



HEATHFIELD SCHOOL

Grievance Policy

Policy Area:	Staff
Relevant Statutory Regulations:	The Employment Act 2008 The Employment Tribunals (Constitution and Rules of procedure) (Amendment) Regulations 2008
Key Contact Personnel in School	
Nominated Member of Leadership Staff Responsible for the policy:	Bursar
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This policy will be reviewed at least triennially, and/or following any concerns and/or updates to national and local guidance or procedures.

Introduction

The aim of Heathfield School's Grievance Policy is to provide a fair process for individual employees to obtain a speedy resolution to problems relating to their employment. This includes problems or concerns about work, management, working conditions, working relationships with colleagues, health and safety, new working practices, organisational change and equal opportunities. This policy and procedure also applies to cases of alleged bullying and harassment, i.e. where an individual feels that they has been subjected to unwelcome and unwarranted treatment thereby causing him/her a detrimental effect or where an individual wishes to complain of behaviour directed at others that they find offensive.

One of the key aims of the policy is to enable Heathfield School ("the School") to provide a working environment in which all employees feel comfortable and in which everyone is treated with respect and dignity, regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, disability or any other personal factor or quality.

Grievances can damage working relations and/or cause low morale or ill health, therefore both employees and managers have a responsibility to raise and deal with grievances as speedily as possible. The information disclosed should be treated in strict confidence as far as it is possible to do so.

The objective of all grievance meetings will be to understand and seek to resolve the issue.

Scope

The following procedure applies to all Heathfield School employees, full or part time, temporary or casual but excluding contractors or volunteers working in the School. However, it will not apply when the matter is already the subject of the School's disciplinary procedures.

External agency staff are not employees of the School and should raise any grievance with their Agency who may pursue the issue with the School.

Exclusions

The Grievance Procedure should not be used:

- If the grievance is of a 'collective' nature, i.e. if it is raised by a recognised trade union or a workplace representative on behalf of two or more employees. The Grievance Procedure is intended as a reconciliation process to deal with the grievance of individual employees.
- As a means to seek vindication or revenge, or to discriminate.
- Where the School has taken (or has indicated that it is considering taking) disciplinary action against the complainant. If the complainant is unhappy about any disciplinary action, the disciplinary appeal process should be used (however, if the complainant has an unrelated grievance, the disciplinary procedure and grievance procedure can run concurrently).

This procedure does not apply to grievances initiated after the end of employment.

Definitions

A **grievance** can cover any concern, problem or complaint that an employee raises with their line manager.

The definition of a **manager** for the purposes of this procedure is any member of the School with line management responsibility for one or more members of staff.

The definition of the **investigator** is the line manager or the person nominated by the line manager to carry out the investigation. If the line manager is the cause of the grievance then the investigator should be the line manager's manager.

Roles and Responsibilities

Employees have a responsibility to:

- raise a grievance with their manager within a reasonable amount of time;
- clearly state the basis of their grievance and provide the manager with all relevant details;
- where possible, attempt to deal with the grievance informally before resorting to the formal stages of the procedure;
- indicate what would be a satisfactory outcome to their complaint;
- attend meetings held under the grievance procedure and provide the relevant details in relation to the grievance.

Failure to comply with these responsibilities could prevent the School from offering support it might otherwise be able to provide.

Managers have a responsibility to:

- deal with grievances promptly, fairly and consistently in accordance with the relevant procedure and with advice from the HR Manager;
- clearly explain the reasons behind a decision in respect of a grievance and provide any necessary details if a hearing is held.
- consider whether a group grievance against an individual should be investigated on a separate or group basis.

As an employer, the **School** has a duty to protect individuals from harassment that may take the form of grievances submitted vexatiously, maliciously, without substance or generally in bad faith. Grievances of this nature will be subject to review under the School's Disciplinary Policy. Staff who have genuine grievances are assured that the School is committed to enabling concerns or grievances to be raised without fear of victimisation or reprisal.

Raising grievance issues informally

The School is committed to the resolution of individual grievances fairly and promptly whenever possible. Staff who have a grievance are encouraged to discuss the problem informally as soon as possible with their immediate line manager to seek a resolution.

Managers of staff are required to give any grievance that has been raised informally proper and full consideration. Managers will be encouraged and supported to facilitate mutually acceptable solutions to genuine concerns raised by members of staff.

If a member of staff does not feel able to discuss the problem with their immediate line manager, the member of staff can raise the grievance informally to their line manager's manager. The Senior Manager will then be responsible for identifying a suitable investigator.

