Phoenix
FEDERATION

Grievance policy and procedure
(SCHOOL BASED EMPLOYEES)

Chair of Governors: _____
Executive Headteacher: Mr. Dean Gordon NPQEL
Date: _____
Date to be reviewed: _____

LEWISHAM LOCAL AUTHORITY
MODEL GRIEVANCE POLICY and PROCEDURE

SCHOOL BASED EMPLOYEES

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1. INTRODUCTION

1.1 This document is designed to help the school, its employees and their representatives, to deal with grievances in the workplace encouraging the resolution of grievances in a prompt, fair and consistent manner. It provides a means of investigating grievances and where necessary recommending ways in which these can be resolved or redressed.

1.2 Managers are expected to understand and follow the process, seeking wherever possible to resolve issues informally.

1.3 Staff are expected to seek to resolve any concerns or grievances at an informal level where possible, only accessing the formal process where this is not possible.

2. PRINCIPLES

2.1 Grievances must be against a named individual(s) who must be a manager. Complaints that concern an issue between one employee and another, or that involve a third-party complaint, will not be dealt with under the grievance procedure.

2.2 Wherever possible grievances should be dealt with informally seeking a mutually acceptable resolution through local discussion (and, if appropriate, with some level of mediation or facilitation). Appendix 4 to this policy and procedure contains some guiding principles for mediation

2.3 Employees raising a grievance have the right to be represented at any stage in the formal process by a trade union representative or work colleague.

2.4 Managers responding to a grievance may be accompanied at a grievance investigation meeting / hearing by a trade union representative or work colleague. The role of this person is to accompany, not represent, the manager. They should not be a witness or be otherwise involved in the process.

2.5 Grievances should be raised as quickly as possible after the decision / incident which causes the employee to be aggrieved and no later than 3 months after the decision / incident, other than in exceptional circumstances or where a linked pattern of behaviour exists.

2.6 In the interests of the school and all parties concerned, all stages of the grievance procedure will be affected as speedily as possible and within the timescales prescribed. Timescales shown in the procedure may be varied by mutual agreement, or where there are unavoidable or exceptional circumstances.

2.7 No employee will be victimised because of taking out a formal grievance. However, repeated unfounded or vexatious grievances by an employee will be reviewed to ensure the process is not being abused as a means to bully, harass or victimise others and to ensure that the employee's actions do not have the effect of bullying or harassing others.

2.8 All forms of discrimination, including harassment and discrimination on the grounds of race, gender, sexual orientation, gender re-assignment, disability, age, marriage/civil partnership, religion or belief, pregnancy and maternity are unacceptable and contravene the Equality Act 2010, the school/Council's equal opportunities policies and expected standards of behaviour and conduct.

2.9 Employees will have a right of appeal if they remain dissatisfied with the outcome of consideration of their grievance.

2.10 All parties should treat grievance matters as confidential.

2.11 Reference to the 'Hearing Officer' in the policy may also include the Chair of Governors (the Chair's nominated governor representative) or a Panel of Governors as appropriate.

3. SCOPE OF THE PROCEDURE

3.1 The procedure applies to all employees in this school.

3.2 Where an employee has registered a grievance but leaves their school employment before any hearing / meeting has taken place, the grievance proceedings will cease. Where a hearing / investigation meeting has already taken place but been adjourned, the Hearing Officer will determine if the issues raised should still be considered. In reaching their decision the Hearing Officer / Panel should take into account the nature of the grievance and whether or not other employees or pupils/students/parents may be affected by the outcome of the grievance or where the nature of the complaint, if substantiated, could result in disciplinary action for serious misconduct being instigated against the employee grieved against.

3.3 The school is mindful of the need to minimise the cost and use of management time in continuing with an investigation when the complainant has left. If the Hearing Officer / Panel decides the issues raised should continue to be investigated this will not need to be through formally reconvening a grievance hearing once an employee has left, but could be by consideration of the written grievance submitted and follow-up meetings with relevant parties (including, if appropriate, meeting with the ex-employee to clarify issues).

3.4 An ex-employee will not have a right of appeal against the conclusions reached by the Hearing Officer / Panel.

3.5 Where an employee submits a grievance after leaving the school, this will not be dealt with under the grievance procedure. However, the school may wish to address the issues raised and respond to the ex-employee in writing. Where the grievance makes allegations which potentially affect the safety of children or employees, these should be investigated under the relevant school procedure.

3.6 Where an employee submits a grievance against a manager who subsequently leaves the school, the grievance will not be progressed. However, where the concerns raised are not specific personal allegations against the manager who has left, (i.e. they are with regard to general management issues which are still pertinent to the grievant's employment, rather than the personal behaviours or action of the ex-manager) the school may wish to continue to address the concerns raised. The school may consider it appropriate to contact the ex-manager, but there is no requirement to do so, or any obligation on the part of the ex-manager to participate in the discussion.

3.7 Grievances should be raised as quickly as possible after the decision / incident which causes the employee to be aggrieved and no later than 3 months after the issue / incident. Other than in exceptional circumstances and where the employee provides a satisfactory reason to the school to explain why it was not possible to register their grievance within this timescale, grievances registered after this timescale will not be heard. Any disagreement may be referred to the Executive HT, HT or Chair of Governors, as appropriate, whose decision will be final. Guidance from HR may be sought where necessary.

3.8 If, having registered a grievance an employee fails to participate in the process, without good reason, a decision may be made not to proceed with an investigation of the grievance. In such circumstances the employee should be advised in writing of the decision, with reasons.

3.9 Where an employee is concerned about the conduct or actions of another employee who is not a manager, this should be raised with that employee's manager in the first instance. The manager will establish the circumstances and determine what action, if any, should be taken.

4. EXCLUSIONS FROM THE SCOPE OF THE PROCEDURE

4.1 The grievance procedure is to be used as a means of resolving employee issues or responding to employee complaints arising from their employment. These may arise as a result of complaints about the conduct / behaviour of managers / supervisors towards employees, or as a result of a management decision or lack of management action which the employee believes to be to his / her detriment and where the concerns raised are not covered by another school / Council procedure. The procedure applies to all matters within the normal employer / employee relationship except:

- Matters subject to the collective bargaining machinery
- Complaints about whether the school should carry out statutory responsibilities and complaints about school policy / conditions of service other than as they relate to the implementation of such policies / terms and conditions where it is considered that they have not been fairly applied.
- Matters for which there are alternative and specific appeals mechanisms, e.g. results of a job evaluation process or matters relating to the non-confirmation of employment of employees on probation.
- Matters covered by the disciplinary and capability policies / procedures.
- Employee complaints against the Chair of Governors

4.2 If a grievance is raised in response to any management action being taken to address a disciplinary, capability or probationary process concern, the status quo will not be preserved. This means that any procedural discussions, actions or proceedings that have begun will not be suspended pending the outcome of the grievance process. Where the grievance relates to action being taken by management under these processes, the grievance will not form part of a separate grievance hearing as the employee will have the opportunity to respond to the action being taken through the relevant procedure. ACAS guidance should be followed in these circumstances.

4.3 Where the grievance has no bearing on any management action being taken, the grievance will be considered in the usual way.

