



The Orchard Vision: *Inspiring Success*
Values: *Determination, Courage, Respect*

The Orchard Grievance Policy

2021

NEU Grievance Model Policy
Reviewed and agreed by The Orchard School

1. Introduction

1.1 The purpose of this policy is to ensure that all employees with a grievance relating to their employment can use a procedure that can help to resolve grievances as quickly and as fairly as possible.

1.2 Grievances can arise from a variety of sources, such as decisions which affect your employment or more personal situations. They can arise among any members of staff within the organisation.

1.3 All employees have a responsibility to find ways to resolve disagreements, conflicts and concerns, in the workplace. Such resolution is normally possible. If, despite attempts to find agreement, a dispute or disagreement leads to your having a grievance about the behaviour or conduct of a colleague or your employment, you are encouraged to pursue the matter in accordance with the procedure set out below.

2. Aims and scope of the policy

2.1 This policy is designed to facilitate the resolution of grievances by adhering to the following principles:

- discouraging the harbouring of grievances
- assisting the resolution of grievances in an atmosphere of trust and confidentiality
- enabling grievances to be settled as near as possible to their point of origin
- ensuring that grievances are dealt with fully, promptly and fairly
- informing both parties to a formal grievance that they have a right to be accompanied by a trade union representative or work colleague at all stages.

2.2 Employees will not be victimised for raising a grievance or for supporting a colleague to raise a concern.

2.3 Situations involving discrimination, bullying, harassment or victimisation should be dealt with under the equality and bullying and harassment policies.

3. Representation

3.1 At all stages of the procedure, either party has the right to be accompanied and/or represented by his/her trade union or by a work colleague.

3.2 Where a grievance is against an accredited trade union or professional association representative, no action shall be taken unless and until the matter has been discussed by the head teacher/principal (or a person acting on their behalf), with the nominated HR representative, (Strictly Education) and a full-time officer of that trade union or professional association.

4. Time limits

4.1 Time limits in the policy should be adhered to whenever possible. They may be altered to meet particular circumstances by agreement between the parties. There will be a balance between the principle of resolving a grievance promptly and that of ensuring sufficient time is taken to find a resolution that allows everyone to return to normal working as quickly as possible.

Process 5. Informal stage

5.1 Employees should endeavour to approach the person with whom they have a grievance, to see whether the grievance can be resolved by informal discussion, before approaching the head teacher/principal.

5.2 If the grievance is about the head teacher/principal, the employee should still approach them to see whether the grievance can be resolved through informal discussion. It is important that the employee whom the grievance is against is given an opportunity to change their decision or resolve the complaint early on in the process. If you do not feel able to approach the person you feel is responsible on your own, you may wish to ask a colleague or your trade union representative to accompany you.

5.3 If you are not able to resolve your grievance by approaching the person you feel is responsible or you do not feel able to do so, you should raise it with your line manager, either orally or in writing. If the complaint relates to your line manager, you should raise it with their immediate line manager.

5.4 Your line manager will consider your grievance and, in consultation with you (you may wish to ask a colleague or your trade union representative to accompany you), seek to resolve the issue at this informal stage and determine whether the matter can be resolved immediately or whether there is a need for it to be investigated further. 5.5 Your line manager should take appropriate steps to resolve your grievance informally within five working days or as soon as reasonably practicable, including meeting with you to discuss your concerns and the possible resolution. Your line manager will then communicate to you what steps will be taken to resolve the grievance, by whom and when these will occur.

5.6 If you are not satisfied with the outcome, or believe that the informal resolution is not appropriate, you should follow the formal stages of the grievance procedure, as set out below.

6. Formal stage

6.1 If it has not been possible to resolve the grievance through the informal process, you should set out in writing the details and nature of your grievance and how you believe it could best be resolved. The formal grievance should be given to the head teacher/principal. If the grievance is about the head teacher/principal or if they have previously been involved in the case (including at the informal stage), the grievance should be given to the chair of governors.

6.2 You should, wherever possible, use the template in the appendix to submit the grievance. It is advisable to seek representation at this stage from a trade union representative or work

colleague, if you have not already done so. The template has space for your representative's contact details.

6.3 The head teacher/principal or the chair of governors will arrange for a meeting to take place within five working days or as soon as reasonably practicable after receiving the formal grievance.

