



South Tyneside Council



Epinay

Business & Enterprise School

Grievance Procedure

1 General Principles

- This Procedure satisfies the requirements of The Employment Act 2002.
- The Procedure applies to all employees of the School along with agency workers, consultants and those working in partnership with the School.
- If separate procedures exist within the school to deal with specific issues such as bullying and harassment or whistleblowing, these procedures should be followed as an alternative to this procedure.
- Grievances may arise where an employee has a complaint about an action the School has taken or is contemplating taking in relation to them. Grievances cannot be pursued where action is being taken or is under consideration in relation to an employee's capability or conduct unless the employee genuinely believes such action is either unlawful or not relating to their capability or conduct but is for some other reason.
- Employees with a grievance must attempt to seek a resolution at the lowest possible level. The grievance must first be raised with a line manager who should record that a grievance has been raised.
- Governors, Headteachers and members of the Senior Management Team must deal with grievances as quickly as possible and without unreasonable delay. If it is not possible to deal with grievances in a timely manner, management must acknowledge receipt of the grievance, explain the reason for the delay and indicate a timescale for dealing with the grievance. It may at times not be possible to adhere to the advised timescales due to school closure periods. If this is the case the individual must be notified and the grievance heard as soon as practicable on the commencement of the new term.
- An employee with a grievance against their Headteacher will have it heard by the relevant committee of the School Governing Body. If the individual is dissatisfied with the outcome, the Appeals Committee of the Governing Body will then hear the grievance.

- An employee has the statutory right to be accompanied at all formal meetings within this procedure by another employee of the School, an official employed by a trade union or a lay trade union official. The trade union official must be suitably trained and experienced in dealing with grievances.
- An employee must take all reasonable steps to attend a meeting.
- Setting out a grievance in writing may be of concern to those whose first language is not English or for those who find it difficult to express themselves in writing. Employees should be encouraged to seek help from colleagues or from their trade union representative. Employers are required to make reasonable adjustments to allow a grievance to be heard. This may include assisting employees to put down their grievance in writing if they are unable to do so because of a disability.
- Authorised employees will be nominated by each Headteacher to deal with grievances at each stage. More senior managers of the school management team will deal with the later stages of this Procedure.
- This Procedure recognises that grievances may be raised by an individual or collectively by a group of employees.
- A representative of HR Services may attend meetings beyond Stage 1. Such attendance in the cases of Aided Schools will be by invitation only.

2 The Individual Grievance

Stage 1

If you have a complaint recognised under this Procedure, you must refer the matter to your immediate line manager. If your grievance is against this person, you must raise the matter with the appropriate member of the school management team. Unless otherwise agreed, a meeting to discuss the matter will be held within 5 working days and a verbal response will be given within 5 working days of the meeting. You should keep a note of the date and time of the meeting.

Stage 2

If, after Stage 1 of this Procedure, your grievance is not upheld and you are not satisfied with the outcome, you must submit your grievance in writing, stating your grounds for appeal. This can take the form of a letter or by completing the form GR1, which has been designed for this purpose. You must state details of your grievance and the basis for it, against whom it is made, who heard it at Stage 1 and how you want the matter to be resolved.

The letter or form must be submitted to a more senior manager in your School within 10 working days of the notification of the decision at Stage 1. Unless otherwise agreed the manager will acknowledge receipt of the letter or form within 5 working days and take positive steps to arrange a meeting at a suitable time and place without unreasonable delay. The outcome of the meeting and

the employees' right to appeal will be confirmed in writing within 5 working days unless otherwise agreed.

Stage 3

If your grievance is not upheld and you are not satisfied with the outcome of the Stage 2 meeting, you must appeal in writing stating your grounds for appeal, to the person who heard your grievance, within 10 working days of being notified of the decision. The letter or the form GR1 will then be submitted to the Headteacher.

