

GRIEVANCE

MODEL GRIEVANCE PROCEDURE FOR ALL STAFF EMPLOYED BY NORTHAMPTONSHIRE COUNTY COUNCIL IN SCHOOLS

1. INTRODUCTION

- 1.1 This procedure has been adopted by the Governors and is designed to enable grievances to be resolved as efficiently and quickly as possible and to minimise the prospect of long term damage to relationships at the school.
- 1.2 Wherever possible, grievance should be raised informally. Where the informal process fails or is inappropriate, the formal procedure should be invoked.
- 1.3 Grievance procedures are entirely separate from other procedures such as those relating to appraisal, capability, competency, discipline or harassment. The rights of employees under the grievance procedures should not be overridden by actions taken or proposed to be taken under the other procedures.
- 1.4 A record of the outcome of any meetings involving the formal stages of these procedures should be placed on the employee's file, together with copies of the written evidence considered and correspondence involved.
- 1.5 The membership of any sub-committee of Governors should be a matter for determination by the Governing Body.

2. INFORMAL STAGE – ALL STAFF

- 2.1 Where an employee has a grievance with a member of staff of the school ("the colleague") other than a Head Teacher, the employee should attempt to resolve the matter by a direct approach to the colleague. If a direct approach is not practicable or if a direct approach does not resolve the problem, then the employee should discuss the matter with a senior member of staff or the Head Teacher who should endeavour to resolve the problem personally. Wherever the employee seeks a discussion with a senior member of staff or the Head Teacher, the request should be met, wherever possible, within 5 working days.
- 2.2 Where an employee has a grievance with the Head Teacher or the Governors, then the employee should seek a meeting with the Head Teacher. This request should be granted whenever possible within 5 working days. At any meeting, the employee may be accompanied by a friend or a trade union representative and the Head Teacher may invite a senior member of staff or a representative of the Corporate Director, Education and Community Learning.

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- 2.3** Where a Head Teacher has a grievance with either a colleague or the governors, (s)he should attempt to resolve the matter by a direct approach to the colleague or the Chair of Governors.

If the grievance is not resolved by a direct approach, or if a direct approach is not practicable, then the Head Teacher should seek the help of the Corporate Director, Education and Community Learning or his/her representative who should endeavour to resolve the problem personally.

- 2.4** If the grievance is not resolved, the employee may invoke the formal procedure.

3. FORMAL STAGE

Grievance of staff other than the Head Teacher

- 3.1** The employee should submit a written note of the grievance to the Head Teacher and to the colleague if the colleague is not the Head Teacher. The written notice should set out the details of the grievance and be accompanied by any supporting documents.
- 3.2** The Head Teacher should then prepare a written report for the consideration by a sub-committee of the Governors, which should be made available to the Governors and the parties at the same time.
- 3.3** If the colleague is the Head Teacher the report should comprise a response to the grievance and be accompanied by supporting documents or, if the grievance is with the Governors, should include a report on the action of the Governors.
- 3.4** If the colleague is not the Head Teacher, the report should briefly outline any steps taken under the informal stage of the grievance procedure, and indicate that the Head Teacher has asked the colleague to make available a written response to the notice of grievance, accompanied by supporting documents to the employee and the Head Teacher.
- 3.5** The Head Teacher should arrange for a meeting of a sub-committee of 3 Governors to consider the matter within one month of receipt of the notice of grievance unless circumstances make this impractical. No less than 7 working days before the meeting, the Governors and the parties should be sent copies of the notice of grievance, the report, any response and any supporting documents.
- 3.6** At the meeting, the employee and the colleagues may be accompanied by a trade union representative or a friend. The parties may make submissions to the meeting and may call witnesses. Either party may cross examine witnesses for the other party and the Governors may ask questions. The employee shall present his or her case first.

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- 3.7** The employee and colleague should, in that order, have the right to make a final statement to the Governors. The parties should withdraw to allow the Governors to consider the grievance and reach a decision. The Clerk to the Governors should remain with the Governors but other than providing, at the request of the Chair, factual advice as to the procedure to be followed, and to record the decision, the Clerk to the Governors should take no part in the proceedings.
- 3.8** If, for any reason, the Chair decides that further questions need to be asked or clarification is required of one of the parties, the meeting should be resumed in the presence of the parties.
- 3.9** When the Governors have reached a decision, the parties should be summoned to the meeting, the Clerk to the Governors should read out the decision and as soon as practicable notify the decision in writing to the employee, the colleague and the Head Teacher, and the Governors who heard the case, indicating the right of appeal by way of a rehearing.

