



GRIEVANCE RESOLUTION POLICY

**For schools and educational settings in
the London Borough of Hackney**

Version 7.0, July 2024

Hackney Education

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About this policy

Purpose

This document describes the Grievance policy and procedure. Refer to the table of contents, below, for a full list of topics covered.

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Version control

The table below shows the history of the document and the changes that were made at each version:

Version	Date	Summary of changes
1.0	January 2008	First published version.
2.0	June 2008	Corrected a typo to change Section 16 to be 'Conducting a Stage 2 Hearing', rather than 'Conducting a Stage 3 Hearing'.
3.0	July 2009	Minor amendments made re content of letter informing outcome of hearing and mediation in line with repeal of statutory dispute resolution procedures and new ACAS code.
4.0	May 2011	Policy rewritten and republished.
5.0	August 2011	Minor change to section 5.2 to clarify what happens if the grievance is against someone's line manager. Also a slight change to the Grievance Form.
6.0	August 2014	Policy review: Parts of policy re-written in order to further clarify informal and formal stages.
7.0	July 2024	Document rebranded to reflect Hackney Education name change and branding. Policy name change to the Grievance Resolution Policy. The policy has had a general update and new sections have been added. These are: Section 3 Legislation - new section Section 4 Definitions - new section Section 6 Inclusion and reasonable adjustments - new section Section 7 - Victimisation - new section Section 10 Summary of the grievance procedure Section 13.2.2 Using an investigating officer - additional guidance

		Appendix One: Investigations - new section Appendix Two: Glossary of terms - new section
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Next major release

Although this document will be updated as legislation or procedures change, the next major review date will normally be scheduled for three years after the last release.

Distribution

This policy is available on the Hackney Education Services for Schools website.

1. Introduction

The Governing Body is committed to encouraging and maintaining good employee relations and recognises that when staff feel able to speak out with complaints or raise concerns over inappropriate behaviour, this creates a healthy working environment and promotes good working relationships.

The aim of this procedure is to provide a fair process for dealing with concerns and explains how staff can raise complaints in a constructive way. It is intended to promote and maintain good working relationships.

The opportunity to raise concerns is a key component of effective communication. We encourage regular dialogue between staff, their school leaders and colleagues about matters of mutual concern in order to improve understanding and identify solutions to problems.

Through good communication, most issues of contention or dissatisfaction can be resolved early and without the need for formal processes. In some circumstances this might not be possible and staff can use the formal grievance procedure.

Grievances will be taken seriously and investigated fairly, effectively and appropriately.

2. Scope of the policy

This policy applies to all leadership, teaching and support staff, regardless of grade, position, hours worked per week or whether their contract is permanent or fixed term.

It does not apply to agency workers. If an agency worker has a problem at work and the matter cannot be resolved informally, it should be referred back to the agency. The agency is the employer of the agency worker and will follow their own employment policies to address the matter.

Schools will seek assurances from the agencies they use that robust employment policies are in place.

Where a complaint of discrimination, harassment, victimisation or bullying is alleged then the Disciplinary Procedure may be invoked, reference should be made to the Dealing with Bullying and Harassment at Work Policy and a decision taken as to which procedure should apply.

Collective grievances about contractual entitlements, policies or procedures affecting groups of staff should be dealt with under collective bargaining arrangements, where applicable. Similarly, appeals against job evaluation, grading or redundancy will be dealt with under relevant separate procedures.

Any vexatious, malicious, trivial or excessively unreasonable complaint will not be heard under the grievance procedure.

3. Legislation and guidance

These grievance procedures are a requirement under [The School Staffing \(England\) Regulations 2009](#), in particular regulation 7 (for maintained schools).

These grievance procedures are in line with the [Acas Code of Practice on disciplinary and grievance procedures](#).

4. Definitions

Grievances are concerns, problems or complaints, and can relate to the employee's work, working conditions or working relationships.

Problems can be real or perceived and inappropriate behaviour can be intentional or unintentional.

Examples include health and safety concerns, changes to employment conditions, unequal treatment; and the behaviour of colleagues, managers and supervisors.

This is not an exhaustive list.

Please refer to Appendix Two for the Glossary of terms related to this policy.

5. Summary of roles and responsibilities

5.1 Headteachers, Governors and Line Managers

All Headteachers, Governors and line managers involved in the grievance procedure have responsibility to:

- Create a working environment that encourages collaboration and mutual respect, where complaint resolution sits naturally.
- Ensure that all staff are aware of the Grievance Resolution Policy and the rights and responsibilities of stakeholders including: head teacher, schools leaders, governing body, staff, trade unions and staff.
- Be sensitive to the feelings and emotions of those involved but remain objective and focused on resolution.
- Ensure that complaints are heard as set out in this Grievance Resolution Policy .
- Be aware that a complaint alleging harassment could be a potential disciplinary matter and consider whether a full investigation under the Disciplinary Policy is required.
- Show leadership through open minded, unbiased approaches, making hard decisions where they are needed. Finding against colleagues (on either side of the complaint) does not undermine them or the school if resolution is approached sensitively and constructively.

