



WOODLANDS  
PRIMARY AND NURSERY SCHOOL

# Employee Grievance Scheme

Developed by: Human Resources

Reviewed Date: September 2014 (Updated: January 2017)

Adopted by Woodlands Primary & Nursery School November 2017

Review Date: November 2024

This procedure will be subject to review twelve months following the date of introduction. The review will focus on the impact the scheme has had in resolving issues and the manner in which it has been used.

## Aims

Telford & Wrekin recognises that from time to time individual employees may have a grievance against the Council as an employer. Usually line managers will be able to deal with concerns as part of their day to day management however there may be occasions when this is not possible or does not happen.

This scheme is only intended for use where informal discussion, at which individuals are entitled to have representation or trade union presence, have not achieved resolution of a situation. It is not a substitute for discussion between individuals and their manager.

It is expected that most problems an employee may have with their employment with Telford & Wrekin will be dealt with satisfactorily and informally in the course of the normal working relationship between the employee concerned and their immediate supervisor/manager.

## Purpose

The purpose of this scheme is to provide a mechanism within which grievances can be resolved swiftly and at the lowest level possible. The scheme is designed around the principles of natural justice and has to be operated in a flexible manner to achieve this aim.

This policy is not intended to be used for grievances relating to a disciplinary decision - where the appeals procedure contained within the Disciplinary Policy must be utilised. However individuals are entitled to commence grievance procedures whilst under disciplinary investigation. Issues concerning relationships with colleagues are best dealt with using the procedure outlined in the Dignity at Work policy. However if there was no resolution then this policy may be used. In addition, where an issue relates to a decision regarding job evaluation the normal Job Evaluation appeals procedure, would be used to resolve the matter at the lowest level.

Therefore -

- ❖ The scheme applies to all employees of the Council except where other local arrangements have been agreed (e.g. Schools).
- ❖ The scheme is designed to resolve individual issues but may be applied in appropriate circumstances where a group grievance exists

- ❖ The three stage grievance policy is applicable whilst the employee is employed. If an employee ends their employment whilst the grievance procedure has not been completed, then it should be continued until the grievance procedure has been exhausted.

## Grievance Procedure

### Stage One

Where informal discussion has not resolved an issue and an individual remains dissatisfied about any matter affecting their employment the matter should be formally registered as a grievance via completion of the Stage One form. The submission must include a sufficient explanation of the basis for the grievance. Where a matter affects a group of employees, it may be suggested that a spokesperson is used who may be a trade union representative. Any individual may request representation from his or her trade union at this stage or any other stage of this policy.

If it is inappropriate for the immediate line manager to consider a grievance e.g. because s/he is the subject of it, the next most senior manager (i.e. the manager's manager) will be asked to respond. If s/he considers that it may help to find a resolution to the issue the manager considering the case may call a meeting of one or more parties to the grievance.

The written response will be completed and despatched within five working days of receipt of the written grievance form, a meeting convened to resolve the issue or further investigatory process to gather more information. That meeting should also been convened without delay, in order to meet the spirit and purpose of the procedure.

In very unusual circumstances it may not be possible to respond within the specified time period. In these circumstances the employee and/or their trade union representative should be given an explanation for the delay and told when a response can be expected. In any case the employee should be told of the delay no later than ten working days.

### Stage Two

Where the employee is dissatisfied with the manager's response at Stage One, the employee and/or their representative or the group and/or their representatives may refer it in writing, using Grievance Stage Two form within ten working days, of receiving the Stage One response, to the next level of management who will be advised by a Human Resources representative. Copies should be sent to the relevant Human Resources representative for the service area.

The employee, or their representative, will be invited to a meeting with the Chair to consider the matter within ten working days of receiving the appeal. The employee may be accompanied to this meeting by a workplace colleague or trade union representative. Witnesses may be called if appropriate.

## The Stage Two Hearing

A grievance hearing will be set up at this stage attended by the employee and their representative and/or trade union as well as the appropriate line manager, advised by a Human Resources representative.

