

Dispute resolution - Grievance

Procedure for teaching and support staff in schools

1. Introduction

It is recognised and accepted by both the Local Authority and Trade Unions that it is in their mutual interest to jointly establish and operate a policy of good employee relations by instituting a mutually acceptable procedure for the avoidance of disputes.

This procedure has been developed with the underlying principle of working together to find solutions. The main aim is to enable working relationships to be managed effectively and to ensure that an early intervention approach is adopted for dealing with disputes at work.

Working with all internal partners, disputes (grievances) can be resolved quickly, making use of a range of approaches including discussion, mediation, coaching, team briefings and further training as well as more formal investigation.

This is not a traditional grievance procedure and will require employees, line managers, Head Teachers and Governing Bodies to actively support and encourage an approach based on joint problem solving.

The Dispute Resolution – Grievance procedure addresses workplace disputes, raised by employees, which may be about working relationships, recruitment or grading through to issues regarding harassment and bullying.

2. Scope

The procedure applies to all school based employees who are directly managed by the School, where the Governing Body has delegated powers to deal with employment related matters. Voluntary Aided Schools are also encouraged to adopt the principles outlined in this procedure.

Key Principles

- Employees should in the first instance try to resolve the issue directly. Where this does not resolve the issue the employee should raise their dispute with their Line Manager or Head Teacher. If the dispute is about the Head Teacher they should raise this with the Chair of Governors.
- All internal partners will work together to resolve disputes. Head Teachers or Chair of Governors in receipt of disputes should contact the Human Resources Section for advice.
- Disputes should be dealt with quickly and where there are likely to be delays then all concerned should be kept informed and given reasons for the delay.
- Methods used to resolve disputes should be flexible and focus on resolution rather than retribution.
- Employees will be treated fairly and equality principles will be applied in respect of handling all disputes and this will be monitored and reviewed.
- Confidentiality will be maintained throughout.
- Where vexatious, malicious or misconceived disputes or appeals are raised then the Head Teacher reserves the right to dismiss such disputes (if the dispute is about the Head Teacher, this decision will be taken by the Chair of Governors). Disciplinary action will be considered for employees raising vexatious or malicious disputes.

3. Process

Step 1 – Informal

When an employee first becomes aware that there is a problem or issue in the workplace that they are unhappy with they should try to resolve the issue directly and informally.

Step 2 – Early Intervention

If the informal approach does not resolve the issue then the employee should raise the dispute with the Head Teacher within 15 working days of the dispute or incident taking place. If the dispute is about the Head Teacher then the employee should raise their dispute with the Chair of Governors. A proforma is available at the end of this document to provide the details of the dispute. The Head Teacher or Chair of Governors should contact Human Resources for advice at this stage.

A meeting will be set up as soon as possible between the Head Teacher and the employee who may be accompanied by a trade union representative or work colleague. The expectations of those involved should be managed and all parties should work together to agree the most appropriate way to deal with the dispute. By adopting an early intervention approach methods such as mediation, coaching, team briefings or additional training can be put in place. There may be some disputes which are considered so serious that they will automatically be investigated formally by the Head Teacher or Chair of Governors.

The Head Teacher/Chair of Governors will carry out a fact finding exercise as necessary, note the action taken and identify any further action needed. (Where disputes are raised by employees regarding recruitment then the Head Teacher should contact Human Resources to agree any further action). This should be recorded, monitored and reviewed and the agreed actions communicated with the employee in writing within timescales.

Mediation – is actively supported and encouraged to assist with resolving workplace disputes and needs to be considered before moving to any later steps within this procedure. There are trained mediators within the local authority and the role of the mediator is to help people work through disputes in a non-judgemental way. The mediators are independent and anything discussed during mediation is treated confidentially.

Mediation can also be effective at other stages of this procedure and should be considered as a supportive method to resolve disputes.

Head Teachers can access the Mediation Service through Human Resources.

Support and Advice – Employees are encouraged to seek support and advice from a trade union representative, colleague or other relevant support where appropriate as this is a joint approach to resolving disputes. An Employee Support Pack has been produced which contains a flowchart of the procedure and full details of the support available.