General guidance on dealing with grievances informally

A member of staff will not suffer any detriment, for example in relation to pay, promotion or access to opportunities, by making a complaint when it is made in good faith.

It should be noted that if a member of staff wishes to remain anonymous, it may not be possible to take any action against the person causing offence. It may, however, be possible to address a complaint through indirect methods, such as publicising and drawing attention to this policy, and through training initiatives.

Whilst attempting to resolve a grievance informally, a record of any discussions and copies of any correspondence should be kept by the member of staff, in the event that follow-up action becomes necessary.

Mediation should be considered when identifying options to resolve a grievance via the informal route.

If the alleged respondent believes that an informal accusation has no substance and was made vexatiously or maliciously, they may wish to lodge a formal complaint against the complainant. Such complaints will be dealt with in line with the relevant procedure.

Mediation and Conciliation

Mediation

Mediation is the unbiased and objective intervention by an independent third party to help in the full discussion of a problem and the agreement on an outcome. Mediators do not take sides or lead the parties into any particular course of action; they will ensure that all the issues have been raised and that there is no misunderstanding between the parties. It is the School's policy to resolve grievances as far as possible through the informal stage and expects both the employee and the line manager to exhaust the informal stages of the procedure.

Mediation is carried out by an independent person, who talks to all parties concerned with the objective to seek satisfactory resolution. The cost of any mediation will be met from the School's budget.

Any of the parties have the right to request the assistance of a mediator to assist in the resolution of issues arising from bullying or harassment.

Both parties must agree to mediation. If either of the parties does not agree to mediation, mediation cannot be used to resolve the issues.

Mediators used should be trained or experienced to deal with the issues between the parties.

If the parties are able to resolve the matter through mediation, no further action will be taken.

If either of the parties do not agree to mediation they should state their reasons, in writing, to the other party within 5 working days of their refusal to participate in mediation.

Mediation should ideally be arranged within 20 working days of the informal grievance being raised.

Agreement to mediation does not preclude the employee from submitting a formal grievance either in parallel or subsequently, bearing in mind the responsibility to raise the grievance within a reasonable amount of time.

Conciliation

Conciliation takes place where an agreement has been reached and a conciliator will monitor the resolution and help restore a positive working relationship. The conciliator outlining the details will provide a written statement.

Conciliation is the process of assisting all parties to return to an effective working relationship once a decision has been made.

Conciliation may be appropriate to help restore working relationships where they have become strained as a result of attempts to resolve the issues.

The person providing mediation or conciliation will provide the parties with a written statement outlining the issues addressed and agreed action to be taken by the parties to resolve the issue.

Timeframe for Raising a Grievance

Grievances can only be raised under this procedure by employees whilst they are still in employment with the School. Employees should raise a grievance as soon as possible after the occurrence to which the grievance relates, when issues are fresh in people's minds. No grievances should be more than three months from the date of occurrence. Grievances raised outside this timeframe will only be

considered under the procedure in exceptional circumstances. Previous incidents can be referred to where they are relevant to the current grievance being raised.

Where an employee who has raised a grievance is requested to provide further relevant information to facilitate the investigation but fails to co-operate or provide this within 20 working days management can agree that the grievance has lapsed and will not be pursued.

If an employee has raised a grievance and then leaves the School's employment before that grievance is resolved and the employee wishes to pursue the grievance, they must do so in writing ideally within 20 working days of their formal leaving date. If there are valid reasons why such deadlines cannot be met, consideration will be given to an extension of such deadline so the school can act on any potentially valuable feedback. On receipt of their written grievance, this will be investigated and responded to.

Formal Procedure

Where it is not possible or appropriate to resolve matters on an informal basis, the formal procedure for handling a grievance should be used. This formal procedure should usually only be used when other attempts have failed, and not as the first option.

There are two main steps to Stage One of the Formal Grievance Procedure:

- i. Employee submits in writing the statement of grievance.
- ii. Formal grievance meetings are held.

Setting out the Grievance

If informal attempts to resolve the issue do not do so to the employee's satisfaction or are considered inappropriate in the circumstances, the employee should progress to the formal stages of the Grievance Procedure by setting out their grievance in writing and submitting it to their line manager with all relevant documentation, whilst retaining a copy for themselves.

The employee should set out the facts of the specific complaint including any examples in support of the complaint, any steps already taken to try to reach a solution and how the employee would like to see the matter resolved. Copies of any relevant papers in support of the grievance should be included with the letter. Further particulars may be requested of the employee where the specifics of the complaint are not clear to the manager dealing with the grievance.