4.4 Management should not start disciplinary or capability action against an employee who has a grievance in process until that grievance process has been concluded, unless the two issues are unrelated or unless there are exceptional circumstances e.g. the employee has allegedly committed an act of gross misconduct / negligence or gross incapability.

4.5 Registration of a grievance under this procedure shall not prevent a manager from subsequently taking appropriate management action against an employee.

4.6 Matters relating to specific incidents which have already been investigated and dealt with under the grievance procedure cannot be raised again.

5. MATTERS OTHER THAN PERSONAL GRIEVANCES

5.1 Occasionally there may be circumstances where an employee has concerns about the conduct of their manager / supervisor which they feel warrants investigation where this is not in relation to them personally. Examples include alleged financial irregularities by their line manager, allegations of abuse against service users, misconduct or discriminatory behaviour towards service users or other employees, or other action(s) by the line manager which cause concern.

5.2 Such concerns should be brought to the attention of the Headteacher / Executive Headteacher to be dealt with in the appropriate manner under the relevant procedure. Where the matter involves the Headteacher / Head of School, the employee should refer it to the Executive Headteacher and where the Executive Headteacher is involved, it should be referred to the Chair of Governors and advice should be sought from the Schools' HR Team.

6. GROUP GRIEVANCES

6.1 Where more than one employee raises a grievance against the same manager at the same time regarding the same sort of issues, as a group grievance, this will be dealt with by way of an investigation rather than through a grievance hearing process.

The grievances or complaints raised must come within the scope of the grievance procedure, for example matters referred to should be current (i.e. within the last 3 months) unless there are exceptional reasons why older matters should be included.

6.2 A manager e.g. Deputy Headteacher, Head of Department or School Business Manager will be nominated to investigate the complaints being raised.

6.3 The investigating manager will produce a report for the Headteacher / Executive Headteacher who will consider the findings, make decisions and ensure that appropriate feedback is given to all parties. There will be no right of appeal in these circumstances.

7. GRIEVANCES AGAINST AN EXECUTIVE HEADTEACHER / HEADTEACHER

7.1 A grievance that is personally directed at the Headteacher will be referred to the Executive Headteacher or Chair of Governors, as appropriate. A grievance that is personally directed at the Executive Headteacher will be referred to the Chair of

Governors. Dependent upon the circumstances the Chair of Governors may nominate a member of the school's Governing Body to investigate the issues raised by the grievant and to provide the Chair with their findings and recommendations in the form of a report. Alternatively, the Chair of Governors may request that a suitable senior officer in the council be appointed to investigate the grievance or may decide to undertake the investigation themselves. In any event, the Chair of Governors will be the decision maker.

7.2 A complaint against the Chair of Governors will be referred to the Executive Director for Children and Young People. Any such complaint will not be dealt with under the grievance procedure.

7.3 Appeals will be referred to an Appeal Panel of Governors who have not previously been involved.

8. REPEATED GRIEVANCES BY AN EMPLOYEE

8.1 The school is totally committed to ensuring that there is a fair process in place to address concerns employees may have about their employment. The school respects the right of employees to raise such concerns and that they should not be victimised for doing so.

8.2 However, in circumstances where an employee repeatedly raises unfounded grievances against managers and / or unfounded complaints against others, consideration should be given as to whether or not these actions are malicious and vexatious and / or could in themselves constitute harassment or bullying of managers and / or colleagues. Advice should be sought from the Schools' HR Team in such circumstances.

9. THE PROCEDURE

9.1 Informal Process

9.1.1 Wherever possible grievances should be resolved informally and any employee with a grievance covered by this policy should raise it with their line manager verbally and / or in writing. The line manager will, wherever possible, respond to the grievance at the time it is raised, and where this is not possible, within 10 working days.

9.1.2 It may be helpful in resolving issues at this early stage to involve a third party in helping to facilitate discussions. This might include the manager's manager, another manager, an HR Adviser, or another appropriate person arranging some level of mediation or facilitation. Both the employee and the manager should be in agreement to this approach as a possible way to resolve the issue(s) informally. This does not remove the right to subsequently register a formal grievance.

9.1.3 In instances of harassment or discrimination, it may be appropriate for the employee to first inform the alleged harasser that their behaviour is offensive, or their actions unwelcome. This may stop the harassment or discrimination at an early stage. However, it is recognised that in some instances this course of action may be too difficult for the employee. If the employee does not consider that a direct approach is appropriate, or this is tried but is unsuccessful, then they should pursue their concerns with their line manager as outlined above, that is, in writing or raise the matter with another appropriate manager, who could be the line manager's own manager. If the employee does not consider this appropriate, they should seek

advice from either HR or, if they are a member of a trade union, from their trade union representative. Other than in exceptional circumstances an employee should initially raise their concerns directly with their manager, before submitting a formal grievance, to seek resolution where possible at an early stage.

9.2 Formal Process

9.2.1 The aggrieved employee may register a written grievance where it has not been possible to resolve this through the informal process.

9.2.2 The employee must register their grievance by completing the Grievance notification form at Appendix 1. This should be sent to the Headteacher / Head of School / Executive Headteacher, as appropriate. This should be done within 5 working days of the manager / supervisor's response to their informal grievance (i.e. the manager's verbal or written response).

9.2.3 Employees need to specify clearly and comprehensively the nature of their grievance. For example, if the claim is one of harassment, detailed facts of the alleged harassment need to be specified in the original notification of the grievance.

9.2.4 If the scope / content of the grievance is not clear, the employee will be asked to provide clarification before arrangements are made for the grievance to be investigated or for a grievance hearing to be arranged.

9.2.5 On receipt of the grievance the Head of School / Headteacher / Executive Headteacher, in liaison with the Schools' HR Team if necessary, will:

- Determine if the grievance falls within the scope of the procedure; and
- Decide whether there are particular and exceptional circumstances which mean that the complaint / allegation should be investigated as a disciplinary matter.

If the latter applies, the matter will be dealt with under the disciplinary process and the aggrieved employee will be interviewed as part of the fact finding investigation under that process.

9.2.6 Where the employee is advised that their grievance falls outside the scope of the policy and they remain of the view that it should be addressed within the procedure, they should provide the Schools' HR Team with written reasons why they believe that their complaint falls within the scope of the policy. This will be referred by the Schools' HR Team to the Chair of Governors for a final decision.

9.2.7 The Headteacher / Executive Headteacher will acknowledge receipt of the grievance within 5 working days and refer the matter to the school's HR Adviser for process arrangements to be progressed. The manager grieved against will be notified that a grievance has been lodged and will be given a copy of the written grievance.

9.2.8 Grievances can be heard by calling all parties together (a Grievance Hearing) or by investigating the matter by process of individual meetings with the parties to the grievance and any witnesses. The appropriate process will be discussed with the employee, and / or their trade union where represented and the manager grieved against. One advantage of bringing both parties together at a hearing is that this will allow both parties the opportunity to ask questions of each other, however, where it is decided to process the grievance by way of an investigation, it will be incumbent

upon the investigating officer to ensure that questioning of both parties and witnesses is thorough and recorded in writing.