5.2 Staff

Staff are encouraged to raise their grievances in a constructive manner. Through openness and a genuine commitment to problem solving, a healthy supportive and pleasant workplace can be created for everyone. Staff are individually responsible for:

- Their own behaviour and contributing to a collaborative working environment. Staff are encouraged to participate constructively in conflict resolution
- Familiarising themselves with this Grievance Resolution Policy and understanding their rights and obligations under it.
- Resolving any conflicts as quickly and as close to the point of origin as possible.
- Cooperating with the application of this policy including any investigations which will require attending meetings and hearings when requested and obeying all lawful and reasonable directions of the management.
- Staff named as witnesses are expected to cooperate without bias.

5.3 Human Resources

- Attend any meetings held under this procedure and be fully conversant with this policy/procedure.
- Provide advice to appointed managers responsible for handling grievances and appeals through the grievance process.
- Ensure that the correct procedure under the Grievance Resolution Policy is followed and support managers to keep to the timescales stated in this policy at each stage.
- Ensure that allegations are thoroughly investigated.
- Report any concerns about the grievance case to the Head of Education HR immediately.
- Keep accurate records and ensure that any records are held in a confidential manner and in accordance with the principles contained within the Data Protection Act 2018.

6. Inclusion and reasonable adjustments

Reasonable adjustments must be made during the process and/or meeting to ensure that all employees are treated fairly and can participate fully. Examples of adjustments include:-

- Making other arrangements where an employee has difficulty expressing themselves in writing (e.g. assistance with writing their grievance submission)
- Changing venues to somewhere more accessible;
- Measures to help the employee participate fully, such as a signer for a hearing impaired employee;
- Allowing a greater level of representation from the Trade Union representative, work colleague or someone else agreed by the Headteacher e.g. an advocate where the employee has a learning disability;
- Allowing written representations if giving direct evidence may cause an unacceptable level of stress for the employee e.g. an employee may have extreme anxiety or mental health issues;
- Allowing additional time to prepare or additional break times during a meeting.

7. Victimisation

Victimisation happens where someone suffers a detriment because they made a complaint or exercised their legal rights; or it is thought they plan to.

Complaining or exercising rights can include taking out a grievance, whistleblowing, and submitting a claim to an employment tribunal.

No employee will be victimised (i.e. treated unfairly) as a result of their complaint.

Restoring working relationships may take time. Headteachers/line managers must ensure that all those involved are working constructively towards this end. Headteachers/line managers will use their regular 1-2-1's with the employee involved to check that they are clear about responsibilities and behaviours going forward. In particular headteachers/line managers must check that the staff member is not being victimised because of their complaint.

8. Collective grievances

This procedure covers in general terms how collective grievances will be handled. However, the precise arrangements will depend on their circumstances.

There can be one meeting and (where applicable) one appeal meeting. One employee or a trade union representative can act on behalf of all those covered by the grievance. All participating staff will be notified of the outcome separately.

Where staff would like to present their own perspective in person, or where one individual to act on behalf of the group cannot be agreed, then all the staff may attend the meeting. Note in this case, there is no additional right to be accompanied.

Where staff choose to be heard individually, then separate meetings will be arranged.

Collective grievances should not be used as a way to by-pass the School's machinery for consulting and resolving disputes with the trade unions.

9. Disclosures in the public interest

Staff with a wider public interest complaint are encouraged to raise their concern using Hackney Council's Whistle-blowing Policy and Procedure. This can be done anonymously. Further information is available on the Services for Schools website or from the school.

10. Post employment grievances

Post-employment grievances are complaints that are received after someone has left or complaints that have not been completed by the time the employee leaves.

They are also likely to include grievances submitted during the notice period.

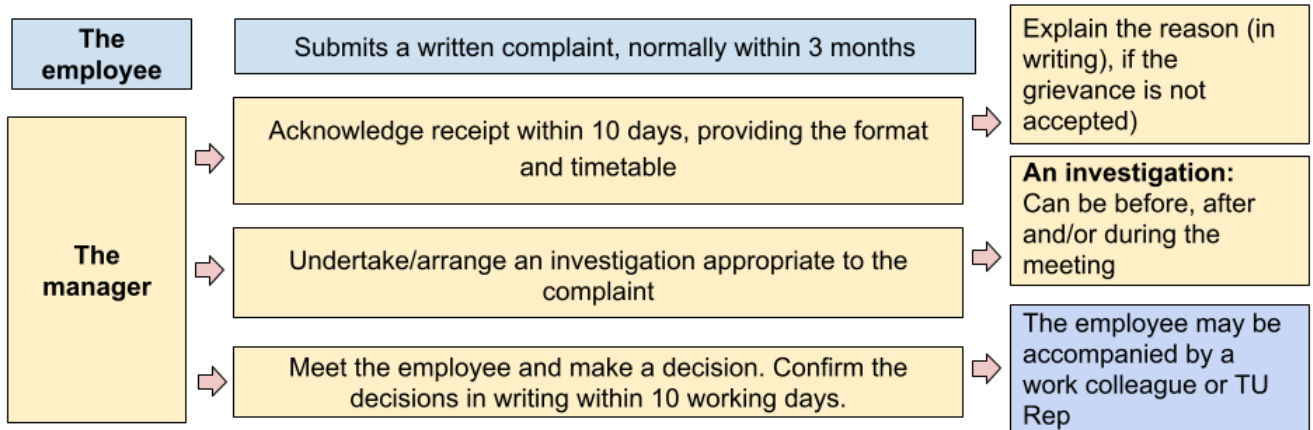
The complaint should be dealt with appropriately, taking account of the circumstances. Normally the former employee will receive a written response and there is no right of appeal.

11. Summary of the grievance procedure

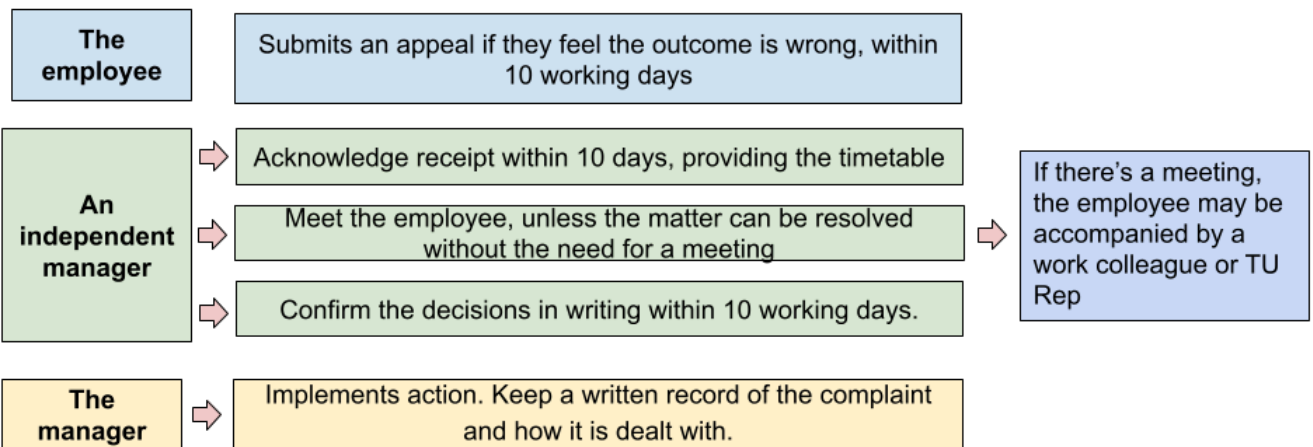
INFORMAL PROCEDURE

Informal resolution normally gets the best result. The best form of informal resolution depends on the circumstances and what will work best. For example, mediation may be an option.

FORMAL PROCEDURE



APPEAL



12. Informal resolution

Informal resolution is a mutually agreed outcome that aims to resolve the problem. It normally works best because tackling the issue early prevents it from becoming more serious and more difficult to deal with.

'Informal resolution' may imply that the complaint is being taken less seriously or is less important. However, this is not the case. It is simply a different approach that might resolve the problem faster and more constructively e.g. with less conflict.

The form that informal resolution should take depends on the circumstances and what will work best. However, the approach must always:

- Be agreed with the employee who made the complaint
- Be focused on resolution

12.1 Where the issue is about working conditions, arrangements, or unequal treatment

The headteacher/line manager can meet with the employee informally to explore the issue and what might resolve it.

An employee can request an informal meeting with their headteacher/line manager if they have not had an opportunity to raise their concern. This meeting should be held within 5 working days of the initial request (within 10 working days maximum).

Headteachers/line managers should keep a note of the discussion and what was agreed, so that it can be referred to later if necessary.

12.2 Where the issue is about relationships or the conduct of another

Staff can:

- Approach the person to explain why the behaviour is causing offence/concern.
 1. Deal with it head on but in a sensitive, fair and constructive way.
 2. Be clear about what they're talking about - use examples.
 3. Take a problem solving, constructive approach.
 4. Resist confrontation or name calling. Most people, on understanding they are causing offence, should be agreeable to amending their behaviour.
- Get assistance from a third person (e.g. a senior leader, colleague or mediator). Support can be useful where:

1. The person lacks assertiveness skills.
2. There may be misunderstandings due to cultural differences.
3. There is a power imbalance or a difficult relationship.

If the immediate line manager is the specific subject of the complaint it will be appropriate for another senior leader to try and resolve the matter. The headteacher would normally decide on who the most appropriate person would be.

Awareness training may be available to clarify standards and the potential impacts of harassment. This could be used, for example at a team event, so that no one individual feels singled out or confronted.

All parties should attempt to seek informal resolution by talking through the issue e.g. as part of day-to-day management, routine meetings between individuals and their managers or informal meetings between staff and/or their manager.

Employees are free to make a formal complaint later if they are unhappy with the outcome or if the problem continues.

12.3 Mediation

Mediation is a way to mend relationships where there is a disagreement at work. All parties should consider mediation if the complaint involves conflict or disagreement between staff or between a manager and an employee.

Informal resolution should still be considered as a first step, with mediation to follow where informal resolution has not been successful. Mediation may also be an agreed outcome of a formal complaint. If mediation is used during the formal stages, the grievance procedure should be suspended whilst mediation is being used as an appropriate method of resolving the dispute.