Dealing with the Grievance

On receiving the statement of grievance the line manager shall contact an appropriate person to act as the investigator who may be the line manager or a person nominated by the line manager within two working days. An example of where a person, other than the line manager, may be contacted to deal with the investigation in full or part is where the manager's predetermined commitments would lead to an unacceptable delay in dealing with the grievance.

If the grievance is against the line manager, the line manager's manager or a person nominated by the line manager's manager will conduct the investigation. Awareness of the circumstances of the case shall not preclude an investigator from dealing with the grievance unless the grievance specifically relates to their behaviour. The employee who submits the grievance is hereafter referred to as the complainant.

Where the complaint relates to an allegation of harassment, bullying and victimisation; or relationship conflict between members of staff, the investigations must be handled sensitively, respecting the rights of all parties. The issue of avoiding contact between the members of staff must be considered before action is taken to inform the alleged harasser/ member of staff who is the subject of the complaint. The line manager may consider making a recommendation for time off for either, or both, parties while the matter is under investigation. The line manager will take appropriate action concerning contact, including the possibility of transfer of either/both parties to another department or part of the School, if appropriate. The issue of relocation must be handled with due regard to both of the individuals' views and feelings. Where this is not possible or considered appropriate, both parties will be expected to behave professionally while the investigation is ongoing. They should be advised that there should be no communication between them, directly or indirectly, in relation to the complaint. Any transfer or time off will be without prejudice to the eventual outcome of the investigation, and will be without salary detriment to the individual(s).

The manager considering the grievance will notify the individual, against whom the grievance is being taken, that a grievance has been submitted by the member of staff and will provide the individual with a copy of the grievance and copies of any additional documentation submitted in support of the grievance. The individual will be given the opportunity to provide a statement and any relevant papers in response to the grievance, normally to be returned to the investigator within 5 working days. The investigator will then forward a copy of the response, together with any additional documentation, to the complainant. A copy will also be provided to any colleague or trade union representative assisting the complainant.

The manager considering the grievance will then arrange to meet with the member of staff who raised the grievance. This meeting will usually take place within 10 working days of receipt of the grievance. The HR Manager will be present to give HR support and assist in the resolution of the grievance and, dependant on the complexity of the case, a separate note-taker may also be in attendance. The member of staff should provide the name of any representative that will be assisting with their complaint.

In the event of a grievance being raised against a teaching line manager, then the Deputy Head (Pastoral and Boarding) or Deputy Head (Academic) will usually hear the grievance.

In the event of a grievance being raised against a support staff line manager, the Bursar will hear the grievance.

In the event of a grievance being raised against any member of the Senior Leadership Team ("SLT"), excluding the Headmistress, then the Headmistress will usually hear the grievance.

If the Headmistress is the subject of the grievance, then a member of the Governing Body will hear the grievance.

Right of Accompaniment

Complainants and the subjects of a grievance can choose to be accompanied at meetings by a work colleague (who is not a member of SLT) or trade union representative subject to the chosen companion being able to attend on the proposed date.

The complainant shall take all reasonable steps to attend meetings held in connection with the grievance.

Should the chosen companion be unavailable on the proposed date of the meetings, the complainant shall immediately request that the meeting is postponed once to another reasonable date and time that should be within five working days of the given date. Where this is not possible, the complainant shall choose an alternative person to accompany them to the meetings and the meeting will proceed as per the rearranged time.

If the member of staff does not attend either the original or re-arranged meeting, a decision may be made in their absence and the outcome confirmed in writing.

Should a complainant or other members of staff that the investigator decides to interview wish to be accompanied, it is their responsibility to notify the HR Manager of the name of their companion, and to forward to the chosen companion details including the date, time and location of the meetings as well as sending them the details and necessary documentation relating to their case.

The companion will be able to confer with the complainant during the hearing and will be allowed to address the hearing in order to put forward and sum up the complainant's case, respond on the complainant's behalf to any view expressed at the hearing and ask questions of clarification. The companion will not be able to answer questions on the complainant's behalf.

In exceptional cases an employee's disability may require attendance of a support worker or relative to assist during grievance hearings. Where this is the case, this additional companion's role is purely a support one (e.g. sign language interpreting, etc) and does not include the rights listed above. Requests for such a companion to attend must be made to the Chair of the grievance panel, in advance, in all cases.

External lawyers by profession, other than those who are employees of a recognised trade union, cannot act as companions under this procedure.

Grievance Meeting

The purpose of the meeting will be for the member of staff to state their grievance, for those present to understand the full nature of the grievance, discuss the grievance and explore potential solutions. It may be necessary to undertake further investigation of the member of staff's grievance, in which case the meeting may be adjourned in order to enable this to take place, and reconvened within a reasonable period of time agreed with both parties.