9.2.9 In circumstances where the issues complained of represent wilful and unacceptable conduct these should be dealt with by means of a fact-finding investigation under the disciplinary procedure.

9.2.10 A hearing officer (or hearing panel) or investigating officer will be appointed and arrangements will be made to either hold the hearing or start the investigation within 20 working days of the registration of the formal grievance, where possible. Where this is not possible the employee should be informed and updated on progress, in writing. The manager appointed will be referred to throughout this policy as the Hearing Officer regardless of whether or not they hear the grievance by meeting with the parties separately, or together.

9.2.11 An Adviser from the Schools' HR Team may provide advice to the Hearing Officer.

9.2.12 Prior to either the grievance hearing, or the start of the investigation, both parties will submit the names of any witnesses and copies of any documentation they wish to be taken into consideration to the Schools' HR Adviser assigned to co-ordinate arrangements. The Hearing Officer will have the discretion to call for additional witnesses, or documentation, as they consider to be appropriate. It is expected that any school employees called as witnesses will attend. Witnesses may be accompanied by a trade union representative or work colleague if they wish to be. This should not be someone who themselves may be called as a witness.

9.2.13 Dependent upon the nature of the complaint or allegation, the letter calling the person grieved against to the hearing must advise them that should the Hearing Officer conclude that there is substance in the complaints made against them, a possible outcome of the hearing could be a recommendation for disciplinary action. The person grieved against may also be accompanied by either their trade union or a work colleague.

9.2.14 Where the grievance is to be dealt with at a hearing, the names of any witnesses and any documentation submitted by either party will be given to both parties 5 working days prior to the hearing. Where the grievance is to be dealt with by meeting with all parties separately (i.e. by means of an investigation), all parties will be provided with the names of witnesses and documents prior to the investigation starting. The Hearing Officer should meet first with the grievant to hear their complaint and should clarify the reasons why they wish the Hearing Officer to meet with witnesses (i.e. what relevance their evidence has to the complaints being made). The Hearing Officer will then ensure that when they meet with any witnesses they explore these matters with them. Likewise when the Hearing Officer meets with the manager grieved against, they should clarify the reasons for calling any management witnesses. Should any further witnesses or documents be considered during the investigation, both parties will be advised of this and copies of any new documents sent to both parties (employee grievant and manager grieved against). In some circumstances, the Hearing Officer may determine that the reasons for calling witnesses do not have any relevance or bearing on the complaints raised. In such circumstances the Hearing Officer may decide not to meet with the witness(s). Where the Hearing Officer decides not to meet with a named witness as part of their investigation, they will advise the relevant party of their reasons for not doing so.

9.2.15 Where both parties attend a grievance hearing, each party will have an opportunity to question the other and, also, any witnesses who are called to give evidence. The procedure to be followed at a grievance hearing is set out in Appendix 2.

10.0 Outcome

10.1 The Hearing Officer will consider all information pertinent to the grievance, that is, verbal presentations, evidence given by witnesses and all of the relevant documentation submitted by the grievant and the manager. The Hearing Officer will inform both parties and their representatives (where relevant) of their decision within 10 working days of the hearing / conclusion of the investigation. The decision must be given in writing.

The grievance decision should be confined to the issues raised in the original notification of grievance. Other issues which may arise should be dealt with separately.

10.2 Where the process has involved an independent investigation rather than a grievance hearing, the investigating officer should provide a report of the process followed, their findings, conclusions and recommendations sufficient to enable the decision maker (normally the Chair of Governors) to reach an outcome that is evidence based.

10.3 Possible outcomes may be:

- The grievance is not upheld
- The grievance is partly upheld
- The grievance is upheld

10.4 If the grievance is upheld, a recommendation may be that:

- Disciplinary action should be considered. In this event, the Hearing Officer may recommend that a hearing is convened in line with the disciplinary process. If a disciplinary hearing is convened, the grievance investigation will be treated as constituting the fact finding and the Hearing Officer, having concluded that there is a case to answer, will present the management case to the nominated Disciplinary Hearing Officer / Panel.

- Some other form of action may be appropriate, including training, team-building, transfer etc.

- The feasibility and process by which proposed courses of action are implemented must be taken into account, as appropriate, prior to the determination of the final decision. Any decisions must fall within current school/council policy and procedures and be capable of implementation. Advice should also be taken from the Schools' HR Team.

11. Appeal

11.1 If the grievant is not satisfied with the Hearing Officer / Hearing Panel decision, he/she can appeal. Any such appeal must be registered with the Executive Headteacher / Chair of Governors, as appropriate, within 10 working days of receipt of the outcome letter. The appeal letter must clearly state the reasons why the employee remains aggrieved and the redress being sought. If the content of the

appeal is not clear, the appellant will be asked to provide clarification before arrangements are made for the appeal to be heard.

11.2 The manager grieved against does not have a right of appeal against the outcome of the grievance hearing.

11.3 An appeal hearing will be arranged where possible within 20 working days of receipt of the employee's letter. The procedure to be followed at the hearing is at Appendix 3. The arrangements for this hearing may be co-ordinated by the Schools' HR Team.

11.4 The appeal hearing will not address any new issues raised by the grievant.

11.5 Additional evidence or witnesses may not be introduced, other than in exceptional circumstances and with the agreement of the Chair of the Appeal Hearing.

11.6 The reasons for the decision reached on the grievance will be presented / explained by the original Hearing Officer / Chair of the original panel or the investigating manager, depending on the nature of the case and the grounds for the appeal. Advice may be sought from the Schools' HR Team.

11.7 The role of the Appeal Hearing Officer / Panel will be to reach a decision having heard and considered the grounds of the appeal and having heard the reasons for the original decision.

11.8 The Appeal Hearing Officer / Panel may confirm or vary the findings of the original hearing, or may refer any matters covered back to the original Hearing Officer for them to review their findings or vary their decision(s).

11.9 The decision of the Appeal Hearing Officer / Panel will be confirmed in writing to both parties within 10 working days of the hearing.

11.10 The decision of the Appeal Hearing Officer / Panel will be final and there will be no further right of appeal under this procedure.

APPENDIX 1

Grievance notification form

To raise a formal grievance, please complete this form in full and send it, in an envelope marked *'strictly confidential – addressee only'*, to your Headteacher / Head of School / Executive Headteacher, as appropriate.

Name:	Date :
School Name:	
Job Title:	

I wish to register a grievance against:

	(name and title of manager, and where appropriate, name of department)

My grievance is: (brief summary):

Please provide details of the incident(s) leading to the grievance with dates, times, locations, names of witnesses and any other relevant evidence/information. Use additional pages if necessary.

Only in exceptional circumstances will grievances based on issues more than 3 months old be considered. If you wish to raise issues related to incidents that occurred more than three months ago, please explain why your grievance was not registered at an earlier date.

I have discussed this grievance with: (This should be the manager you wish to grieve against).