Mediation is a voluntary process and staff cannot be compelled to take part. Mediation is confidential and all parties must agree not to share what is discussed at the meeting, even if resolution is not found.

The 'mediator' is a neutral, impartial third person. This means they do not take sides, but are there to help everyone involved to find a solution they can all agree with.

Mediation can offer a relatively informal way to:

- Find solutions that everyone agrees with
- Improve communications
- Allow everyone involved to have control of what's finally agreed.

Complaints where mediation can work well, include:

- Bullying and harassment
- Communication problems
- Personality clashes
- Relationship breakdowns

Mediation outcomes are decided by everyone involved and can be flexible. Outcomes might include:

- an acknowledgement of each party's views

- a commitment to change behaviour
- a commitment to regularly review the agreement reached
- an agreement to review policies and procedures
- an agreement to share work more fairly and provide more responsibility

Hackney Education has a group of staff who are trained by ACAS as workplace mediators and can offer this as a traded service. Please consult HR if you feel that mediation could be beneficial.

If staff are still dissatisfied after informal resolution has been fully explored, they may proceed to the formal stage of the procedure.

13. Formal procedure

The formal stages of the procedure involve some key features which are outlined below. Read this section before starting to follow the procedure.

Until all stages in the procedure have been exhausted, the 'status quo' must be maintained where possible, that is the working and management arrangements that applied before the grievance was submitted.

Examples of when to use the formal procedure include:

- Informal resolution has been tried and didn't work.
- The complaint is serious enough to warrant a formal investigation
- Where the implications are wider than the person making the complaint, and an investigation may be needed to get to the bottom of what's going on (for example a complaint that suggests a bullying culture).

13.1 General principles

The following general principles apply to the formal stages of the procedure:

13.1.1 Right to be accompanied

An employee has the right to be accompanied by a trade union representative or work colleague at formal stages of this procedure.

If the accompanying person is not available at the proposed time, the employee or trade union representative may request a reasonable alternative time within five working days. The five day time limit may be extended in exceptional circumstances but the meeting should not usually be delayed by more than ten working days.

Role of the accompanying person

Accompanying persons are entitled (with consent of the employee) to:

- Put the case forward on behalf of the employee.
- Confer with the employee during the meeting.

- Sum up the case for the employee.
- Respond on behalf of the employee to any view expressed at the meeting.

However, accompanying persons are not entitled to:

- Answer questions on behalf of the employee.
- Address the meeting if the employee does not want them to.
- Prevent the line manager from explaining the case, or any other person at the meeting making a contribution to it.

13.1.2 Confidentiality

Confidentiality should be maintained by all those involved, including the employee, at all stages throughout the procedure by ensuring that only those people who need to know have access to details e.g. trade union representative or work colleague.

Written records of issues will be treated as confidential and kept no longer than is necessary in accordance with the Data Protection Act 2018. Please refer to the HR Records Policy.

13.1.3 Non-attendance at meetings

If the employee who submitted the grievance and/or accompanying person cannot attend a grievance meeting or appeal hearing, they should inform the manager in advance. If the employee fails to attend through circumstances beyond their control, another meeting should be arranged. However, a decision may be taken in their absence if the employee fails to attend the re-arranged meeting within five working days without good reason.

13.1.4 Sickness absence management

If an employee goes on long-term sickness absence after submitting a grievance, all reasonable steps should be taken to resolve the grievance whilst they are absent.

If necessary, these steps could include home visits or a request for a detailed written submission. Alternatively, and by agreement with the employee, their trade union representative may present their case.

Advice on how to proceed in such cases should be sought from HR.

13.2 The complaint

The employee should also explain how they think the issue can be remedied / express what resolution they would like as an outcome of the process.

Staff are guided as follows:

- Grievances should normally be made within 3 months of the event/issue (or the last event/issue where there is a chain of events).
- The nature of the complaint should be clear; and focused on resolution.

- The information included should be factual and relevant (e.g. names, dates, witnesses, etc.) . When submitting a grievance, staff should specify all the individuals involved, ensuring the prompt appointment of an appropriate manager or investigating officer. It may not be feasible to alter the assigned investigating manager once the investigation has commenced, hence the importance of clarity from the outset.
- If the complaint involves a series of events, the complainant should note them down in order. If they don't remember the exact date, try to remember something that happened around the same time. For example, it was just before the Autumn half term. .
- Confidentiality is an important principle, however, other principles are also important including:
 - Fairness and transparency. It is likely that the complaint will be shared with the person being complained about.
 - The duty of care. The complaint may be investigated (without the agreement of the person complaining) where it involves or has implications for the person's safety or wellbeing; and/or the safety and wellbeing of others.
- Staff should include evidence or mention the evidence they have to support their complaint that can be provided when required.
- Staff should outline what (if anything) they have already done to try to resolve their complaint. For example, any informal resolution tried.
- Any employee who feels unfairly treated as a result of raising a complaint should raise it as part of the original complaint and not as a new complaint wherever possible.
- Staff who abuse the grievance process by making complaints (either singular or multiple) that are false and not made in good faith will be liable to disciplinary action.