Formal meetings shall be chaired by the investigator, who may be accompanied by the HR Manager acting as HR advisor, who will also take a written record of the hearing.

The complainant will attend to present their grievance and answer questions of clarification in relation to the original written submission.

In certain circumstances, it may also be necessary for the manager considering the grievance to carry out further investigations into the grievance, by meeting with the member of staff who is the subject of the complaint and/or any witnesses relevant to any of the matters complained of. If this is necessary, the manager will again forward any witness statements and/or relevant papers to the complainant. Copies will also be provided to any colleague or trade union representative assisting the complainant, and to the member of staff against whom the complaint has been raised. The purpose of the further investigation meeting will be for the member of staff to state their response to the complaint. It may be necessary to undertake further investigations of their response, in which case the meeting may be adjourned in order to enable this to take place, and reconvened within a reasonable period of time agreed with both parties.

If the member of staff against whom the grievance has been raised makes allegations that are relevant to the original complaint or complainant, they should be investigated simultaneously and before any disciplinary action is decided.

Following these meetings, the timetable for any further investigations will be discussed and agreed with both the member of staff who raised the grievance, and the individual against whom the grievance has been raised. Every attempt will be made to address the issue promptly.

Following the meetings, and completion of any further investigation, the complainant will be informed in writing of the decision of the Grievance Procedure. This will normally be issued to the member of staff within 10 working days of the close of the grievance meeting. The letter will generally summarise:

- the nature of the grievance;
- the investigation that was conducted;
- the decision;
- the reason for the decision; and
- any outcome for work and working practices as a result of the decision

A copy of meeting records and any formal minutes taken will also be enclosed.

A copy of the paperwork will also be provided to the individual, against whom the grievance was raised, representatives of both members of staff, and the relevant line manager(s). Any dissenting comments in connection with the decision will be recorded. If a prima facie case (sufficient evidence to prove there is a case to answer) is proven, a disciplinary hearing may be convened.

Possible Outcomes of Grievance Meetings

If the grievance is upheld

The investigator should decide what steps and related timescale should be taken to resolve the grievance or underlying issues and either implement the steps or report to the relevant manager with authority to make a decision on the grievance and implement the steps.

If the investigator concludes there has been bullying or harassment they shall report this to the offender's line manager with a view to instigating appropriate disciplinary action. In the case of bullying and harassment there will be no presumption that the issue will be resolved by moving the person bullied or harassed. It will be the responsibility of the School to take such measures, wherever practicable, to enable them to continue their existing duties free of the fear or threat of further bullying or harassment.

If the grievance is not upheld

The investigator should report the outcome to the manager responsible for taking action and include in the report any steps that need to be taken to address any underlying issues that have been disclosed as part of the grievance.

Stage Two - Appeals

If the complainant is not satisfied with the outcome of the grievance meeting held under Stage One of the Grievance Procedure, they may appeal.

The complainant may raise an appeal in writing addressed to the HR Manager within 10 working days of receipt of the letter issued following the grievance meeting above. The letter should state that the grievance has not been resolved to the complainant's satisfaction under Stage One of the procedure, and the reasons why the member of staff is not satisfied with the outcome. The remedy or outcome sought should also be specified in the letter from the member of staff.

In the event of a grievance being raised against a member of staff, other than a member of the Senior Leadership Team, the Headmistress will hear the Appeal.

In the event of a grievance being raised against any member of the Senior Leadership Team, excluding the Headmistress, a member of the Governing Body will hear the Appeal.

If the Headmistress is the subject of the grievance, the Chair of Governors will hear the Appeal.

The appropriate person will, after considering the grievance, invite the staff member to an appeal hearing at which the matter will be fully discussed.

The member of staff may be supported and accompanied at an appeal meeting by a trade union representative or work colleague. The member of staff should provide the name of any representative assisting with their complaint. The HR Manager will be present to assist in the resolution of the grievance and act as note taker.

If the member of staff who raised the grievance, or their representative, is unable to attend on a proposed date, then the member of staff may suggest an alternative date provided it is within 5 working days of the original date. This 5-day time limit may be extended by mutual agreement between both parties.

The purpose of the meeting will be to understand the on-going nature of the grievance, to review the basis for the earlier decision and to explore potential solutions. Again, the member of staff will be afforded every opportunity to state their grievance at the meeting.

It may also be necessary for further investigations to take place, in which case the meeting may be adjourned to enable this to be undertaken. In this event, the appeal meeting will be reconvened within a reasonable period of time. Such further investigation may include meeting with the individual against whom the grievance was raised, and/or other witnesses. Again, the timetable for investigation will be discussed and agreed with the complainant. Every attempt will be made to address the issue promptly.

