

## Model Individual Grievance Procedure

1.1. This document sets out a model grievance procedure which is recommended for adoption by Governing Bodies in exercising their powers of local management.

1.2. Grievances can arise from a variety of sources. They can arise among members of the staff or with the Headteacher, members of Governors or the LA. They can be of a relatively simple nature or of fundamental importance.

1.3. It is the aggrieved person's responsibility to initiate the grievance procedure, preferably following discussions with his or her union or professional association. In schools with delegated budgets, the Education Reform Act 1988 requires Governing Bodies to establish and control procedures to redress grievances related to employment.

1.4. To meet this requirement, it seems desirable to set out:

- first, a procedure which may enable a grievance to be resolved informally and without recourse to any formal procedures
- secondly, a completely formal procedure where the first kind of procedure is inappropriate, or has failed

1.5. Procedures shall be so designed as to allow grievances to be resolved as speedily as possible. It is essential that every effort is made initially to resolve grievances informally by a direct approach to the other person(s) concerned.

1.6. To assist in the resolution of grievances where recourse needs to be made to a formal procedure, the Governing Body shall establish a Grievance Sub-Committee, consisting of three Governors for the purpose of hearing grievance cases and a Grievance Appeals panel which should again comprise three Governors, none of whom should be members of the Grievance Sub-Committee. In setting up these groups, Governors are advised to take into consideration matters such as equal opportunities issues.

1.7. A grievance is taken out by an individual. Any "collective dispute" affecting a group of staff and pursued by them as a group should be dealt with by the dispute procedures outlined in the relevant national or local agreements.

1.8. The following sections set out the procedures to be followed by members of staff who have a grievance. Advice on the procedures to be followed by Headteachers in their relations with their Governing Body or the Authority is set out at the end of this document.

### Informal Procedure

2.1. Where a member of staff has a grievance, which involves other members of staff, he/ she should first of all endeavour to resolve the matter by a direct approach to the member of staff involved or in discussion with an appropriate senior member of staff.

2.2. Where an employee with a grievance requests a personal interview with the Headteacher or a member of senior staff, it should be granted within five working days of the request being

made. At this meeting, the aggrieved employee has the right to be accompanied by a work colleague or union/ professional association representative.

2.3. The senior member of staff or the Headteacher should seek to resolve the problem personally or, by mutual agreement in consultation with other members of staff.

2.4. Where the grievance arises from the decision of the Governing Body then the grievance is against the Governors. They should seek to resolve the grievance informally in discussions with the employee, his/ her representative, the Headteacher, the Chair of the Governing Body or by mutual agreement with the Director of Education or representative.

2.5. If the employee's or Headteacher's grievance relates to an aspect of the conditions of service which have been reserved for decision making by the LA, the formal procedure detailed below will be followed but if this fails to resolve the grievance, the Governors, following consultations with the Director of Education, shall refer the matter to the LA for advice or appropriate action.

## **Formal Procedure**

3.1. Where the matter has not been resolved under the procedures referred to above, the member of staff concerned may submit a formal written notice of the grievance to the Headteacher, with a copy to the other person(s) concerned, if other than the Headteacher. The Headteacher should then forthwith make a formal written report to the Governing Body and in a matter involving the Authority, send a copy to the Director of Education.

3.2. The Grievance Sub-committee of the Governing Body, in consultation, where appropriate, with the Director of Education or representative, should seek to settle the problem.

3.3. The meeting for this purpose shall take place within ten working days of the submission of the notice of the grievance.

3.4. All relevant documents should be submitted to the Sub-Committee and to the parties concerned at least five working days before the meeting. The Director of Education or representative may attend the meeting at the request of either side in an advisory capacity

3.5. At the meeting, the parties concerned should make their submissions; each of them being accompanied, if they so wish, by a work colleague or an official representative of their union or association.

3.6. If the Sub-Committee fails to resolve the grievance, the aggrieved employee may appeal within five working days of that meeting, via the Headteacher, to the Appeals Panel of the Governing Body, which should meet within ten working days of the Grievance Sub-Committee. Governors who previously considered the grievance shall not be present at the appeal.

## Procedure for Formal Grievance Hearing & Appeals Hearing

4.1. Both appellant(s) and respondent(s), where appropriate, and their representative(s) shall appear before the Sub-Committee or Appeals Panel at the same time and must be present for the whole of the proceedings, except when the Sub-Committee or Panel is considering its decision. Any advice consisting of a legal definition or professional interpretation should be given in the presence of both parties.

4.2. The meetings will proceed as follows:

- the appellant's case is presented first; the appellant (or representative) addresses the meeting, puts the case and has the right to call such witnesses as are required
- the respondent (or representative) has the opportunity to ask questions of the appellant or any of the appellant's witnesses
- the respondent (or representative) addresses the meeting, puts the case and has the right to call such witnesses as are required
- the appellant (or representative) has the opportunity to ask questions of the respondent or any of the respondent's witnesses
- members of the Sub-Committee or Appeals Panel have the opportunity to ask questions of the respondent, appellant and any other witnesses
- the appellant (or representative) has the opportunity to reply to the respondent's case but no new matter will be permitted to be introduced at this stage
- the respondent (or representative) has the opportunity to sum up their case
- all persons present before the Sub-Committee or Appeals Panel will withdraw, while the Committee or Panel deliberates on its decision
- the Sub-Committee or Appeals Panel deliberates in private, only recalling the appellant and the respondent (and representative) to clarify points of uncertainty in information already given. If recall is necessary, both parties will return even if only one is concerned with the point giving rise to doubt

4.3. The decision of the Governing Body shall be final and shall be implemented in relation to any matter under the control of the Governing Body, and shall be the subject of a recommendation to the Authority in relation to a matter under the Authority's control. Any decision should be confirmed in writing within three working days of the date of the hearing.

## Headteachers

5.1. Headteachers should not take out grievances against staff below them in authority.

5.2. Where the Headteacher has a grievance arising from action/ decisions of the Governing Body he/she shall initially seek to resolve it in discussions with the Chair of the Governing Body, who should then forthwith make a formal written report to the Governing Body, and in a matter involving the Authority send a copy to the Director of Education.

5.3 Where a formal notice of the grievance is submitted by the Headteacher, the procedure outlined above shall apply.

## Review of Procedure

6.1. It is also recommended that the LA monitor and review arrangements made by Governing Bodies and review and update this recommended model, where appropriate, on an annual basis.

**Adopted by the Governing Body: 12<sup>th</sup> October 2022.**

**Reviewed:** September 2022

**To be reviewed annually.**