

**LONDON BOROUGH OF HAVERING**

**HES HR**

**MODEL  
GRIEVANCE RESOLUTION  
POLICY**

**FOR ALL SCHOOLS**

# HES HR Model Grievance Resolution Policy

## 1.0 Purpose and Scope

- 1.1 The School is committed to providing a harmonious workplace where each individual is treated in accordance with the values and ethos of the School and as such it is hoped that any work related disagreements will be rare and if they do occur can be resolved informally. However, where this is not possible this policy seeks to resolve disagreements as quickly and effectively as possible for all concerned.
- 1.2 A grievance may arise when an employee, or group of employees, has a concern, problem or complaint about their work, working conditions or relationships with colleagues, including individual members of the Governing Body that they raise with the School.
- 1.3 A grievance shall not apply in the following cases:
- Issues relating to the employee's terms and conditions of employment where they have been applied correctly, unless the complaint potentially involves discrimination such as an equal pay issue.
  - Complaints that amount to an allegation of misconduct on the part of another employee may be investigated and dealt with under the Disciplinary policy.
  - Where the grievance has previously been raised and/or seen through to appeal through another policy.
  - Where there has been an unreasonable delay in submitting a grievance by which it has compromised the school's ability to address and resolve it.
- 1.4 If an employee who is subject to a disciplinary process raises a grievance, the School will consider if it is appropriate to temporarily suspend the disciplinary process in order to deal with the grievance. After the grievance has been investigated the School will make a final decision as to whether or not to continue to follow the Disciplinary policy. In most cases, it is expected that the grievance and disciplinary cases will be dealt with concurrently.
- 1.5 This policy is compliant with the ACAS Code of Practice.
- 1.6 This policy applies to all employees and casual workers employed by the School. It does not apply to agency staff, consultants, and external secondees working for the School.
- 1.7 This policy does not form part of any individual employee's contract of employment with the School.
- 1.8 The purpose of this policy is to set out what is required and the options available to the School in dealing with grievance issues. For comprehensive guidance on how to effectively implement this policy the school should refer to the Grievance Resolution Toolkit.

## 2.0 Principles

- 2.1 Grievances should be addressed at the earliest reasonable opportunity, without unreasonable delay. However, timescales may be varied on account of unavoidable circumstances or by mutual consent.

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- 2.2 Where a group of employees wish to raise a grievance, then the group will need to either nominate one individual from their group or a trade union representative to present this on their behalf.
- 2.3 Normal working, except as jointly agreed, will continue until completion of the grievance process.
- 2.4 No employee will suffer detriment for raising a formal grievance in good faith, or for assisting a colleague to do so, even if the grievance is not substantiated. However, if an employee is found to have used this policy frivolously, maliciously or excessively without legitimate grounds, disciplinary action may be considered
- 2.5 Where any grievance is upheld, the School may take further action by referring to the Disciplinary Policy and/or Performance Management Policy
- 2.6 Any meeting arranged with an employee can only be held outside their contractual/directed hours with their agreement.
- 2.7 At all stages of the policy, where specified personnel are designated to handle different stages, the School reserves the right to reasonably substitute alternative personnel in cases of non-availability or where otherwise considered appropriate.
- 2.8 The employee will have the right to be accompanied at all formal grievance meetings and any appeal hearings by a trade union representative or a work place colleague of their choice. It is the employee's responsibility to make such arrangements and to supply copies of all relevant information and documentation. Wherever possible, if the representative is a workplace colleague they will be granted paid time off work to accompany the employee when necessary to do so.
- 2.9 If the employee's chosen representative is not able to attend a formal meeting or appeal hearing the School will seek to arrange an alternative date within one working week of the original date with the representative. If it is not possible to arrange a date within this period, a later date will then be set at which both the Panel Members and chosen representative can attend, unless it would be unreasonable to do so. In the circumstances where the employee will not be able to have their first choice present, they would need to either accept any representative who is available to accompany them to the meeting, as provided by their trade union, or find another workplace colleague.
- 2.10 The Governing Body will need to determine its involvement in the implementation of this Policy including the identification of Governors to be involved in any specific case. The Governing Body must also have regard to their own delegated powers in respect of this Policy.
- 2.11 Due to the time constraints of the academic year and, where appropriate, governor availability, the School reserves the right to stipulate the date for re-arranged formal meetings.
- 2.12 At all formal grievance meetings and appeals, there may also be a HR Representative and/or note taker present
- 2.13 Small Collective Grievances - sometimes a number of people may raise the same

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grievance or an incident may have affected more than one person. If a grievance is part of such a collective issue it will normally be dealt with as one case. This means that one Investigating Officer will interview all parties affected and carry out one investigation.

