

CARDIFF COUNCIL

SCHOOL - GRIEVANCE POLICY AND PROCEDURE

PREAMBLE

This is a model Grievance Policy and Procedure recommended by the Council for adoption by Governing Bodies. It is based on Council Policies/Procedures and adapted, as appropriate, for schools.

PURPOSE

1. The school recognises that from time to time employees may have problems, concerns or complaints (i.e. grievances) about aspects of their employment, e.g. working conditions or working relationships with colleagues, etc, which they wish to raise and have resolved. It also recognises that it has a responsibility to deal with any such grievances raised in a timely fashion to maintain discipline, good order, motivation and morale amongst its employees in the interests of service delivery.
2. In this respect, therefore, the school's Policy is to encourage free communication between employees and their respective managers to ensure that questions and/or problems arising during the course of employment can be aired and, wherever possible, resolved quickly and informally to the satisfaction of all parties. Every effort should be made, both by the employee and the school, to resolve any problems on an informal basis.
3. To that end the school's formal Grievance Policy and Procedure should be followed in respect of grievances that, for whatever reason, cannot be resolved informally.

SCOPE

- 4.a This Policy applies to all staff working in the school and aims to provide a single framework for the resolution of individual as well as collective grievances.
- 4.b In the case of staff working wholly or primarily within schools, but appointed to centrally established posts (in Pupil Support/EMAS etc.), **Council** Policies and Procedures will apply. For practical purposes of implementation of specific policies, however, (e.g. in reporting of absence) it will be necessary for the appropriate line manager within the school to be properly involved with the process. The specific arrangements which might apply in such cases **must** be clearly identified and agreed between the Schools and Lifelong Learning Service and the school. The Schools and Lifelong Learning Service will be responsible for initiating such discussions and ensuring that any such arrangements are clearly identified, agreed and documented.

- 4.c Where a grievance is submitted either against the Headteacher or by the Headteacher then it would be submitted to the Chair of Governors.

KEY PRINCIPLES

5. This Policy and the Procedure that underpins it will apply to all grievances (both individual and collective) and to registered disputes. The process and procedure must be adhered to by all parties.
6. Employees can register individual and/or collective grievances about any aspect of their employment with the school without fear of reprisal and/or recrimination. However, employees cannot use this Policy and Procedure if the nature of the grievance relates directly to their substantive grade/ pay (which can only be addressed by raising the matter formally with the Headteacher in the first instance and then via the procedure outlined in the Pay Policy), or constitutes an appeal against a disciplinary decision (which can only be made in accordance with the school's Discipline and Disciplinary Appeals Policies and Procedures). In addition to this where a complaint of bullying and harassment is made then it will be dealt with under the school's Disciplinary Investigations Policy.
7. Employees registering a grievance have the right to pursue the grievance without representation but also have the right to be represented, at any stage of the Procedure (including the informal), by a Trade Union Representative or a work colleague.
8. Where more than one employee has the same grievance, the Policy and Procedure should be applied on a group basis. A group grievance will be subject to one investigation and will be treated as a single grievance, albeit from a group of employees. In the case of a collective grievance, it is a matter for the employees themselves (and their representative(s) if appropriate) to determine which employees will appear before the person(s) hearing the grievance.
9. The reference to "days" in the Procedure means calendar days but will exclude school holiday. The time limits incorporated into the Procedure are to ensure the speedy resolution of grievances. All parties will endeavour to deal with grievances as quickly as possible and within the timescales stated. Should it be necessary, the time limits can be extended or modified but only with the agreement of all the parties.
10. Where a grievance relates to a difference in the interpretation and/or application of a particular school policy, procedure or agreement, consideration of the grievance may be adjourned with the agreement of all the parties, to enable appropriate advice and guidance to be sought. When this has been received, consideration of the grievance will be resumed at the level at which it was adjourned.
11. Records must be kept of each stage of the Procedure and checked for accuracy by all parties. Employees should be given copies of any meeting records. All such records

will be regarded as confidential and retained in accordance with the provisions of the Data Protection Act 1998.