Step 3 – Investigation

If the issue is not resolved using early intervention then a fuller investigation may be necessary either by the School, Local Authority or External Investigator. Human Resources will be able to provide advice on this.

The Investigating Officer will ensure that all parties are kept informed of progress and timescales. On conclusion of the investigation, verbal and written feedback should be provided to both parties.

The Commissioning Manager (usually the Head Teacher or Chair of Governors) will communicate the outcome of the Investigation to all parties and determine what action, if any to take. A Grievance Hearing may be held after the Investigation is complete if it is deemed appropriate by the Commissioner of the Investigation. Mediation may also be considered at this stage.

Step 4 – Appeal

If the employee raising the dispute is dissatisfied with the outcome, they have the right to appeal. The employee should complete the appeal proforma and send it to the Chair of Governors within fifteen working days of receiving written notification of the decision. The matter will then be referred to the Governing Body's Appeals Panel.

The Appeals Panel will convene a hearing (normally within ten working days of receiving the appeal) to consider the case. The employee has the right to be accompanied at the hearing by a trade union representative or work colleague. The Panel will adjourn the meeting and consider their decision. The Panel will confirm the decision with the employee verbally and this will be followed up in writing without unreasonable delay.

The panel can receive advice from Human Resources throughout the process and an advisor can be provided for the hearing.

4. Additional information

- Where vexatious, malicious or misconceived disputes or appeals are raised then the Head Teacher reserves the right to dismiss such cases and these will not be heard (if the dispute is about the Head Teacher, this decision will be made by the Chair of Governors). Disciplinary action will be considered for employees raising vexatious or malicious disputes or appeals.
- Nothing in this procedure shall prejudice the legal rights of the employee or employer.
- The Dispute Resolution Procedure will not delay the operation of any other procedure. Disputes in connection with the Disciplinary or Capability Procedures will be examined prior to those procedures continuing and a decision will be made by the Head Teacher/Chair of Governors regarding which should be heard first or whether they should be heard concurrently.
- **Status Quo** - When a dispute is raised the principle of 'status quo' will apply. This means that if the dispute concerns something that is shortly going to happen the action will be delayed pending the outcome of the dispute. However, if the dispute concerns an action that has already happened, then this action will not normally be reversed, despite the outcome of the dispute.
- **Disputes Raised by Former Employees** - If a dispute is received from a former employee the head teacher should seek advice from Human Resources.

5. Dispute resolution pro-forma

This form should be completed by the employee raising the dispute and returned to the Head Teacher (or the Chair of Governors if the dispute is about the Head Teacher). This form should normally be returned within 15 working days of the dispute or incident taking place.

Name:	Post:
School:	Manager:
Have you already raised this dispute informally? With Whom?	
*I do not wish to be represented/ *My Representative is: (*Please delete as appropriate)	
Please provide the main details of your dispute below:	
What is the dispute against? Eg. was it a decision? If so who made the decision?	
Why are you unhappy?	
What would be your preferred outcome?	
Are there any witnesses that could support your case? What are their names?	
Employee Signature Date	

Appeal against dispute – Grievance

This form will help you with your appeal and will speed up the process.

Name

Post Title

School

Date of decision letter

I wish to be represented by a Trade Union *(tick as appropriate)*

Yes

No

My representative is

Name of Trade Union

I wish to appeal because *(tick as appropriate)*

The decision was too harsh

The proper procedures were not followed

New evidence has come to light

The decision was unsound

Other

I intend to call witnesses *(tick as appropriate)*

Yes

No

Please provide the name(s) of any witness(es) that you wish to call in the space provided below *(if applicable)*

Whatever your reason for appeal, you should give details to support it in the space provided on the back of this form. **Failure to complete this section could result in your appeal being dismissed in accordance with the provisions of the appeals process detailed in the Grievance Procedure. You do not, however, have to state your entire case - a summary of the relevant arguments will suffice.**

Please turn over

Please provide detail of the grounds for the appeal in the space provided below

Signature of Applicant
(person raising appeal)

Date

Please return completed forms to: The Chair of Governors at the School

This form should be returned within 15 working days of the date of the attached letter.