The outcome of this discussion was:

I remain aggrieved because:

As a result, I wish to exercise my right to raise a formal grievance with you.
The redress I am seeking is:

My trade union representative is:

Representative address:

Telephone:

Email:

My contact address:

Telephone:

Email:

Signed:

Date:

APPENDIX 2

Procedure to be followed at a formal grievance hearing

Those in attendance:

- Hearing Officer / Governor or Panel of Governors
- HR Adviser
- Grievant
- Grievant's trade union representative or school workplace colleague
- Manager against whom the grievance has been registered
- Trade union representative or work colleague accompanying the responding manager
- Note taker
- Witnesses

The note taker's role is confined to taking notes of the hearing on behalf of the Hearing Officer / Panel (who will make arrangements for a note taker to be present).

Whilst notes should be an accurate summary of the meeting, they need not be verbatim. If a copy of the notes is included in any subsequent appeal process documentation, a copy will also be disclosed to the employee for information.

Where a hearing is arranged, witnesses will only be present when giving evidence.

The Procedure

1. The Hearing Officer / Panel Chair will introduce the parties and outline the process to be followed (this may be done by the HR Adviser on behalf of the Hearing Officer / Panel Chair.

2. The Hearing Officer will confirm that the proceedings should not be electronically recorded by any of the parties and will seek confirmation from all those present that recording devices will not be used.

3. The grievant (or their representative) will present their grievance and state the redress being sought. Where the representative has presented the case, they may question the grievant as part of the presentation.

4. Questioning of the grievant will then take place in the following order:

    - The manager against whom the grievance has been registered
    - The Hearing Officer / Panel
    - The HR Adviser

5. Any witnesses being called by the grievant will be called individually and will be taken through their evidence by the grievant or their representative by process of question and answer.

6. Questioning of the grievant's witnesses will take place in the order listed above at point 4.

7. The manager grieved against will present their response to the grievance(s) against them.

8. Questioning of the manager will then take place in the following order:

    - The grievant and / or their representative
    - The Hearing Officer / Panel
    - The HR Adviser

9. The manager will call any witnesses individually and take them through their evidence by process of question and answer.

10. Questioning of the manager's witnesses will then take place in the order listed at point 8.

11. The Hearing Officer / Panel may request further information if necessary or require other witnesses to attend. The Hearing Officer / Panel may adjourn the hearing in order to do this. If this happens, any reconvening of the hearing will only take place with all parties present.

12. The Hearing Officer / Panel will invite both parties to sum up: firstly the grievant or their representative, followed by the manager.

13. All parties withdraw apart from the Hearing Officer / Panel, HR Adviser and notetaker. The Hearing Officer / Panel will deliberate and reach a decision on the basis of the evidence presented. The Schools' HR Adviser will provide advice as required. The Hearing Officer / Panel should make a note of the reasoning behind the decision reached and keep this carefully filed for future reference if need be. The Hearing Officer / Panel will confirm their decision, in writing, to both parties within 10 working days of the hearing.

APPENDIX 3

Procedure to be followed at an appeal hearing

Those in attendance:

- Appeal Hearing Officer / Panel
- HR Adviser
- Grievant
- Presenting Manager (i.e. the Hearing Officer/Chair of the Panel from the original hearing)
- HR Adviser accompanying the Presenting Manager where requested
- Grievant's trade union representative or school workplace colleague
- Management note taker
- Witnesses (only when giving evidence)

The note taker's role is confined to taking notes of the hearing on behalf of the Hearing Officer / Panel who will make arrangements for a note taker to be present. Whilst notes should be an accurate summary of the meeting, they need not be verbatim. A copy of the notes should also be sent to the appellant, on request.

The Procedure

1. The Appeal Hearing Officer / Panel will introduce all parties and outline the procedure to be followed.

2. The Appeal Hearing Officer / Panel will confirm that the proceedings should not be electronically recorded by any of the parties and will seek confirmation from all those present that recording devices will not be used.

3. The grievant or their representative will present their grounds for appeal, explaining why they remain aggrieved and the redress being sought. Where the representative has presented the case, they may question the grievant as part of the presentation.

4. Questioning of the grievant will then take place in the following order:

   - The Presenting Manager
   - The Appeal Hearing Officer/Panel
   - The HR Adviser

5. The Appeal is not a re-hearing and any witnesses called should be relevant to the grounds for appeal. Any such witnesses being called by the grievant will be called individually and will be taken through their evidence by the grievant or their representative.

6. Questioning of the grievant's witnesses will take place in the order outlined above at point 4, by process of question and answer.

7. The original Hearing Officer/Chair of Panel will present their response to the appeal.

8. Questioning of the original Hearing Officer / Chair of Panel will then take place in the following order:

   - The grievant or their representative
   - The Appeal Hearing Officer/Panel

- ❖ The HR Adviser

9. The original Hearing Officer / Chair of Panel will individually call any witnesses relevant to the grounds for appeal. They may wish to call the manager against whom the grievance was submitted.

10. Questioning of the manager's witnesses will take place in the order outlined at point 8, by process of question and answer.

11. The Appeal Hearing Officer / Panel may request further information if necessary or call further witnesses. The Appeal Hearing Officer / Panel may adjourn the hearing in order to obtain this. If this happens, any reconvening of the appeal hearing will only take place with all parties present.

12. The Appeal Hearing Officer / Panel will invite both parties to sum up: firstly the grievant or their representative, followed by the original Hearing Officer/Chair of Panel.

13. All parties withdraw apart from the Appeal Hearing Officer/Panel, HR adviser and notetaker. The Appeal Hearing Officer / Panel will deliberate and reach a decision on the basis of the evidence presented. The Schools' HR adviser will provide advice as necessary. The Appeal Hearing Officer/Panel should make a note of the reasoning behind the decision reached and keep this carefully filed for future reference if need be. The Appeal Hearing Officer/Panel will confirm their decision, in writing, to both parties within 10 working days of the hearing.

14. The decision of the Appeal Hearing Officer / Panel is final and there will be no further right of appeal.

APPENDIX 4

Mediation / facilitation: guiding principles

- Paragraph 9.1.2 of the policy states: It may be helpful in resolving issues at this early stage to involve a third party in helping to facilitate discussions. This might include the manager's manager, another manager, an HR Adviser, or another appropriate person arranging some level of mediation or facilitation. Both the employee and the manager should be in agreement to this approach as a possible way to resolve the issue(s) informally. This does not remove the right to subsequently register a formal grievance.

- Mediation may be offered at any stage in the process.

- Mediation is voluntary; parties to the grievance are not compelled to participate.

- Mediation will take place as soon as possible following receipt of a written agreement to participate, from both parties.

- Mediation will only take place if both parties to the grievance agree to participate.

- Mediation may be carried out by an external mediation service, (e.g. ACAS), or by the Schools' HR Team, by a governor, by the Headteacher or by another senior leader in school.

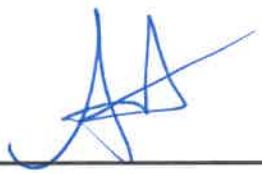
- The format for any mediation or facilitation process should be agreed by the participants in advance.

- Any cost attached to mediation must be met by the school.

- If the grievance is not resolved through local discussions or mediation, the aggrieved member of staff may progress the matter through the formal process. In this circumstance, their grievance may be referred to a hearing by the Headteacher or a governor panel; or referred for investigation by the Headteacher, by the Chair of Governors (or a governor nominated by the Chair), or by an investigator independent of the school.