12. Each grievance will be considered on its merits looking at the individual issues and circumstances involved, and respecting the principles of natural justice.
13. Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. However, where grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. Advice must be sought from HR People Services. Where such matters arise, a decision will be communicated to the relevant parties by the Headteacher.
14. The school reserves the right to deal with any unusual or urgent grievance outside the normal Grievance Policy and Procedure but will only exercise that right, following consultation with all the parties, in truly exceptional circumstances.
15. In adherence to the ACAS Code of Practice on Discipline and Grievance, the school expects employees and managers to work together to try and resolve grievances informally in the first instance. Consequently, a requirement of this policy is that employees must evidence the actions they have taken to resolve their grievance informally.
16. Parties may also wish to consider mediation (a process whereby a third party attempts to help the parties reach agreement in the event of a dispute). It may be requested or recommended at any stage in dealing with a grievance. Where either party would like to consider some form of mediation, the first contact should be with HR People Services. Agreement to mediation does not prevent the employee from submitting a formal grievance within a reasonable amount of time.
17. This Policy and Procedure will be reviewed in the light of operational experience.

PROCEDURE

Informal Resolution Stage

18. Where an employee feels aggrieved they should in the first instance raise the matter with their immediate line manager or the Headteacher in person or in writing (or the next level of management where the grievance concerns the immediate line manager or the Chair of Governors where it concerns the Headteacher), with a view to resolving the matter informally. An informal approach can lead to the matter being resolved quickly and with minimum distress to the parties involved. This approach meets with the ACAS Code of Practice on Discipline and Grievance and is an obligatory step for employees before proceeding to the formal part of this procedure. Employees can

seek the advice and support of HR People Services and/ or their Trade Union at any stage.

19. Where an employee has raised an issue, the line manager/ Headteacher should allow the employee to explain their grievance and ask them how they would like to see the matter resolved. Where necessary the line manager/ Headteacher may need to explore the issues further by speaking to other employees or seeking advice from HR People Services. This will normally be carried out within 7 calendar days. Where this is not possible, the reasons for the delay will be communicated to the employee.
20. The line manager/ Headteacher will meet with the employee to explain the findings and agree any appropriate future action. A written note of the outcome of this meeting should be drafted, a copy of which should be given to the employee. If the employee is not satisfied with the outcome then they can access Stage 1 of the formal grievance procedure

Stage 1 – Grievance Committee Hearing

21. Where the informal stage has failed to resolve the issue the employee should raise the matter in writing, using the Grievance Form - see the '[Formal Notification of a Grievance Form](#)' (GP1), including the action they have taken to try and resolve the matter and forward it to the Chair of Governors. If the grievance is with the Chair of Governors the grievance should be submitted to the Clerk to the Governing Body.

On an issue involving the Council, e.g. on a term or condition of service set by the Council, the person hearing the grievance will consult with the Chief Schools Officer and the Human Resources Services of the Council on the issues raised, and ensure that the Chief Schools Officer receives a copy of the GP1.

22. The grievance will be heard by a Grievance Committee of the Governing Body made up of a minimum of 3 members of the Governing Body who must not have been involved in the grievance at earlier stages. Arrangements should be made for the Grievance Committee to meet with the employee (and their representative as appropriate) as soon as possible but not later than 7 calendar days after receiving the GP1 form.
23. After hearing the grievance, and due consideration of the issues raised, the Chair of the Grievance Committee will communicate the decision of the Committee in writing to the employee (and their representative(s) if appropriate) within 7 calendar days of the meeting. On an issue involving the Council, the person hearing the grievance will consult with the Chief Schools and Lifelong Learning Officer and HR People Services on the issues raised, and ensure that the Chief Schools and Lifelong Learning Officer receives a copy of the written response to the employee.

Stage 2 – Grievance Appeal Committee Hearing

24. If the employee remains dissatisfied with the decision communicated to them at Stage 1, they may request a meeting to discuss the grievance in accordance with Stage 2 of the Grievance Policy and Procedure. This request must be made in writing and include full details of the reasons for appeal. The letter must be submitted to the Governing Body within 7 calendar days of receiving the letter that communicated the Stage 1 decision. The appeal will be heard by a Grievance Appeals Committee of the Governing Body made up of a minimum of 3 members of the Governing Body who must not have been involved in hearing the grievance at earlier stages. The membership of the Grievance Appeals Committee shall include no fewer members of the Governing Body than that of the Grievance Committee.
25. The Grievance Appeals Committee will obtain copies of all correspondence (including the meeting notes from the Informal Resolution Stage and Stages 1) relating to the grievance. The Grievance Appeals Committee will meet with the employee (and their representative(s) as appropriate) as soon as possible but not later than 7 calendar days of receiving the appeal.
26. After hearing the grievance, and due consideration of the issues raised, the Chair of the Grievance Appeals Committee will communicate the Committee's decision to the employee in writing within 7 calendar days of the meeting. The decision of the Grievance Appeals Committee will be final. On an issue involving the Council, the Chair of the Grievance Appeals Committee will consult with the Chief Schools and Lifelong Learning Officer and HR People Services on the issues raised, and ensure that the Chief Schools and Lifelong Learning Officer receives a copy of the written response to the employee.