The three possible options at the end of the appeal hearing are:

- The grievance is agreed and a remedy is decided on.
- The grievance is agreed in part and a remedy is determined in respect of that part of the grievance, whilst the remaining part is not considered any further.
- The grievance is not agreed.

The Chair of the Appeal Panel will, within 5 working days of the appeal hearing, unless there is agreement to set an alternative deadline, notify the employee of the decision, as well as its rationale, in writing. Decisions at this stage will be final.

After the Formal Stage: where the grievance concerned an issue of harassment, bullying or victimisation or a breakdown of a working relationship

The line manager of the complainant will meet with them regularly to offer support and to ensure that no further harassment, bullying or victimisation has occurred as a result of making a complaint. These meetings should take place even where a complaint has not been upheld.

Line managers also have a responsibility to meet and offer support to members of staff who have been subject to an allegation that has not been upheld or, if the case was proven, to monitor their behaviour.

Where a complaint has been fully upheld and the member of staff against whom the grievance was raised remains employed, either or both parties may wish to avoid any further contact with each other. Where the line manager, in consultation with the HR Manager, believes that regular contact would be undesirable, every effort will be made to relocate to a different department the member of staff the complaint was made against in the first instance, if this is practicable. Where transfer of the complainant occurs, it should not be disadvantageous to them.

Where a complaint has not been upheld but where, for example, the evidence is inconclusive, consideration may be given to the voluntary transfer of one of the members of staff to an alternative department, if this is practicable.

Confidentiality

Confidentiality is very important when dealing with all cases as experience shows that they become much more difficult to resolve informally if information about the matter becomes common knowledge.

Witnesses may need to be given details of the grievances. Where this is the case, they must be made aware that these details must not be disclosed, including once the case has concluded. All participants, including witnesses, should be made aware of their responsibilities. Witnesses will be asked to sign statements, which may be shared with the relevant parties only. Where deemed appropriate by the line manager leading the investigation and the HR Manager, witness(es) will be allowed to provide anonymous statements and will only be questioned by both the line manager and the HR representative (usually the HR Manager).

Any breach of confidentiality by the complainant, the individual against whom the grievance has been raised, or witnesses, relating to this policy, will be treated as a serious disciplinary offence.

Notes of the Hearing and Investigation

Notes and records of matters dealt with under the Grievance Policy and Procedure should be handled on a confidential basis and stored securely. The covert recording of informal or formal meetings, e.g. by use of a mobile phone or other recording device will not be permitted, and will result in disciplinary action.

Related Policies

- Confidentiality Policy
- Disciplinary Policy
- Equal Opportunities Policy

Appendix A: Guidance For Those Accused of Harassment, Bullying or Victimisation

If you are approached informally by a member of staff about your behaviour, do not dismiss the complaint. Remember that all people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended them without intending to and a simple apology may resolve the matter.

If accused of harassment or bullying, you may wish to contact your Line Manager. Alternatively, or in addition, the Trade Unions and/or HR Manager can supply support.

Those who are the subject of a complaint will be treated with respect. Confidence will be maintained but there are limits to confidentiality in that the complaint, any witness statements and the investigator's report will be seen by those who have to be involved.

If you believe the accusation to be unfounded, you should say so and participate willingly in the proceedings, so that the situation can be resolved informally or formally. You should also be prepared to participate in mediation if this is identified as an appropriate solution.

If the evidence suggests that the complaint was made vexatiously or maliciously, disciplinary action may be taken against the complainant (up to and including dismissal).

During the formal procedure both you and the complainant may wish to be accompanied at meetings by a work colleague or a Trade Union representative.

Wherever possible, the School will try to ensure that during investigations the relevant parties are not required to work together. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and until the disciplinary proceedings have been concluded.

If a complaint is not upheld, you should expect your line manager to take action to restore reasonable working relationships between you and the complainant. You must not victimise a member of staff who has made a complaint in good faith against you or anyone who has supported him or her in making the complaint or given evidence in relation to such a complaint.

If a complaint is upheld, a disciplinary sanction may be imposed up to and including dismissal without notice. If the complaint is upheld, but you are not dismissed, the School could decide to transfer you to another role, if practicable.

In addition, or as an alternative to a disciplinary sanction, guidance or counselling may be offered to support you to understand how your behaviour affected the complainant.

Both you and the School can also be subject to prosecution under criminal as well as civil law, and you could be personally liable and have to pay compensation yourself.