4. FORMAL STAGE

Grievance of Head Teacher

- 4.1** The Head Teacher should submit a written notice of grievance to the Corporate Director, Education and Community Learning and to the colleague if the grievance is with a colleague rather than the Governors. This written notice should set out details of the grievance and should be accompanied by any supporting documents.
- 4.2** The Corporate Director, Education and Community Learning or his/her representative should prepare a written report for consideration by a sub-committee of the Governors. The report should briefly outline any steps taken under the informal stage of the grievance procedure and where the grievance is with a colleague, that the colleague has been asked to make available a written response to the notice of grievance accompanied by any supporting documents to the Corporate Director, Education and Community Learning and the Head Teacher. If the grievance is with the Governors the written report should comprise a report on the action of the Governors.
- 4.3** The Corporate Director, Education and Community Learning should ask the Clerk to the Governors to arrange for a meeting of a sub-committee of 3 Governors to consider the matter within one month of receipt of the notice of grievance unless circumstances make this impracticable. Not less than 7 working days before the meeting the Governors and the parties should be sent copies of the notice of grievance, the report, any response and any supporting documents.

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- 4.4** At the meeting, the Head Teacher and the colleague may be accompanied by a trade union representative or a friend. The parties may make submissions to the meeting and may call witnesses. Either party may cross examine witnesses for the other party and the Governors may ask questions. The Head Teacher shall present his or her case first.
- 4.5** The Head Teacher and the colleague should in that order, have the right to make a final statement to the Governors. The parties should withdraw to allow the Governors to consider the grievance and reach a decision. The Clerk to the Governors should remain with the Governors but other than providing at the request of the Chair factual advice as to the procedure to be followed and to record the decision, the Clerk to the Governors should take no part in the proceedings.
- 4.6** If, for any reason, the Chair decides that further questions need to be asked or clarification is required of one of the parties, the meeting should be resumed in the presence of the parties.
- 4.7** When the Governors have reached a decision, the parties should be summoned to the meeting, the Clerk to the Governors should read out the decision and as soon as practicable notify the decision in writing to the Head Teacher, the colleague and the Governors who heard the case, indicating the right of appeal by the way of rehearing.

5. APPEALS

- 5.1** There should be a right of appeal against the decision of the sub-committee which should be heard by the Governing Body (which shall exclude any Governors previously involved in the case).
- 5.2** Notification of intention to appeal may be given by the employee, the Head Teacher (if he or she was a party to the hearing before the sub-committee) and by the colleague. The notification of intention to appeal, setting out the grounds of appeal, should be sent, within 14 days of the receipt of the decision to the Clerk to the Governors who should arrange for the appeal to be heard as soon as possible.
- 5.3** The Clerk to the Governors should send a copy of the notification to appeal to the parties in the original hearing inviting them to make a written response to the grounds of appeal. A copy of the notification should also be sent to the Head Teacher and (if he or she has been involved hitherto) the Corporate Director, Education and Community Learning.
- 5.4** Not less than 7 working days before the meeting, the Governors and the parties should be sent copies of the notification of appeal setting out the grounds, the original documents in the case and any further documents submitted by the parties.

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- 5.5** At the meeting, the parties may be accompanied by a trade union representative or friend. The parties may make submissions and may call witnesses. Either party may cross examine witnesses for the other party and the Governors may ask questions.
- 5.6** The parties should have the right to make a final statement to the Governors, and the appellant should make his or her statement first. The parties should withdraw to allow the Governors to consider the grievance and make a decision. The Clerk to the Governors should remain with the Governors, but other than providing, at the request of the Chair, factual advice as to the procedure to be followed and to record the decision, should take no part in the proceedings.
- 5.7** When the Governors have reached a decision, the parties should be summoned to the meeting, the Clerk to the Governors should read out the decision and as soon as practicable notify the decision to the parties in writing. The decision of the Governors should be final.

6. ATTENDANCE OF THE CORPORATE DIRECTOR, EDUCATION AND COMMUNITY LEARNING

The Corporate Director, Education and Community Learning or his/her representative should have the right to attend any meeting of Governors for the purpose of offering advice.