Where a Committee acting on behalf of the Governing Body considers that the resolution of the grievance lies outside its own powers, the Governing Body will refer the matter to the Chief Schools and Lifelong Learning Officer, together with any recommendation it may wish to make. .

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RESPONSIBILITIES

27. **Line Managers/ Headteachers**

- (a) Deal with minor issues as part of normal day to day operational management
- (b) Deal with grievances promptly, fairly and consistently in accordance with the procedure and detailed timescales
- (c) Work with the aggrieved employee to resolve the matter informally in the first instance
- (d) Organise appropriate meetings at the informal resolution stage
- (e) Provide the employee with a written note of the findings and any appropriate future action following consideration of their grievance at the informal resolution stage.

28. **Governors**

- (a) Deal with grievances promptly, fairly and consistently in accordance with the procedure and detailed timescales
- (b) Communicate any delays (with the reasons) to the employee – this may be via the Clerk to the Governing Body
- (c) Work with the aggrieved employee to resolve the matter informally in the first instance
- (d) Ensure the Clerk to the Governing Body organises appropriate meetings
- (e) The Chair of the Grievance Committee and Appeal Committee will write to the employee following consideration of their grievance detailing their response, explaining the reasons behind the decision

29. **Employees**

- (a) Only raise grievances in good faith. If an employee makes allegations maliciously or vexatiously then there may be disciplinary action taken against the employee.
- (b) Raise a grievance in a timely way
- (c) Clearly state the basis of their grievance and provide all relevant details including the outcome they are seeking
- (d) Attempt to resolve the grievance informally before resorting to the formal stages of the procedure
- (e) Attend the meetings held under the grievance procedure and provide the relevant details in relation to the grievance
- (f) If appealing against a decision provide full details of the reason for the appeal

30. **HR People Services**

- (a) Provide support and advice as required at any stage of the procedure including the informal
- (b) Review and monitor grievance cases and outcomes and to support schools to undertake any remedial action that may be necessary
- (c) Review and collate corporate monitoring data for consideration by various groups, e.g. Corporate Management Board, Works Council
- (d) Review the application of the policy and procedure in the light of operational experience

31. For ease of reference a “flow chart” mapping out the various Stages within the Procedure is set out at [Appendix A](#). The decision making levels for hearing grievances is set out at [Appendix B](#).

32. [A Frequently Asked Questions document has been developed to supplement this Policy and Procedure.](#)

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FLOWCHART**

Informal Resolution Stage

Employee raises their grievance informally with their line manager/ Headteacher. Only where this fails to resolve the issue can the employee proceed to Stage 1

Stage 1

Employee must complete a '[Formal Notification of a Grievance Form](#)' (GP1) and submit it to the Chair of Governors. The grievance will be heard by the Grievance Committee.

Grievance Committee Hearing held within 7 calendar days of receipt of the GP1.

Decision communicated in writing to the employee within 7 calendar days of the meeting.

Stage 2

Employee(s) dissatisfied with decision at Stage 1, may request a meeting for grievance to be heard at Stage 2. The request must include grounds, and be submitted in writing, within 7 calendar days of the Stage 1 decision being communicated to the employee, to the Chair of Governors.

Grievance Appeals Committee held within 7 calendar days of receipt of the written appeal.

Decision communicated in writing to the employee(s) within 7 calendar days of the meeting.

The Stage 2 decision is final and there is no other internal right of appeal

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DECISION-MAKING LEVELS

Grievance is lodged by employee other than the Headteacher		Grievance is against Headteacher
Informal Resolution Stage	Line Manager/ Headteacher	Member of Governing Body nominated by Governing Body
Stage 1	Grievance Committee	Grievance Committee
Stage 2	Grievance Appeals Committee	Grievance Appeals Committee

Grievance is lodged by Headteacher (assumes Chair of Governors is Headteacher's line manager) or is against the Chair of Governors		Grievance is against Chair of Governors
Informal Resolution Stage	Chair of Governors	Member of Governing Body nominated by Governing Body
Stage 1	Grievance Committee	Grievance Committee
Stage 2	Grievance Appeals Committee	Grievance Appeals Committee

Please see [Contents Page](#) for other Human Resources Policies and Procedures.