There is a standard Grievance Form available for staff wishing to submit a formal grievance.

The Grievance Form must be submitted to their line manager, who will normally investigate and decide the outcome of the grievance. A copy of the Grievance Form should also be given to the Headteacher and HR representative.

If the complaint involves their line manager, the employee should write to the next level in the leadership structure who may hear the grievance themselves or nominate a school leader who has not previously been involved in the case.

If the complaint involves the Executive Headteacher/Headteacher, the Grievance Form should be sent to the Chair of Governors in the first instance. They may choose to hear the grievance themselves or appoint an appropriate person (usually a Governor) who is not involved in the case to hear the grievance. Advice should be sought from HR on choosing an appropriate individual to investigate/hear the grievance.

The person hearing the grievance must acknowledge receipt of the grievance in writing, usually within ten working days. The acknowledgement will also set out the proposed timetable for considering the grievance and the course of action.

Grievances will not be accepted, where they are:

- **False, malicious or vexatious.** This type of complaint is normally designed to cause

problems or distress to others. Disciplinary action may be taken against employees who deliberately make, or support, false, malicious or vexatious complaints.

- **Trivial or frivolous.** These are complaints without real substance or prospect of resolution.
- **Matters that have already been dealt with.** These are complaints that have already run their course through the grievance procedure or another procedure. They include:
 - Processes with an appeal right (either the grievance procedure or another procedure). Once the matter has had a full and fair hearing, it is concluded.
 - A complaint against staff who are already subject to a disciplinary sanction for the same complaint. Appropriate action has already been determined and taken.
- the complaint is against the final decision made at a grievance appeal (i.e. where the grievance procedure has been exhausted); or
- the complaint is against staff who are already subject to a disciplinary sanction for the same complaint; or
- the complaint is about the outcome of a process which already has an appeal mechanism.

Grievances should only be raised if there is a specific incident/s or conduct by the Headteacher/senior leaders that causes legitimate concern but not be raised against Headteachers or senior leaders purely because they have overall responsibility for the school.

If a grievance is not accepted, the headteacher/line manager must write to the employee setting out the reason and confirming that the grievance can be resubmitted with further evidence or information to show that it is new, or has substance or merit.*

*No complaint will be ignored or dismissed out of hand. However, to warrant an investigation, a complaint must have credible evidence to back it up and/or be capable of investigation/resolution. In this context 'evidence' means supporting facts or information. For example, an allegation of 'bullying' must be backed up by examples of unacceptable behaviour or treatment that the employee has either experienced or witnessed. An investigation is neutral and will not be used to look for evidence to support an unsubstantiated allegation.

Staff who abuse the grievance process by making complaints (either singular or multiple) that are false and not made in good faith may be subject to the School's disciplinary procedures.

Important note: complaints are often a matter of opinion or perception. Simply because a complaint is not upheld does not make it malicious. Intent is the key factor and this can be difficult to establish and/or prove.

13.2.2 Using an Investigating Officer

In exceptional, more complex cases, an Investigating Officer may be appointed at any stage of the formal procedure. The Investigating Officer should not be directly or indirectly involved in the case and should be in a position where they are able to undertake an impartial investigation. For example, the Investigating Officer would not normally be expected to investigate their senior manager or a closely connected senior manager. Schools should contact HR for advice on choosing an appropriate Investigating Officer.

If a school decides to engage an external Investigating Officer, they will need to consider the full cost implications of funding the investigation, including potentially interviewing witnesses and producing a report.

In such circumstances, the Investigating Officer will compile a report containing a written summary of their findings and details of witnesses interviewed, to be considered the headteacher/senior leader who is hearing the grievance.

13.3 Meeting with aggrieved employee

The person hearing the grievance will arrange a meeting with the aggrieved employee to listen to the complaint and explore possible resolution.

13.3.1 Arranging the meeting

- Arrange the meeting as quickly as possible and 'without unreasonable' delay.
- Give staff at least 5 working days' written notice of the meeting.
- Confirm their right to be accompanied by a trade union representative or work colleague.
- Ask them to confirm any reasonable adjustments they need.

13.3.2 Holding the meeting

The person hearing the grievance is responsible for the conduct of the grievance meeting. Grievance meetings are not the same as disciplinary hearings, they can be relatively informal to encourage an open and frank discussion. The meeting must, however, remain purposeful. The headteacher/ senior manager should:

- explore the issue and not assume they already know what the problem is.
- listen carefully as the employee may just want to be listened to; and/or the issue being presented may not be the real problem.
- Ask the questions needed in order to establish the facts.
- understand that the meeting may be a stressful experience for the employee, and take account of this when encouraging the discussion.

The typical format of a meeting is likely to include:

- stating the purpose of the meeting, outlining its format and checking that participants have received all relevant documentation;
- consideration of any preliminary points (e.g. relating to procedural matters);
- inviting the aggrieved employee to explain the issue and the resolution they seek;
- considering whether anyone else is affected by the issue and in what way;
- considering what remedy is possible, appropriate and reasonable;
- deciding on action (if any) and the timescale.