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FEDERATION

Grievance policy and procedure
(SCHOOL BASED EMPLOYEES)

Chair of Governors: 
Executive Headteacher: Mr. Dean Gordon NPQEL
Date: 16th APRIL 2026
Date to be reviewed: APRIL 2027

LEWISHAM LOCAL AUTHORITY
MODEL GRIEVANCE POLICY and PROCEDURE

SCHOOL BASED EMPLOYEES

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1. INTRODUCTION

1.1 This document is designed to help the school, its employees and their representatives, to deal with grievances in the workplace encouraging the resolution of grievances in a prompt, fair and consistent manner. It provides a means of investigating grievances and where necessary recommending ways in which these can be resolved or redressed.

1.2 Managers are expected to understand and follow the process, seeking wherever possible to resolve issues informally.

1.3 Staff are expected to seek to resolve any concerns or grievances at an informal level where possible, only accessing the formal process where this is not possible.

2. PRINCIPLES

2.1 Grievances must be against a named individual(s) who must be a manager. Complaints that concern an issue between one employee and another, or that involve a third-party complaint, will not be dealt with under the grievance procedure.

2.2 Wherever possible grievances should be dealt with informally seeking a mutually acceptable resolution through local discussion (and, if appropriate, with some level of mediation or facilitation). Appendix 4 to this policy and procedure contains some guiding principles for mediation

2.3 Employees raising a grievance have the right to be represented at any stage in the formal process by a trade union representative or work colleague.

2.4 Managers responding to a grievance may be accompanied at a grievance investigation meeting / hearing by a trade union representative or work colleague. The role of this person is to accompany, not represent, the manager. They should not be a witness or be otherwise involved in the process.

2.5 Grievances should be raised as quickly as possible after the decision / incident which causes the employee to be aggrieved and no later than 3 months after the decision / incident, other than in exceptional circumstances or where a linked pattern of behaviour exists.

2.6 In the interests of the school and all parties concerned, all stages of the grievance procedure will be affected as speedily as possible and within the timescales prescribed. Timescales shown in the procedure may be varied by mutual agreement, or where there are unavoidable or exceptional circumstances.

2.7 No employee will be victimised because of taking out a formal grievance. However, repeated unfounded or vexatious grievances by an employee will be reviewed to ensure the process is not being abused as a means to bully, harass or victimise others and to ensure that the employee's actions do not have the effect of bullying or harassing others.

2.8 All forms of discrimination, including harassment and discrimination on the grounds of race, gender, sexual orientation, gender re-assignment, disability, age, marriage/civil partnership, religion or belief, pregnancy and maternity are unacceptable and contravene the Equality Act 2010, the school/Council's equal opportunities policies and expected standards of behaviour and conduct.

2.9 Employees will have a right of appeal if they remain dissatisfied with the outcome of consideration of their grievance.

2.10 All parties should treat grievance matters as confidential.

2.11 Reference to the 'Hearing Officer' in the policy may also include the Chair of Governors (the Chair's nominated governor representative) or a Panel of Governors as appropriate.

3. SCOPE OF THE PROCEDURE

3.1 The procedure applies to all employees in this school.

3.2 Where an employee has registered a grievance but leaves their school employment before any hearing / meeting has taken place, the grievance proceedings will cease. Where a hearing / investigation meeting has already taken place but been adjourned, the Hearing Officer will determine if the issues raised should still be considered. In reaching their decision the Hearing Officer / Panel should take into account the nature of the grievance and whether or not other employees or pupils/students/parents may be affected by the outcome of the grievance or where the nature of the complaint, if substantiated, could result in disciplinary action for serious misconduct being instigated against the employee grieved against.

3.3 The school is mindful of the need to minimise the cost and use of management time in continuing with an investigation when the complainant has left. If the Hearing Officer / Panel decides the issues raised should continue to be investigated this will not need to be through formally reconvening a grievance hearing once an employee has left, but could be by consideration of the written grievance submitted and follow-up meetings with relevant parties (including, if appropriate, meeting with the ex-employee to clarify issues).

3.4 An ex-employee will not have a right of appeal against the conclusions reached by the Hearing Officer / Panel.

3.5 Where an employee submits a grievance after leaving the school, this will not be dealt with under the grievance procedure. However, the school may wish to address the issues raised and respond to the ex-employee in writing. Where the grievance makes allegations which potentially affect the safety of children or employees, these should be investigated under the relevant school procedure.

3.6 Where an employee submits a grievance against a manager who subsequently leaves the school, the grievance will not be progressed. However, where the concerns raised are not specific personal allegations against the manager who has left, (i.e. they are with regard to general management issues which are still pertinent to the grievant's employment, rather than the personal behaviours or action of the ex-manager) the school may wish to continue to address the concerns raised. The school may consider it appropriate to contact the ex-manager, but there is no requirement to do so, or any obligation on the part of the ex-manager to participate in the discussion.

3.7 Grievances should be raised as quickly as possible after the decision / incident which causes the employee to be aggrieved and no later than 3 months after the issue / incident. Other than in exceptional circumstances and where the employee provides a satisfactory reason to the school to explain why it was not possible to register their grievance within this timescale, grievances registered after this timescale will not be heard. Any disagreement may be referred to the Executive HT, HT or Chair of Governors, as appropriate, whose decision will be final. Guidance from HR may be sought where necessary.

3.8 If, having registered a grievance an employee fails to participate in the process, without good reason, a decision may be made not to proceed with an investigation of the grievance. In such circumstances the employee should be advised in writing of the decision, with reasons.

3.9 Where an employee is concerned about the conduct or actions of another employee who is not a manager, this should be raised with that employee's manager in the first instance. The manager will establish the circumstances and determine what action, if any, should be taken.

4. EXCLUSIONS FROM THE SCOPE OF THE PROCEDURE

4.1 The grievance procedure is to be used as a means of resolving employee issues or responding to employee complaints arising from their employment. These may arise as a result of complaints about the conduct / behaviour of managers / supervisors towards employees, or as a result of a management decision or lack of management action which the employee believes to be to his / her detriment and where the concerns raised are not covered by another school / Council procedure. The procedure applies to all matters within the normal employer / employee relationship except:

- Matters subject to the collective bargaining machinery
- Complaints about whether the school should carry out statutory responsibilities and complaints about school policy / conditions of service other than as they relate to the implementation of such policies / terms and conditions where it is considered that they have not been fairly applied.
- Matters for which there are alternative and specific appeals mechanisms, e.g. results of a job evaluation process or matters relating to the non-confirmation of employment of employees on probation.
- Matters covered by the disciplinary and capability policies / procedures.
- Employee complaints against the Chair of Governors

4.2 If a grievance is raised in response to any management action being taken to address a disciplinary, capability or probationary process concern, the status quo will not be preserved. This means that any procedural discussions, actions or proceedings that have begun will not be suspended pending the outcome of the grievance process. Where the grievance relates to action being taken by management under these processes, the grievance will not form part of a separate grievance hearing as the employee will have the opportunity to respond to the action being taken through the relevant procedure. ACAS guidance should be followed in these circumstances.