The hearing requires:

- Both sides to present their case and witnesses may be called if appropriate.
- Documentary evidence may be submitted provided it has been circulated at least three working days in advance. (See note regarding additional documentary evidence below).
- The aim of the meeting is to achieve a resolution to the grievance submitted.
- The role of the Chair is to remain impartial throughout the process and to adopt an approach aimed at reaching an agreed outcome. This may not be possible in some cases where the original decision will be confirmed or an alternative substituted.
- The Chair has the responsibility to ensure that all individuals have the opportunity to put forward evidence in support of their argument and that this is considered in an objective manner. If, by virtue of previous involvement in the case, a nominated Chair believes that impartiality is not possible the grievance hearing will be conducted by another manager.
- Generally the nominated Chair will be from the same service area to maintain the principle of responsibility for decisions remaining in the same management structure. However in exceptional circumstances the grievance may be chaired by a manager from outside the line structure of the service area concerned.

- The panel Chair will write to all parties within eight working days of the grievance hearing explaining the decision reached. In very unusual circumstances it may not be possible to respond within the specified time period. In these circumstances the employee should be given an explanation for the delay within the timescale and told when a response can be expected.

Limited additional documentary evidence may be submitted to the Chair 24 hours in advance of the hearing. However, this should not be used as an opportunity to table papers which could have been submitted earlier. Where there is a dispute the Chair will decide. If vital new evidence becomes available that could not have been submitted earlier, the Chair can decide to adjourn the hearing in order to consider the new evidence. The adjournment should not be more than five working days.

### Stage Three (Application for Members Appeal)

If the employee or their trade union representative is dissatisfied with the outcome of the Stage Two Appeal, then the employee or the trade union representative must submit within ten working days a written notification of an appeal to the Appeals Committee. This should detail the grounds upon which the appeal is based.

The appeal should be sent to the Human Resources Manager with a copy to the appropriate Assistant Director / Director of the service area of the employee concerned.

The members appeal will be convened at the earliest opportunity. The hearing will be heard by a properly constituted Appeals Committee of Council Members. The Chair of the Appeals Committee has the right to convene a prior meeting with trade union representatives and management with the aim of settling the issue before the hearing is convened.

The procedure for the hearing will follow that set out for Appeal Committee hearings, and at all times comply with the principles of natural justice.

The decision of the Chair will be in writing within eight working days and the decision will be final.

### Grievance Procedure General Points

- ❖ Where the issue relates to projected changes, the status quo will be applied until the grievance process is completed.
- ❖ Where changes have been implemented the revised arrangements will remain in place until the grievance process is completed.

- ❖ The same grievance may not be resubmitted within six months of being subject to this procedure.
  - ❖ It is important, and in the interests of both employer and employee, to keep written records during the grievance process. Copies of meeting minutes will be given to the employee concerned. It is desirable that the employee or their representative will agree the formal notes and minutes of the meetings held, but in certain circumstances this may not be possible. In these cases the notes and minutes must be recorded as 'not agreed,' with the employee and or trade union permitted to attach a note to the minutes in these circumstances.
  - ❖ In certain circumstances the employer may withhold some information e.g. if the employer believed there to be a risk of intimidation or harassment.
- 
- ❖ Records should be treated as confidential and kept in accordance with the Data Protection Act 1998, which gives individuals the right to request and have access to certain personal data.
  - ❖ Before setting dates to discuss any grievance, reasonable efforts should be made to arrange with both the employee and the employee's representative that they are able to attend. If the meeting falls through on two occasions due to the employee and/or representative and/or trade union, the employer will be under no obligation under the statutory procedures to rearrange it again. If this is the case the Chair may decide to make a decision based on the information to date.
  - ❖ If an employee raises a grievance regarding the fact they are subject to disciplinary or capability action both issues can be combined if they are linked and dealt with via one process.

### Grievance Stage One

*Please detail the basis of your grievance / complaint:*

*What action have you taken to date to resolve the situation?*

What outcome do you hope to achieve as a result of this grievance?

Name:

Signature:

Date:

Name of TU Rep:

Name of Line Manager:

### Grievance Stage Two

I have received the attached response from my manager to the grievance stage one. I wish to appeal against this decision for the following reasons:

What outcome do you hope to achieve as a result of this grievance if different or in addition to those previously stated in the Stage One submission?

*Please send copies of this report to your managers manager and your Human Resources representative*

Name:

Signature:

Date:

Name of TU Rep:

Name of Line Manager: