

# PHOENIX COLLEGE



## STAFF GRIEVANCE PROCEDURE

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# **PHOENIX COLLEGE**

## **GRIEVANCE AND DISPUTES PROCEDURE**

This policy sets out the procedure to provide staff with a formal, fair, and consistent way of dealing with individual grievances and collective disputes relating to, and directly affecting their employment.

All employees of Phoenix College are covered by this procedure.

The procedure does not apply to matters covered by other employment procedures (such as disciplinary, and capability procedures; recruitment and selection procedure; harassment policy and appeals; appeals against job grading). It also does not cover matters over which the school has no control, such as national pay awards and gradings.

It is expected as a normal part of good practice that managers and employees should make every effort to resolve issues without recourse to the formal grievance procedure.

It is the policy of the Governing Body to constitute panels to review matters arising under this policy from among those governors suitable and available at any given time.

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This document has four main sections:

## **Section 1: The purpose, scope and principles of the procedures**

This sets out the procedures, describes who is covered by them and the principles contained within them.

## **Section 2: Preamble and General Principles**

## **Section 3: Grievance Procedure**

This sets out the procedure to be followed to ensure that individual grievances are heard.

## **Section 4: Disputes Procedure**

This sets out the procedure to be followed to ensure that collective disputes are correctly recorded and resolved.

## **SECTION 1: PURPOSE, SCOPE AND PRINCIPLES**

### **1. Purpose**

To provide staff employed by Phoenix College with a formal, fair and consistent way of dealing with individual grievances and collective disputes relating to and directly affecting their employment.

### **2. Scope**

Employees covered by the procedure

All employees of Phoenix College are covered by this procedure whilst they remain in employment at the school.

When the procedure does not apply

The procedure does not apply to:

(a) Matters covered by other employment procedures where provision for redress / appeal rights are included within those procedures (e.g. disciplinary and capability procedures; recruitment and selection procedure; harassment policy and procedure; appeals against job grading);

(b) Matters over which the school has no control, e.g. national gradings, national pay awards, etc.

(c) A grievance/dispute which has not been initiated within three months of the circumstances or event occurring. This three month time limit will not apply if informal attempts to resolve the grievance have been made and exhausted.

### **3. Principles**

The following principles are encompassed in this procedure:

(a) As a normal part of good management practice, managers and employees should make every effort to resolve issues without recourse to the formal grievance procedure.

(b) This procedure has been agreed with the unions representing school based staff as the most effective means of achieving a satisfactory settlement of a grievance or collective dispute.

(c) An employee is entitled at any time to take up a job-related grievance not excluded as above and to discuss this with their trade union representative or colleague of their choice.

(d) An employee, if they wish, may be accompanied and represented by a trade union representative or work colleague at any stage of this procedure.

(e) Employees raising a formal grievance should make it clear exactly what the grievance is and that they wish to raise it formally. To achieve this, a pro-forma has been developed which should be used to record all formal grievances. Support should be given to an employee who may have difficulty in completing the pro-forma. This will normally be through the trade union representative.

(f) Grievances should be investigated and dealt with thoroughly and within the prescribed time scales with the results confirmed in writing to the employee. Grievances or disputes about pay should be given priority.

(g) A separate procedure, "Whistleblowing" exists for employees to have concerns addressed, regarding issues at work, which may not involve them directly, but which causes them concern.

(h) No employee will be made to feel disadvantaged in any way because they have raised or pursued a grievance in good faith.

## **SECTION 2: PREAMBLE AND GENERAL PRINCIPLES**

### **1. Application of this procedure to specific officers / staff groups**

Principal

If the Principal wishes to raise a grievance, this will be done in writing to the Chair of the Governing Body. Advice on how to proceed should be sought by the Chair of the Governing body from the Education and Community Services Personnel Manager in the first instance. As a general rule, however, it is anticipated that a Grievance by a Headteacher will be dealt with using stages 3 and 4 of this Procedure as set out below.

### **2. Time Limits**

Working day' in this procedure refers to Monday to Friday (excluding weekends and public holidays). Unless there are exceptional circumstances, no member of staff shall be expected to attend a meeting under this procedure on a day when they are not contracted to work. These limits may be varied by agreement between the parties and such agreement shall not be unreasonably withheld by either side.

Each period will commence on the first working day after the written notification of the grievance has been received or following verbal or written confirmation of decision at each stage.

Timescales may be varied by agreement between the parties, and a request for deferment by either side will not be unreasonably refused.

### **3. Status Quo Arrangement**

Management has the right to implement decisions within the framework of existing agreements and/or established practices that are currently being applied.

Where management wishes to implement a decision which would mean departing from existing agreements and/or established practices, and the employee concerned objects to that decision, the status quo will be maintained until such time as agreement is reached or the grievance procedure is exhausted. The status quo here means returning to the agreement and/or practices that existed before the dispute.

Questions about interpretation of the status quo arrangement will be referred to the Education and Community Services Directorate Personnel Manager in the first instance, who will consult with all appropriate parties (management, employee and trade union representative).

### **4. Relationship to Other Procedures**

It will not be possible for an employee to raise a grievance relating to a disciplinary or capability matter, once the disciplinary or capability procedure has been invoked. The disciplinary and capability procedures have an appeals process which should be used.

### **5. Grievance 'Out of Time'**

Grievances must be raised with an immediate supervisor, within a period of 3 months of the event giving rise to the grievance, or when informal attempts to resolve the matter have been exhausted.

### **6. Role of the Personnel Adviser**

Personnel advice and support is available from the Education and Community Services Directorate Personnel Team and school based managers are encouraged to seek it, especially in more complex grievance cases. Managers must decide whether they wish to be accompanied by a Personnel Adviser when they hear a grievance. Any grievance that is heard by an Appeals Panel will require a Personnel Adviser to be present.

It is important to note that the Personnel Adviser will attend a hearing of a grievance in an advisory capacity only. The outcome of the grievance will remain the responsibility of the manager or the relevant Panel. The Personnel Adviser is there to assist the manager or Panel to deal with the matter in a proper manner and to advise on matters such as employment law, precedent and good personnel practice.

### **7. Records**

A record of any formal grievance and notes of any meeting should be in writing and retained by the Education and Community Services Directorate Personnel Team separately and under confidential conditions. The record should not be included on the employee's personal file. Employees can examine their own records on request.

## **SECTION 3: THE GRIEVANCE PROCEDURE**

### **1. Dealing with a grievance**

In the first instance it is in everyone's interest to resolve a grievance informally, by raising it with the appropriate manager. This would normally be an immediate supervisor. It is only when the grievance is not settled, that it can be pursued through the formal grievance procedure.

If the grievance concerns an immediate supervisor and it is not appropriate for the grievance to be raised with them at stage 1 of the procedure, then you can raise it directly at stage 2.

### **2. Representation**

Employees have the right to be accompanied and represented by their trade union representative or representative of their choice to all the following stages within the procedure.

### **3. New Grievances**

If the grievance changes while pursuing the grievance procedure, then this constitutes a new grievance which must be registered at stage 1.

### **4. Stage 1 – Referral to line manager/team leader**

4.1 The grievance should be made in writing on the standard pro-forma to the line manager/team leader, stating clearly the nature of the grievance. It is important that the grievance is explained as clearly and concisely as possible. The line manager/team leader's response should also be recorded and an explanation given as to why no informal resolution was possible.

4.2 The line manager/team leader will, within 5 working days, acknowledge receipt of the formal grievance and arrange to meet with the employee to attempt to resolve the grievance at this stage. This meeting should be arranged to take place as soon as possible and normally no later than 10 working days following receipt of the grievance. The employee should be notified at least 5 working days in advance of the meeting. This notification will include date, time and venue of the meeting and a copy of the grievance procedure. It should also remind the employee of their right to be accompanied by their representative, and a requirement for the employee to confirm at least 3 working days before the meeting that they are able to attend, any documents relevant to the meeting and any witnesses that they would like to call.

4.3 At the meeting the employee or their representative will have an opportunity to express their grievance, the line manager/team leader hearing

the grievance will have an opportunity to ask questions of the employee and/or any witnesses.

4.4 The line manager/team leader will then consider the grievance and confirm their decision, in writing within 5 working days of hearing the grievance.

4.5 Referral to the next stage may happen if:-

- the problem cannot be resolved to the satisfaction of the employee.

OR

- no written decision has been given under stage 1 within 5 working days.

## **5. Stage 2 – Referral to the Principal**

5.1 A grievance should be raised at Stage 2 within 5 working days of receipt of the written decision at Stage 1. This should be in writing on the standard pro-forma and addressed to the Principal stating clearly the nature of the grievance. It is important that the grievance is explained as clearly and concisely as possible. The line manager/team leader's response should also be recorded and an explanation given as to why no resolution was possible at stage 1.

5.2 A grievance can be registered directly at Stage 2 if the grievance concerns the employee's line manager/team leader.

5.3 The Principal will, within 5 working days, acknowledge receipt of the formal grievance and arrange to meet with the employee in an attempt to resolve the grievance. This meeting will be arranged to take place as soon as possible and normally no later than 10 working days following receipt of the referred grievance. The employee should be notified at least 5 working days in advance of the meeting. This notification will include date, time and venue of the meeting and a copy of the grievance procedure (if not already provided). It should also remind the employee of their right to be accompanied and represented, and a requirement for the employee to confirm at least 3 working days before the meeting that they are able to attend, any documents relevant to the meeting and any witnesses that they would like to call.

5.4 At the meeting the Principal will outline the management decision at the previous stage, explaining the reasons for it, or will call the appropriate manager to the hearing to outline the response to the grievance. The employee will have an opportunity to express their grievance, the Principal hearing the grievance will have an opportunity to ask questions of the employee and/or any witnesses.

5.5 The Principal will consider all submissions, the explanation of the employee and the previous decision before making their decision, advising the employee in writing of their decision and their reasons for it, within 5 working days of the meeting.

Referral to the next stage may happen if:-

- The problem cannot be resolved to the satisfaction of the employee.

OR

- or no written decision has been given under stage 2 within 5 working days.

## **6. Stage 3 – Referral to Governing Body**

6.1 A grievance should be raised at Stage 3 within 5 working days of the written decision at Stage 2. This should be in writing on the standard pro-forma and addressed to the Clerk to the Governing Body (with a copy to the Principal) stating clearly the nature of the grievance. It is important that the grievance is explained as clearly and concisely as possible. Principal's response should also be recorded and an explanation given as to why no resolution was possible at stage 2.

6.2 The Clerk to the Governing Body will, within 5 working days, acknowledge receipt of the formal grievance and arrange to convene a meeting of a Panel of the Governing body to consider the Grievance. Ideally, the membership of this Panel should consist of 3 members of the Governing Body, but the meeting can proceed with at least 2 members of the Governing Body present.

6.3 This meeting will be arranged to take place as soon as possible and normally no later than 10 working days following receipt of the referred grievance. The employee should be notified at least 5 working days in advance of the meeting. This notification will include date, time and venue of the meeting and a copy of the grievance procedure (if not already provided). It should also remind the employee of their right to be accompanied and represented, and a requirement for the employee to confirm at least 3 working days before the meeting that they are able to attend, any documents relevant to the meeting and any witnesses that they would like to call.

6.4 At the meeting the Principal will outline the management decision at the previous stages, explaining the reasons for it, or will call the appropriate line manager/team leader to the hearing to outline the response to the grievance. The employee (or their representative) will have an opportunity to express their grievance. The Panel of the Governing Body hearing the grievance will have an opportunity to ask questions of the employee and/or any witnesses. The Principal and the employee with the grievance (or their representative) will have an opportunity to ask questions of each other as part of this process.