- 2.14 Where a grievance has been raised against an employee who is a trade union representative the normal grievance resolution procedure will be followed. Depending on the circumstances, however, and after obtaining the employee's consent, it is advisable to discuss the matter at an early stage with an official employed by the union. As this will normally involve contact with the Regional Union Office this will be dealt with by Human Resources.

### 3.0 Informal Resolution

- 3.1 It is expected that any employee with a potential grievance should discuss this informally with their immediate manager in the first instance to try and resolve the matter informally unless they consider it not appropriate to do so.

- 3.2 If the grievance is directly related to a manager, then this should be discussed with the manager's immediate manager unless they consider it not appropriate to do so.

### 4.0 Formal Grievance Resolution Process

#### 4.1 The Formal Grievance Meeting

- 4.1.1 To formally submit a grievance, the employee should provide the details of the grievance in writing together with the desired outcome.

- 4.1.2 Upon the receipt of a formal grievance, a Grievance Assessor will be appointed. The School will need to identify who the most appropriate person will be to manage the grievance resolution process taking into account time constraints, workload and ability to fulfil the role. In certain circumstances it may be appropriate for an external investigator to be appointed.

- 4.1.3 The Grievance Assessor will arrange a formal grievance meeting at which the employee will need to substantiate their grievance and state what action they feel should be taken to resolve the matter. To substantiate their grievance, the employee may be expected to produce documentation, prior to the meeting where possible, and refer to other relevant parties who would be able to confirm the points being made.

- 4.1.4 At the Formal Grievance Meeting the Grievance Assessor hearing the grievance will either determine that further investigations will need to be carried out to establish the facts surrounding the case. The information that the employee has raised is of such serious concern, that invoking another policy is more appropriate. In these circumstances the grievance process will be paused.

- 4.1.5 An employee who is the subject of a formal grievance, whilst they may not have sight of the written grievance, they have the right to know the allegation(s) against them in full and have the opportunity to respond. Therefore, the employee submitting a grievance should be made aware of this.

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## 4.2 Formal Grievance Outcome

- 4.2.1 Once the details of the case have been determined, the Grievance Assessor will decide the outcome, based on the facts of the case made available to them. The Grievance Assessor will determine the outcome of the grievance, which may be to:
- reject the grievance,
  - to not uphold the grievance
  - to uphold the grievance either partially or in its entirety
  - make recommendations on how to resolve the grievance
- 4.2.2 The Grievance Assessor will notify the employee in writing of the outcome and reasons for the outcome in the form of a report of their findings and an outcome letter. The outcome letter will confirm that the employee raising the grievance has a right to appeal.
- 4.2.3 For more complex grievances the Grievance Assessor may choose to give their findings to the employee at a grievance outcome meeting.
- 4.2.4 The subject of the grievance will also be advised, in writing, of the decision.
- 4.2.5 Whilst the individual raising the grievance will be advised of the outcome of the grievance, they may not be advised of any informal or formal action which may or may not be taken against the subject of the grievance.

## 5.0 Formal Grievance Appeal

- 5.1 If the employee considers that the grievance has not been satisfactorily resolved, then they must submit a formal appeal by the given deadline stating the grounds on which the appeal is made.
- 5.2 An appeal must be based on the following grounds:
- (a) substantive – new evidence has come to light
  - (b) procedural – the policies and procedures were not followed correctly
  - (c) inaccurate – the investigation report misinterprets the information provided
  - (d) inconsistent – the decision does not follow logically from the investigation
  - (e) incommensurate - the outcome of the decision is inappropriate to the scale of the behavior.
- Any appeal must give the specific grounds as to the reasons for the appeal. It is not sufficient to simply state the reasons given in 6.1 without expanding on these points. Appeals must be submitted in writing, by the date stated in the outcome letter
- 5.3 The appeal will be heard by a Panel which will not include any members who were involved in the proceedings prior to the appeal.
- 5.4 The following options will be available from which Appeal Hearing can make a decision:
- Uphold the grounds for appeal.
  - Uphold some of the grounds for appeal.
  - Reject the grounds for appeal.
  - Require a reinvestigation of the whole or part of the grievance.
- 5.5 The Chair of the Appeal Hearing will formally notify the employee of the outcome and

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the reasons for it.

5.6 The decision of the appeal hearing is final.

### **6.0 Grievances Raised by Former Employees**

6.1 Providing that either the School had not received the grievance or the grievance was not completed before the employment ended, a former employee may raise a formal grievance with the School, but must do so no later than three months from leaving employment.

6.2 In these circumstances the following two-step modified procedure will be used:

#### **6.2.1 Step One – Statement of Grievance**

The employee should formally submit, no later than three months from leaving employment, their grievance to the School.

#### **6.2.2 Step Two – Response**

The School will consider and respond to the letter and shall also investigate the concerns raised, where it is considered to be warranted.