteacher can call upon named witnesses to provide information and answer questions if appropriate.
 - The employee makes a closing statement, followed by the closing statement of the Headteacher.

The Committee will then adjourn the meeting while they consider the information provided and how the grievance might be resolved. If practicable, the Committee will invite both parties back to the meeting on the same day to sum up the main points, and to outline what action, if any, they feel is necessary and try to achieve an agreed resolution.

7.5 **Step 3 - Confirmation of outcome**

- 7.5.1 The Chair of the panel will write to the employee within five working days of the meeting, with the decision of the panel and the reasons behind the decision. If the grievance is not upheld, there is a right of appeal against that decision.
- 7.5.2 Where other individuals are affected by the outcome of the grievance, or some aspects of the outcome, they will be informed of the affect the outcome has on them and the reasons for it. The employee who raised the grievance will be informed of who else will be told and what information they will be given. Confidentiality remains of upmost importance so only information which affects another individual(s) will be communicated.

7.6 **Step 4 - Appeal**

- 7.6.1 If the employee is not accepting of the Committee's decision, they have the right of appeal to another panel of governors. The members of the Appeal Committee will not have had any involvement in the first decision. Where an employee wishes to lodge an appeal against the decision of the Grievance Committee, they should, within ten working days of receiving written confirmation of the outcome, write to the Clerk to Governors setting out the grounds for appeal and enclosing any documents to be taken into account. Grievance statement - appeal against decision of Grievance Committee F307a should be used for this purpose. The employee and the Headteacher will then be invited to another meeting which will normally take place within fifteen working days of receipt of appeal. The employee has the right to be accompanied by a companion to the appeal meeting.
- 7.6.2 The format for the meeting will follow that outlined in paragraph 7.4.6 above.
- 7.6.3 The Appeal Committee will consider the outcome from the first Grievance Committee hearing. They will listen to the grounds for appeal and consider any further statements provided by the Headteacher or others involved.

7.6.4 The decision of the Appeal Committee is final and the Chair of the Appeal Committee will write to the employee within five working days to confirm this and to share the outcome of the meeting. The Appeal Committee will give the reasons behind the decision made.

8. Record keeping

8.1 The grievance and related papers will be stored on the file of the employee who raised the grievance. If the grievance is against another named individual and is upheld, it may be appropriate for a disciplinary investigation to be undertaken and/or a professional guidance letter issued, in which case relevant papers may also be placed on that individual's personal file.

9. Data protection

The school processes personal data collected during informal complaints and the formal grievance procedure in accordance with its data protection policy. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

10. Associated documents

- Grievance statement - formal procedure F307
- Grievance statement - appeal against decision of Grievance Committee F307a
- School Bullying and Harassment policy statement