The Headteacher will acknowledge receipt of the grievance within 5 working days and take positive steps to arrange a hearing without unreasonable delay at a suitable time and place. The outcome of the meeting and the right of appeal should be confirmed in writing within 5 working days unless otherwise agreed.

Stage 4

If the grievance cannot be resolved by the Headteacher, you must appeal in writing stating your grounds for appeal to the Clerk of the Governing Body within 10 working days of notification of the decision taken at Stage 3, requesting that the appropriate Committee consider the matter. A letter acknowledging receipt of the grievance and that the matter is being dealt with, must be sent by the Clerk of the Governing Body within 5 working days. The Committee must meet within 6 weeks of the appeal being lodged.

The Headteacher will submit a report to the Committee enclosing a copy of the original written grievance and the letters indicating the outcome of the grievance at each stage of the procedure. You and your trade union representative or work colleague will be invited to attend the Committee to present your grievance and to answer questions about it. The outcome of the meeting will be notified to you in writing, within 5 working days unless otherwise agreed.

The decision of the Committee is final.

3 Collective Grievances

Where more than one employee has the same complaint recognised under this Procedure, the matter may be considered as a collective grievance. A collective grievance must be raised with the appropriate Head of Department in writing, either by letter or by using the form GR1.

Stage 1

The appropriate Head of Department will acknowledge receipt of the collective grievance within 5 working days and take positive steps to arrange a meeting without unreasonable delay at a suitable time and place. Nominated representative(s) of those aggrieved will be invited to attend. The outcome of the meeting and the employees right of appeal will be notified to all aggrieved employees (whether they attended in person or not) in writing, within 5 working days unless otherwise agreed.

Stage 2

If the aggrieved employees are not satisfied with the outcome of the meeting, an appeal must be made in writing stating the grounds for appeal to the Headteacher within 10 working days of notification of the decision at Stage 1. The Headteacher will acknowledge receipt of the grievance within 5 working days and take positive steps to arrange a meeting without unreasonable delay at a suitable time and place at which nominated representative(s) of those aggrieved will be invited to attend.

The outcome of the meeting and the employees right to appeal will be notified to all aggrieved employees (whether they attended in person or not) in writing, within 5 working days unless otherwise agreed.

Stage 3

If the aggrieved employees are not satisfied with the outcome of the meeting, they can appeal to the appropriate Committee of the Governing Body. Such a request should be made to the Clerk of the Governing Body in writing stating the grounds for appeal, within 10 working days of notification of the decision at Stage 2. A letter acknowledging receipt of the grievance and that the matter is being dealt with, must be sent by the Clerk of the Governing Body to the aggrieved employees or their representative within 5 working days. The appropriate Committee must meet within 6 weeks of the appeal being lodged.

The Headteacher will submit a report to the Committee, enclosing a copy of the original written grievance and the letters indicating the outcome of the grievance at each stage of the procedure. A nominated representative(s) of those aggrieved will be invited to attend along with their trade union representative, to present the grievance and to answer questions about it. The outcome of the meeting will be notified to all aggrieved employees (whether they attended in person or not) in writing, within 5 working days unless otherwise agreed.

The decision of the Committee is final.

4 Exclusions to the Procedure

- Either party is violent, abusive or behaves in an unacceptable manner, which makes it unreasonable to expect the other to go through the Procedure.

- Factors beyond the control of either party make it impractical or impossible for the procedure to be followed or completed in the foreseeable future e.g. where the employee becomes ill, or incapacitated.
- The employee has followed an alternative (collectively agreed) procedure.
 - The employee cannot continue to work without contravention of a legal duty or restriction.

5 Equality and Diversity Statement

South Tyneside Council is committed to promoting equality and valuing diversity in everything we do including service delivery and employment. Further details can be obtained by referring to the Equality and Diversity in Employment Policy Statement in the Human Resources Manual, Section E, or the Equality and Diversity Policy available from the Chief Executive's Office (Policy).

Policy approved by Governors: May 2023

Date of next review by Governors: June 2024