4.3 Where the grievance has no bearing on any management action being taken, the grievance will be considered in the usual way.

4.4 Management should not start disciplinary or capability action against an employee who has a grievance in process until that grievance process has been concluded, unless the two issues are unrelated or unless there are exceptional circumstances e.g. the employee has allegedly committed an act of gross misconduct / negligence or gross incapability.

4.5 Registration of a grievance under this procedure shall not prevent a manager from subsequently taking appropriate management action against an employee.

4.6 Matters relating to specific incidents which have already been investigated and dealt with under the grievance procedure cannot be raised again.

5. MATTERS OTHER THAN PERSONAL GRIEVANCES

5.1 Occasionally there may be circumstances where an employee has concerns about the conduct of their manager / supervisor which they feel warrants investigation where this is not in relation to them personally. Examples include alleged financial irregularities by their line manager, allegations of abuse against service users, misconduct or discriminatory behaviour towards service users or other employees, or other action(s) by the line manager which cause concern.

5.2 Such concerns should be brought to the attention of the Headteacher / Executive Headteacher to be dealt with in the appropriate manner under the relevant procedure. Where the matter involves the Headteacher / Head of School, the employee should refer it to the Executive Headteacher and where the Executive Headteacher is involved, it should be referred to the Chair of Governors and advice should be sought from the Schools' HR Team.

6. GROUP GRIEVANCES

6.1 Where more than one employee raises a grievance against the same manager at the same time regarding the same sort of issues, as a group grievance, this will be dealt with by way of an investigation rather than through a grievance hearing process.

The grievances or complaints raised must come within the scope of the grievance procedure, for example matters referred to should be current (i.e. within the last 3 months) unless there are exceptional reasons why older matters should be included.

6.2 A manager e.g. Deputy Headteacher, Head of Department or School Business Manager will be nominated to investigate the complaints being raised.

6.3 The investigating manager will produce a report for the Headteacher / Executive Headteacher who will consider the findings, make decisions and ensure that appropriate feedback is given to all parties. There will be no right of appeal in these circumstances.

7. GRIEVANCES AGAINST AN EXECUTIVE HEADTEACHER / HEADTEACHER

7.1 A grievance that is personally directed at the Headteacher will be referred to the Executive Headteacher or Chair of Governors, as appropriate. A grievance that is personally directed at the Executive Headteacher will be referred to the Chair of

Governors. Dependent upon the circumstances the Chair of Governors may nominate a member of the school's Governing Body to investigate the issues raised by the grievant and to provide the Chair with their findings and recommendations in the form of a report. Alternatively, the Chair of Governors may request that a suitable senior officer in the council be appointed to investigate the grievance or may decide to undertake the investigation themselves. In any event, the Chair of Governors will be the decision maker.

7.2 A complaint against the Chair of Governors will be referred to the Executive Director for Children and Young People. Any such complaint will not be dealt with under the grievance procedure.

7.3 Appeals will be referred to an Appeal Panel of Governors who have not previously been involved.

8. REPEATED GRIEVANCES BY AN EMPLOYEE

8.1 The school is totally committed to ensuring that there is a fair process in place to address concerns employees may have about their employment. The school respects the right of employees to raise such concerns and that they should not be victimised for doing so.

8.2 However, in circumstances where an employee repeatedly raises unfounded grievances against managers and / or unfounded complaints against others, consideration should be given as to whether or not these actions are malicious and vexatious and / or could in themselves constitute harassment or bullying of managers and / or colleagues. Advice should be sought from the Schools' HR Team in such circumstances.

9. THE PROCEDURE

9.1 Informal Process

9.1.1 Wherever possible grievances should be resolved informally and any employee with a grievance covered by this policy should raise it with their line manager verbally and / or in writing. The line manager will, wherever possible, respond to the grievance at the time it is raised, and where this is not possible, within 10 working days.

9.1.2 It may be helpful in resolving issues at this early stage to involve a third party in helping to facilitate discussions. This might include the manager's manager, another manager, an HR Adviser, or another appropriate person arranging some level of mediation or facilitation. Both the employee and the manager should be in agreement to this approach as a possible way to resolve the issue(s) informally. This does not remove the right to subsequently register a formal grievance.

9.1.3 In instances of harassment or discrimination, it may be appropriate for the employee to first inform the alleged harasser that their behaviour is offensive, or their actions unwelcome. This may stop the harassment or discrimination at an early stage. However, it is recognised that in some instances this course of action may be too difficult for the employee. If the employee does not consider that a direct approach is appropriate, or this is tried but is unsuccessful, then they should pursue their concerns with their line manager as outlined above, that is, in writing or raise the matter with another appropriate manager, who could be the line manager's own manager. If the employee does not consider this appropriate, they should seek

advice from either HR or, if they are a member of a trade union, from their trade union representative. Other than in exceptional circumstances an employee should initially raise their concerns directly with their manager, before submitting a formal grievance, to seek resolution where possible at an early stage.

9.2 Formal Process

9.2.1 The aggrieved employee may register a written grievance where it has not been possible to resolve this through the informal process.

9.2.2 The employee must register their grievance by completing the Grievance notification form at Appendix 1. This should be sent to the Headteacher / Head of School / Executive Headteacher, as appropriate. This should be done within 5 working days of the manager / supervisor's response to their informal grievance (i.e. the manager's verbal or written response).

9.2.3 Employees need to specify clearly and comprehensively the nature of their grievance. For example, if the claim is one of harassment, detailed facts of the alleged harassment need to be specified in the original notification of the grievance.

9.2.4 If the scope / content of the grievance is not clear, the employee will be asked to provide clarification before arrangements are made for the grievance to be investigated or for a grievance hearing to be arranged.

9.2.5 On receipt of the grievance the Head of School / Headteacher / Executive Headteacher, in liaison with the Schools' HR Team if necessary, will:

- Determine if the grievance falls within the scope of the procedure; and
- Decide whether there are particular and exceptional circumstances which mean that the complaint / allegation should be investigated as a disciplinary matter.

If the latter applies, the matter will be dealt with under the disciplinary process and the aggrieved employee will be interviewed as part of the fact finding investigation under that process.

9.2.6 Where the employee is advised that their grievance falls outside the scope of the policy and they remain of the view that it should be addressed within the procedure, they should provide the Schools' HR Team with written reasons why they believe that their complaint falls within the scope of the policy. This will be referred by the Schools' HR Team to the Chair of Governors for a final decision.

9.2.7 The Headteacher / Executive Headteacher will acknowledge receipt of the grievance within 5 working days and refer the matter to the school's HR Adviser for process arrangements to be progressed. The manager grieved against will be notified that a grievance has been lodged and will be given a copy of the written grievance.

9.2.8 Grievances can be heard by calling all parties together (a Grievance Hearing) or by investigating the matter by process of individual meetings with the parties to the grievance and any witnesses. The appropriate process will be discussed with the employee, and / or their trade union where represented and the manager grieved against. One advantage of bringing both parties together at a hearing is that this will allow both parties the opportunity to ask questions of each other, however, where it is decided to process the grievance by way of an investigation, it will be incumbent

upon the investigating officer to ensure that questioning of both parties and witnesses is thorough and recorded in writing.