6.4 If the employee or his/her representative is unable to attend on the date given, a suitable alternative date should be agreed upon, preferably within five working days of the original date.

6.5 The head teacher/principal or the chair of governors will lead the meeting and will ensure the employee has the opportunity to explain their concerns and say how they think the matter can be resolved.

6.6 The trade union representative will be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The representative does not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

6.7 The head teacher/principal or chair of governors should arrange for a note taker to be present to take a formal record of the meeting that will be provided to all parties. They may also arrange for an HR adviser to be present to provide advice; they should in any case seek advice from HR throughout the formal process.

6.8 The head teacher/principal or chair of governors will then consider the grievance and reply orally as soon as possible, and in writing within seven working days, setting out where appropriate what action is intended to be taken to resolve the grievance. The notes of the meeting should also be provided along with an explanation of the employee's right to appeal the decision and the timescales for doing so.

7. Appeal process

7.1 If you are still dissatisfied with the outcome of the grievance you can appeal. This must be done in writing to the chair of governors, detailing the grounds of appeal, within ten working days of receiving the grievance decision.

7.2 The appeal hearing will be heard by an appeal decision maker appointed by the chair of governors. This will be a person who has not previously been involved with the grievance. She/he may be a senior manager, any member of the local governing body or head teacher/principal of another school or academy.

7.3 You will receive notice of the appeal hearing no less than seven working days in writing before the hearing. If the employee or his/her representative is unable to attend on the date given, a suitable alternative date should be agreed upon, preferably within five working days of the original date.

7.4 The trade union representative will be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The representative does not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

7.5 The appeal decision maker should arrange for a note taker to be present to take a formal record of the hearing. This will be provided to all parties. They may also arrange for an HR adviser to be present to provide advice; they should in any case seek advice from HR throughout the formal process.

7.6 You may invite any appropriate witnesses to be present at the appeal hearing in support of your appeal. Equally, the appeal decision maker may arrange for any appropriate persons

to be present as required, including the head teacher/principal, witnesses, etc. Notice of who may be present at the appeal hearing must be provided to the employee who is making the appeal, at least five days before the appeal hearing date.

7.7 The decision of the appeal hearing will be communicated to you in writing within seven working days of the hearing. The decision of the appeal decision maker will be final and represents the end of the internal process.

8. Collective grievances

8.1 Where a grievance is raised by more than one employee, and the nature of the grievance and the desired resolution are the same, the grievance will be treated as a collective grievance.

8.2 A trade union representative can raise a collective grievance on behalf of employees. The principles of this procedure will also apply to collective grievances.

8.3 In all instances, the group of employees should formally lodge their grievance in writing to the head teacher/principal by completing the template attached as an appendix. One form should be submitted but must be signed by all employees who are party to the grievance.

8.4 The arrangements for the grievance hearing will be made in accordance with section 6 above. The employees may nominate one person to represent the group – in most cases this will be the trade union representative, or trade union representatives where the employees involved are members of more than one trade union.

8.5 If the employees are dissatisfied with the outcome of the grievance hearing they can appeal. The arrangements for the appeal hearing will be made in accordance with section 7 above. The decision of the appeal decision maker will be final and represents the end of the internal process.

9. Equality monitoring

9.1 To ensure that we are meeting our public sector equality duty, we will monitor annually the impact of this policy by reference to the protected characteristics of staff (age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex and sexual orientation). The results will be shared (anonymised where appropriate) with the recognised trade unions.

NEU Revised January 2019

The Orchard reviewed and agreed April 2021

Appendix

Grievance form

This form may be used to submit a grievance in accordance with the formal grievance procedure.

You and your trade union representative should complete the form and hand it to your head teacher/principal or the chair of governors. You should keep a copy.

Name:	School:
Post held:	Department:

Describe briefly the nature of your grievance (continue on a separate sheet if necessary – please attach any extra sheets).

When did you first raise your grievance, and with whom?

What action has been taken to resolve your grievance in the informal stage?

What would you like as the outcome of raising your grievance?

Has your trade union or professional association representative been informed? Yes/No

If yes, do you wish your representative to receive correspondence? Yes/No

Please identify the representative and where s/he may be contacted?

Signed.....Date.....

Print name.....