6.5 The Panel of the Governing Body will consider all submissions, the explanation of the employee and the previous decisions of the Principal, line manager/team leader before making their decision, advising the employee in writing of their decision and their reasons for it, within 5 working days of the meeting.

6.6 It is expected that a grievance would be resolved at this stage. In the event that it has not, the following applies:

## **7. Stage 4 – Referral to Appeal Panel**

7.1 An employee should write to the Clerk of the Governing Body, asking for the grievance to be heard by an Appeal Panel of members of the Governing Body. This Panel should consist of no less than 3 members and should not include members of the Governing Body involved at stage 3 of this Procedure. This request should be submitted within 5 working days of receipt of the decision at Stage 3, and should be recorded on the standard pro-forma.

7.2 The Panel shall meet in accordance with the timescales and procedures set out in Stage 3 above. It will be for the Principal and the Chair of the previous panel to agree who will present the management case at this hearing. The notes of the previous Panel hearing will be available to the Appeal Panel. Its decision will be made and the employee informed within 5 working days of the panel meeting.

The decision of the Panel will be final.

## **SECTION 4: DISPUTES PROCEDURE**

### **1. Introduction**

If you have a dispute as a group relating to your employment, then you have the right to express it.

A dispute applies when an employee raises an issue that affects a number of employees within one section or across the school. This may be a matter of controversy that requires a solution. The principles within the Grievance Procedure should be followed in as much as the employees and management should try and resolve the matter within the school at the lowest level of management in the first instance. The Education and Community Services Directorate Personnel Manager is available to provide advice and where appropriate mediate between parties to try and resolve the dispute. If the dispute is unresolved then the dispute procedure should be followed.

All complaints and disputes will be dealt with as quickly as possible.

### **2. Time Limits**

'Working day' in this procedure refers to Monday to Friday (excluding weekends and public holidays). Unless there are exceptional circumstances, no member of staff shall be expected to attend a meeting under this procedure on a day when they are not contracted to work. These limits may be varied by agreement between the parties and such agreement shall not be unreasonably withheld by either side.

Each period will commence on the first working day after the written notification of the grievance has been received or following verbal or written confirmation of decision at each stage.

Timescales may be varied by agreement between the parties, and a request for deferment by either side will not be unreasonably refused.

### **3. Status Quo Arrangement**

(a) Management has the right to implement decisions within the framework of existing agreements and/or established practices that are currently being applied.

(b) Where management wishes to implement a decision which would mean departing from existing agreements and/or established practices, and the employees concerned object to that decision, the status quo will be maintained until such time as agreement is reached or the dispute procedure is exhausted. The status quo here means returning to the agreement and/or practices that existed before the dispute.

(c) Questions about interpretation of the status quo arrangement will be referred to the Education and Community Service Directorate Personnel Manager, who will consult with all appropriate parties (management and trades unions).

### **4. Dealing with a Dispute**

4.1 For practical purposes Stages 1 and 2 (inclusive) of the Grievance procedure should be followed in order to seek resolution of the dispute. It is expected that the matter will be settled by Stage 2.

4.2 If the dispute is not resolved by the end of Stage 2, the appropriate trade union representative of the employees should register a dispute with the Clerk to the Governing Body within 5 working days of the written confirmation of the decision at Stage 2. This notification shall be in writing and set out the full grounds for why the dispute has been registered.

4.3 The Education and Community Services Directorate Personnel Manager will arrange for the parties to the dispute to agree a brief written statement supported by any relevant documents, which will identify the extent and nature of the issue(s) in dispute. The Personnel Manager will consult with the parties, and will try to assist the parties in resolving their dispute.

4.4 If the dispute remains unresolved then the matter will be referred to the Appeals Panel of the Governing Body as described in the Grievance Procedure above. The parties in the dispute should prepare and exchange more detailed written statements of their respective cases. These statements will be given to the Appeals Panel.