9.2.9 In circumstances where the issues complained of represent wilful and unacceptable conduct these should be dealt with by means of a fact-finding investigation under the disciplinary procedure.

9.2.10 A hearing officer (or hearing panel) or investigating officer will be appointed and arrangements will be made to either hold the hearing or start the investigation within 20 working days of the registration of the formal grievance, where possible. Where this is not possible the employee should be informed and updated on progress, in writing. The manager appointed will be referred to throughout this policy as the Hearing Officer regardless of whether or not they hear the grievance by meeting with the parties separately, or together.

9.2.11 An Adviser from the Schools' HR Team may provide advice to the Hearing Officer.

9.2.12 Prior to either the grievance hearing, or the start of the investigation, both parties will submit the names of any witnesses and copies of any documentation they wish to be taken into consideration to the Schools' HR Adviser assigned to co-ordinate arrangements. The Hearing Officer will have the discretion to call for additional witnesses, or documentation, as they consider to be appropriate. It is expected that any school employees called as witnesses will attend. Witnesses may be accompanied by a trade union representative or work colleague if they wish to be. This should not be someone who themselves may be called as a witness.

9.2.13 Dependent upon the nature of the complaint or allegation, the letter calling the person grieved against to the hearing must advise them that should the Hearing Officer conclude that there is substance in the complaints made against them, a possible outcome of the hearing could be a recommendation for disciplinary action. The person grieved against may also be accompanied by either their trade union or a work colleague.

9.2.14 Where the grievance is to be dealt with at a hearing, the names of any witnesses and any documentation submitted by either party will be given to both parties 5 working days prior to the hearing. Where the grievance is to be dealt with by meeting with all parties separately (i.e. by means of an investigation), all parties will be provided with the names of witnesses and documents prior to the investigation starting. The Hearing Officer should meet first with the grievant to hear their complaint and should clarify the reasons why they wish the Hearing Officer to meet with witnesses (i.e. what relevance their evidence has to the complaints being made). The Hearing Officer will then ensure that when they meet with any witnesses they explore these matters with them. Likewise when the Hearing Officer meets with the manager grieved against, they should clarify the reasons for calling any management witnesses. Should any further witnesses or documents be considered during the investigation, both parties will be advised of this and copies of any new documents sent to both parties (employee grievant and manager grieved against). In some circumstances, the Hearing Officer may determine that the reasons for calling witnesses do not have any relevance or bearing on the complaints raised. In such circumstances the Hearing Officer may decide not to meet with the witness(s). Where the Hearing Officer decides not to meet with a named witness as part of their investigation, they will advise the relevant party of their reasons for not doing so.

9.2.15 Where both parties attend a grievance hearing, each party will have an opportunity to question the other and, also, any witnesses who are called to give evidence. The procedure to be followed at a grievance hearing is set out in Appendix 2.

10.0 Outcome

10.1 The Hearing Officer will consider all information pertinent to the grievance, that is, verbal presentations, evidence given by witnesses and all of the relevant documentation submitted by the grievant and the manager. The Hearing Officer will inform both parties and their representatives (where relevant) of their decision within 10 working days of the hearing / conclusion of the investigation. The decision must be given in writing.

The grievance decision should be confined to the issues raised in the original notification of grievance. Other issues which may arise should be dealt with separately.

10.2 Where the process has involved an independent investigation rather than a grievance hearing, the investigating officer should provide a report of the process followed, their findings, conclusions and recommendations sufficient to enable the decision maker (normally the Chair of Governors) to reach an outcome that is evidence based.

10.3 Possible outcomes may be:

- The grievance is not upheld
- The grievance is partly upheld
- The grievance is upheld

10.4 If the grievance is upheld, a recommendation may be that:

- Disciplinary action should be considered. In this event, the Hearing Officer may recommend that a hearing is convened in line with the disciplinary process. If a disciplinary hearing is convened, the grievance investigation will be treated as constituting the fact finding and the Hearing Officer, having concluded that there is a case to answer, will present the management case to the nominated Disciplinary Hearing Officer / Panel.

- Some other form of action may be appropriate, including training, team-building, transfer etc.

- The feasibility and process by which proposed courses of action are implemented must be taken into account, as appropriate, prior to the determination of the final decision. Any decisions must fall within current school/council policy and procedures and be capable of implementation. Advice should also be taken from the Schools' HR Team.

11. Appeal

11.1 If the grievant is not satisfied with the Hearing Officer / Hearing Panel decision, he/she can appeal. Any such appeal must be registered with the Executive Headteacher / Chair of Governors, as appropriate, within 10 working days of receipt of the outcome letter. The appeal letter must clearly state the reasons why the employee remains aggrieved and the redress being sought. If the content of the

appeal is not clear, the appellant will be asked to provide clarification before arrangements are made for the appeal to be heard.

11.2 The manager grieved against does not have a right of appeal against the outcome of the grievance hearing.

11.3 An appeal hearing will be arranged where possible within 20 working days of receipt of the employee's letter. The procedure to be followed at the hearing is at Appendix 3. The arrangements for this hearing may be co-ordinated by the Schools' HR Team.

11.4 The appeal hearing will not address any new issues raised by the grievant.

11.5 Additional evidence or witnesses may not be introduced, other than in exceptional circumstances and with the agreement of the Chair of the Appeal Hearing.

11.6 The reasons for the decision reached on the grievance will be presented / explained by the original Hearing Officer / Chair of the original panel or the investigating manager, depending on the nature of the case and the grounds for the appeal. Advice may be sought from the Schools' HR Team.

11.7 The role of the Appeal Hearing Officer / Panel will be to reach a decision having heard and considered the grounds of the appeal and having heard the reasons for the original decision.

11.8 The Appeal Hearing Officer / Panel may confirm or vary the findings of the original hearing, or may refer any matters covered back to the original Hearing Officer for them to review their findings or vary their decision(s).

11.9 The decision of the Appeal Hearing Officer / Panel will be confirmed in writing to both parties within 10 working days of the hearing.

11.10 The decision of the Appeal Hearing Officer / Panel will be final and there will be no further right of appeal under this procedure.

APPENDIX 1

Grievance notification form

To raise a formal grievance, please complete this form in full and send it, in an envelope marked *'strictly confidential – addressee only'*, to your Headteacher / Head of School / Executive Headteacher, as appropriate.

Name:	Date :
School Name:	
Job Title:	

I wish to register a grievance against:

	(name and title of manager, and where appropriate, name of department)

My grievance is: (brief summary):

Please provide details of the incident(s) leading to the grievance with dates, times, locations, names of witnesses and any other relevant evidence/information. Use additional pages if necessary.

Only in exceptional circumstances will grievances based on issues more than 3 months old be considered. If you wish to raise issues related to incidents that occurred more than three months ago, please explain why your grievance was not registered at an earlier date.

I have discussed this grievance with: (This should be the manager you wish to grieve against).

The outcome of this discussion was:

I remain aggrieved because:

As a result, I wish to exercise my right to raise a formal grievance with you.
The redress I am seeking is:

My trade union representative is:

Representative address:

Telephone:

Email:

My contact address:

Telephone:

Email:

Signed:

Date:

APPENDIX 2

Procedure to be followed at a formal grievance hearing

Those in attendance:

- Hearing Officer / Governor or Panel of Governors
- HR Adviser
- Grievant
- Grievant's trade union representative or school workplace colleague
- Manager against whom the grievance has been registered
- Trade union representative or work colleague accompanying the responding manager
- Note taker
- Witnesses

The note taker's role is confined to taking notes of the hearing on behalf of the Hearing Officer / Panel (who will make arrangements for a note taker to be present).

Whilst notes should be an accurate summary of the meeting, they need not be verbatim. If a copy of the notes is included in any subsequent appeal process documentation, a copy will also be disclosed to the employee for information.

Where a hearing is arranged, witnesses will only be present when giving evidence.

The Procedure

1. The Hearing Officer / Panel Chair will introduce the parties and outline the process to be followed (this may be done by the HR Adviser on behalf of the Hearing Officer / Panel Chair.

2. The Hearing Officer will confirm that the proceedings should not be electronically recorded by any of the parties and will seek confirmation from all those present that recording devices will not be used.

3. The grievant (or their representative) will present their grievance and state the redress being sought. Where the representative has presented the case, they may question the grievant as part of the presentation.

4. Questioning of the grievant will then take place in the following order:

    - The manager against whom the grievance has been registered
    - The Hearing Officer / Panel
    - The HR Adviser

5. Any witnesses being called by the grievant will be called individually and will be taken through their evidence by the grievant or their representative by process of question and answer.

6. Questioning of the grievant's witnesses will take place in the order listed above at point 4.

7. The manager grieved against will present their response to the grievance(s) against them.

8. Questioning of the manager will then take place in the following order:

    - The grievant and / or their representative
    - The Hearing Officer / Panel
    - The HR Adviser

9. The manager will call any witnesses individually and take them through their evidence by process of question and answer.

10. Questioning of the manager's witnesses will then take place in the order listed at point 8.

11. The Hearing Officer / Panel may request further information if necessary or require other witnesses to attend. The Hearing Officer / Panel may adjourn the hearing in order to do this. If this happens, any reconvening of the hearing will only take place with all parties present.

12. The Hearing Officer / Panel will invite both parties to sum up: firstly the grievant or their representative, followed by the manager.

13. All parties withdraw apart from the Hearing Officer / Panel, HR Adviser and notetaker. The Hearing Officer / Panel will deliberate and reach a decision on the basis of the evidence presented. The Schools' HR Adviser will provide advice as required. The Hearing Officer / Panel should make a note of the reasoning behind the decision reached and keep this carefully filed for future reference if need be. The Hearing Officer / Panel will confirm their decision, in writing, to both parties within 10 working days of the hearing.

APPENDIX 3

Procedure to be followed at an appeal hearing

Those in attendance:

- Appeal Hearing Officer / Panel
- HR Adviser
- Grievant
- Presenting Manager (i.e. the Hearing Officer/Chair of the Panel from the original hearing)
- HR Adviser accompanying the Presenting Manager where requested
- Grievant's trade union representative or school workplace colleague
- Management note taker
- Witnesses (only when giving evidence)

The note taker's role is confined to taking notes of the hearing on behalf of the Hearing Officer / Panel who will make arrangements for a note taker to be present. Whilst notes should be an accurate summary of the meeting, they need not be verbatim. A copy of the notes should also be sent to the appellant, on request.

The Procedure

1. The Appeal Hearing Officer / Panel will introduce all parties and outline the procedure to be followed.

2. The Appeal Hearing Officer / Panel will confirm that the proceedings should not be electronically recorded by any of the parties and will seek confirmation from all those present that recording devices will not be used.

3. The grievant or their representative will present their grounds for appeal, explaining why they remain aggrieved and the redress being sought. Where the representative has presented the case, they may question the grievant as part of the presentation.

4. Questioning of the grievant will then take place in the following order:

   - The Presenting Manager
   - The Appeal Hearing Officer/Panel
   - The HR Adviser

5. The Appeal is not a re-hearing and any witnesses called should be relevant to the grounds for appeal. Any such witnesses being called by the grievant will be called individually and will be taken through their evidence by the grievant or their representative.

6. Questioning of the grievant's witnesses will take place in the order outlined above at point 4, by process of question and answer.

7. The original Hearing Officer/Chair of Panel will present their response to the appeal.

8. Questioning of the original Hearing Officer / Chair of Panel will then take place in the following order:

   - The grievant or their representative
   - The Appeal Hearing Officer/Panel

- ❖ The HR Adviser

9. The original Hearing Officer / Chair of Panel will individually call any witnesses relevant to the grounds for appeal. They may wish to call the manager against whom the grievance was submitted.

10. Questioning of the manager's witnesses will take place in the order outlined at point 8, by process of question and answer.

11. The Appeal Hearing Officer / Panel may request further information if necessary or call further witnesses. The Appeal Hearing Officer / Panel may adjourn the hearing in order to obtain this. If this happens, any reconvening of the appeal hearing will only take place with all parties present.

12. The Appeal Hearing Officer / Panel will invite both parties to sum up: firstly the grievant or their representative, followed by the original Hearing Officer/Chair of Panel.

13. All parties withdraw apart from the Appeal Hearing Officer/Panel, HR adviser and notetaker. The Appeal Hearing Officer / Panel will deliberate and reach a decision on the basis of the evidence presented. The Schools' HR adviser will provide advice as necessary. The Appeal Hearing Officer/Panel should make a note of the reasoning behind the decision reached and keep this carefully filed for future reference if need be. The Appeal Hearing Officer/Panel will confirm their decision, in writing, to both parties within 10 working days of the hearing.

14. The decision of the Appeal Hearing Officer / Panel is final and there will be no further right of appeal.

APPENDIX 4

Mediation / facilitation: guiding principles

- Paragraph 9.1.2 of the policy states: It may be helpful in resolving issues at this early stage to involve a third party in helping to facilitate discussions. This might include the manager's manager, another manager, an HR Adviser, or another appropriate person arranging some level of mediation or facilitation. Both the employee and the manager should be in agreement to this approach as a possible way to resolve the issue(s) informally. This does not remove the right to subsequently register a formal grievance.

- Mediation may be offered at any stage in the process.

- Mediation is voluntary; parties to the grievance are not compelled to participate.

- Mediation will take place as soon as possible following receipt of a written agreement to participate, from both parties.

- Mediation will only take place if both parties to the grievance agree to participate.

- Mediation may be carried out by an external mediation service, (e.g. ACAS), or by the Schools' HR Team, by a governor, by the Headteacher or by another senior leader in school.

- The format for any mediation or facilitation process should be agreed by the participants in advance.

- Any cost attached to mediation must be met by the school.

- If the grievance is not resolved through local discussions or mediation, the aggrieved member of staff may progress the matter through the formal process. In this circumstance, their grievance may be referred to a hearing by the Headteacher or a governor panel; or referred for investigation by the Headteacher, by the Chair of Governors (or a governor nominated by the Chair), or by an investigator independent of the school.