Tips for staff attending a grievance meeting:

- Be prepared. Remind yourself of all the points you want to cover and have any documents you will refer to, to hand.
- Take a companion. You have the right to be accompanied by a TU Representative or a work colleague and this might help to put you at ease.
- Take notes. You or your companion can do this, so that you have notes to refer back to.
- Stay calm and be cooperative. The meeting might be stressful and emotional but it is important to stay professional. If you are finding the meeting stressful or upsetting, ask for a short break.
- Listen to questions carefully and answer them honestly. If you don't understand a question, ask for clarification. Take time to think about your answers.
- If you need support to be able to participate fully, then ask for it. More about reasonable adjustments is available on the intranet.

Tips for headteachers/senior leaders in a grievance meeting:

- Remember the importance of impartiality, integrity and appearances. You need to be fair and objective and this must be conveyed in your manner. Know yourself and your preconceptions and avoid bias. Do not prejudge outcomes, for example from what you already know of people.
- Listen carefully and check your understanding regularly.
- The meeting can be relatively informal but keep it on track. Try to keep the meeting resolution focused.
- If you think the employee is getting emotional or angry, adjourn for a break. If the tone is contentious, guide them back to a constructive account of the issue.

At or after the meeting, the person hearing the grievance will consider the case, which may include interviewing witnesses and trying to find resolution.

Depending on the circumstances of the grievance, the person hearing the grievance may decide to:

- investigate and consider any evidence/issues before or after the meeting; or
- adjourn and reconvene the meeting following further investigation if there are matters which require further clarification or exploration.

Please refer to Appendix One Investigations for guidance

13.3.3 Where an employee fails to attend a meeting

Checklist for head teachers/senior leaders where an employee fails to attend a grievance meeting:

- ask them why they did not attend and if they need any appropriate adjustments to support them to attend a meeting;
- explain that it is very important to deal with the grievance fairly and promptly;
- rearrange the meeting in consultation with the employee.

If the employee fails to attend again:

- consider the reason they didn't attend and whether it is reasonable to rearrange the meeting again;

- balance the need to give the employee the chance to explain their grievance with the need to deal with the grievance promptly;
- make a decision on the information available without meeting the employee if it's reasonable in the circumstances. For example, the manager may decide to proceed where the employee has repeatedly failed to attend the meeting without good reason.

13.3.4 Making a decision

Before making a decision, the headteacher/ senior leader will need to:

- gather the facts*
- take care to distinguish between facts and opinions.
- make a decision at or after the meeting and confirm the decision in writing within 10 working days.

Additionally, even outside exceptional circumstances, the investigating manager may feel the production of a report is appropriate when extensive evidence is involved.

Note: It is usually best to make a decision after the meeting. This is:

- to avoid decisions based on emotional reactions,
- so that the employee knows their case was given full consideration.

In some cases, it may be possible to agree to a resolution during the meeting. However, the headteacher/senior leader must be sure what they decide is the best course of action and does not require further reflection.

***Gathering the facts**

The process for gathering the facts is flexible and will depend on the circumstances. It is possible that all the information required can be gathered from the employee at the meeting. In other cases, information might be gathered before the meeting (and discussed at the meeting); or after the meeting (for example where something raised by the employee needs looking into). In some cases, the meeting may be adjourned so that relevant information can be gathered and then reconvened so that it can be discussed with the employee. Tips for gathering the facts where a more formal investigation is required are set out in Appendix One.

13.3.5 Communicating the outcome

The outcome of the grievance is likely to be that all, some, or none of the remedy sought is possible and/or reasonable given the circumstances.

The communication should summarise the evidence that was considered and provide the rationale for the decision.

Where the remedy sought is not possible, consider whether any other action is possible and appropriate.

Even if the grievance is not upheld, the employee should be reassured that their perspective has been understood, and (where appropriate) the decision should be explained in the wider context. It is important that the employee feels listened to and does not feel that their complaint was dismissed out of hand.

It might be helpful to provide the outcome and discuss the findings with the employee at a meeting.

The decision should be communicated to the employee in writing within ten working days. While the investigating manager should aim to provide the employee with a written decision or outcome of the grievance process within ten working days, it's important to note that delays may occur if witness interviews are necessary. In such cases, ensuring a comprehensive investigation process might extend the timeline beyond the initial ten working days.

The outcome should also be communicated to the individual who is the subject of the grievance within the above timescale, if relevant.

If, following an investigation which has involved a meeting to discuss the complaint, the grievance is not upheld, both parties will be notified of the outcome and the right of appeal.

13.4 Appeals process

The purpose of an appeal is for the employee to request the overturning of a decision, which they deem as unfair or unreasonable. This may be because they feel the procedure was not appropriately followed or new evidence has come to light.

Staff may submit an appeal on one or more of the following grounds:

- the grievance outcome doesn't resolve the grievance
- the grievance procedure was wrong or unfair
- they have new evidence to show.

If a employee wishes to appeal against the outcome of the grievances they should:

- write to the Chair of Governors within ten working days of being notified of the decision.
- clearly explain the reasons they believe the outcome was wrong/why the procedure was wrong or unfair/the new evidence.

The Grievance Form can be used by employees wishing to progress their grievance to the appeal stage.

Appeals will usually be heard by the Appeals Committee of the Governing Body, all members of which should have had no previous involvement in the case.

In some cases based in larger schools, it may be appropriate for a senior manager at the school to hear the grievance appeal (supported by a HR representative). They should be more senior than the manager who dealt with the grievance at stage one and should not have previously been involved in the case.

The appeal hearing is a review of the grievance decision made on the basis of the specified grounds for appeal. It is not a full re-hearing of the case.

The decision of this committee is final, subject to the employee's legal rights.

The committee will be supported by a HR representative who has not previously been involved in the case.

13.4.1 The appeal hearing

The Clerk to the Governors is normally responsible for grievance appeal hearing arrangements.

They should write to the employee to acknowledge receipt of the grievance appeal within ten working days of the date on the appeal form/submission.

The employee should be given written notification of at least five working days before the appeal hearing is to take place and should be informed of the right to be accompanied by a trade union representative or work colleague.

The Chair may also invite the manager who heard the grievance and supporting HR representative to attend the appeal hearing to present evidence and the outcome of the grievance. They should be given the opportunity to present documentation and provide details of any witnesses two days before the appeal hearing.

If it is appropriate to call witnesses to the appeal hearing, they should be given at least two days notice.

The Chair of the Appeals Committee/manager will lead proceedings, which may be in line with the following:

1. State the purpose of the hearing, outlining its format and check that participants have received all relevant documentation;
2. Individual or representative presents their grounds for appeal and any new evidence, introducing witnesses, where relevant/appropriate.
3. If an individual is the subject of the grievance, allow them or their representative to ask any relevant/pertinent questions of aggrieved party/witnesses.
4. Where an individual is the subject of the grievance, allow them to make a statement in response, introducing witnesses where necessary.
5. Allow the aggrieved party to ask relevant and pertinent questions arising from step 4.
6. The Chair and other members of the panel ask any remaining questions of clarification.
7. The parties make closing statements, the aggrieved individual or representative speaking second.
8. The Chair summarises the major points raised and confirms them with the parties.
9. The parties withdraw but can be recalled if the panel requires clarification.
10. At or after the appeal hearing, the panel will consider the case and reach a decision. The options available to the panel are to:
 - uphold the grievance decision ; or
 - substitute a different decision and decide on a remedy.
11. Convey the outcome of the grievance orally to both parties and/or confirm it in writing within ten working days. Where appropriate, the employee should be informed of what action the school intends to take to resolve the grievance.

The Chair of the Appeals Committee is responsible for writing the letter, with the support of the HR representative on the appeal panel.

The outcome should also be communicated to the individual who is the subject of the grievance within the above timescale, if relevant.

Notes of the hearing will be circulated by the HR representative to be agreed by the Appeals Committee.

The decision of the Appeals Committee will be final and binding on all parties concerned. No further appeals are allowed and there is no further recourse under this procedure.

13.4.2 Record keeping

Managers dealing with grievances must keep a written record that includes:

- the nature of the grievance;
- what was decided and actions taken;
- the reason for the actions;
- whether an appeal was lodged;
- the outcome of the appeal;
- any subsequent developments.

Copies of formal meeting records will be provided to the employee. In exceptional cases, information may be withheld from the employee where necessary (e.g. to protect a witness).

14. Sharing information and confidentiality

The decision related to the grievance is confirmed in writing; and this will cover the reasons for the decision. However, notes from any grievance investigation are not normally included.

However, in some cases, there may be a duty to provide the investigation report under data protection; or it may be important for transparency and may help the employee to feel that they got full consideration of their grievance and that it was dealt with properly. Before disclosing information, managers must first consider whether this could breach the confidentiality of others.

Information given by third parties (such as witness statements) should only be provided with their consent or where it is reasonable to do so. Witnesses should be informed prior to providing evidence that their statement may form part of the written particulars that may be included and presented to the individual who raised the grievance.

Even if notes are provided, in some circumstances, witness statements may be amended so that third parties cannot be identified.

15. Headteacher grievances

Where the Headteacher has a grievance, they should endeavour to resolve the matter informally by discussing it with the Chair of Governors. In exceptional circumstances it may be appropriate for a representative from Hackney Education (where they are the provider of HR services) to assist the school in order to try and find a solution to the grievance.

If the matter remains unresolved the Headteacher has the right to put the complaint in writing to the Head of Human Resources and formally to the Chair of Governors, who will arrange for an appropriate

Committee of the Governing Body to hear the grievance in line with the formal stage of the procedure. If the Headteacher is dissatisfied with the response then they have the opportunity to appeal to the Appeals Committee of the Governing Body.

In exceptional circumstances, if the grievance is against the Governing Body and all appropriate stages of the procedure have been exhausted, with the agreement of all the parties the grievance may be referred to the Director of Education and Inclusion for resolution. The Director of Education and Inclusion will nominate an appropriate manager to deal with the case.

The general principles and time limits set out in this procedure should be observed wherever practicable.

16. Grievance during a disciplinary case

During the disciplinary procedure a member of staff might raise a grievance.

If the grievance is not related to the disciplinary: It can normally be investigated separately. In some cases, it may be appropriate to suspend the disciplinary procedure for a short period. This may apply where there is possible discrimination or bias is alleged in the disciplinary proceedings, for example.

If the grievance is related to the disciplinary e.g. the employee complains that the allegation is malicious and aimed at bullying. The two can normally be investigated together, as they will cover the same ground and are relevant parts of a single picture.

If the grievance is related to the disciplinary and credibly suggests that the grievance cannot be conducted fairly: It may be necessary to suspend the disciplinary investigation while the grievance is considered.

Advice should be sought from HR regarding the appropriate course of action in the specific circumstances.

17. Grievance resulting in disciplinary action

If an employee's grievance results in disciplinary proceedings against another employee, these will be handled in accordance with the disciplinary procedure.

This is important because the employee being complained about:

- may need to be suspended where it is a serious allegation;
- needs to understand the seriousness of the allegation (particularly if it could amount to gross misconduct);
- has rights under the disciplinary procedure that must be protected (such as the right to be accompanied).

In other cases, the allegation may be less serious (for example, if proven would likely result in standard setting) or there may be less evidence of wrongdoing or it may be difficult to see exactly what's going on.

A disciplinary meeting (and the potential for a disciplinary sanction) may be the outcome of a grievance investigation. A separate disciplinary investigation is not required, however, as a minimum the investigating officer must:

- consider any gaps in the investigation that need revisiting;
- check that all procedural issues in the Disciplinary Procedure have been covered (especially the right to be accompanied, which they may reconsider fully aware of the seriousness of the allegation);
- most importantly, interview the employee again to see if they have anything to add fully aware of the implications.

If an investigation under the disciplinary procedure is not found, informal standard setting may still be appropriate.

Although the employee bringing the complaint is not able to appeal against the outcome of a disciplinary investigation (i.e. 'not found', warnings or dismissal), they should be given the opportunity to input into any actions agreed to resolve their complaint. This is to ensure that they retain their right to appeal under the Grievance Resolution Policy (the process outlined above). They may also want steps to be taken that would not appropriately be considered as part of the disciplinary process.

The employee raising the grievance has no right to influence or be informed of the outcome of disciplinary proceedings. However, the employee raising the grievance may be called as a witness to a disciplinary hearing which may subsequently occur.

18. Toolkit

There is a toolkit on the Intranet that supports the procedures in this document.

19. Further information

For further information, refer to the ACAS website: [Formal Grievance](#) for Advice on dealing with disciplinary matters and the ACAS Code of Practice on Discipline and Grievance.

Appendix One: Investigations

Tips for conducting an investigation

The person investigating should do their best to:

- be fair and objective;
- get enough information on the case as is reasonable;
- not try to prove guilt, but get balanced evidence from both sides;
- keep the case confidential.

The investigation needs to be completed as quickly as possible, and it always needs to be thorough and fair.

If it's found that more time is needed during the investigation, this should be allowed for. Any delays should be explained to anyone involved and written in the investigation report.

Getting Physical Evidence

The person investigating should get all the information they reasonably can and need for the case.

Types of physical evidence could include:

- emails;
- paperwork;
- recordings of meetings.

The person investigating must consider the ways they can get information and follow rules related to data protection and each individual's right to privacy.

Holding investigation meetings

Sources of information include:

- the employee who raised the grievance;
- other members of staff involved ('witnesses');
- other witnesses (other people with information).

The Right to be accompanied

The employee making the complaint and the subject of the complaint (where there is one) may be accompanied by a companion. This is:

- a work colleague;
- a workplace trade union representative who's certified or trained in acting as a companion;
- an official employed by a trade union.

In some circumstances, for example, where it is a reasonable adjustment or the person is particularly anxious, it might be appropriate to allow someone else to attend, for example a support worker or someone with knowledge of the disability and its effects.

Witnesses are not normally accompanied.

Absence from an Investigation meeting

If the employee needs to go to the investigation meeting but does not attend, the person investigating should rearrange the meeting. However, every effort must be made by the employee to attend.

It may be appropriate to see if other arrangements would help. For example, if the employee is off with stress and is worried about coming to the workplace, they could hold the meeting somewhere else.

If the employee is too sick or keeps refusing to attend, the person investigating will need to look at all other evidence and make a reasonable decision.

In some circumstances, it may be appropriate to carry on with the investigation without the employee. If so:

- carry out the investigation in as full and fair a way as possible;
- tell the employee.

Looking after the employees' mental health

Being under investigation can be very stressful, so it's important that their wellbeing and mental health is considered, and prevents:

- absence;
- mental Health issues arising;
- existing mental health issues getting worse.

For example: as well as regular communication, the employer could arrange any meetings in a more private and comfortable location if this would help an employee.

Appendix Two: Glossary of terms

Glossary of Terms

Grievance - Concerns, problems or complaints. They can relate to their work, working conditions or working relationship.

Bullying - Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. [ACAS]

Harassment - “Unwanted conduct related to a relevant protected characteristic*, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual” [Equality Act 2010]

*The relevant protected characteristics are **age, disability, gender reassignment, race, religion or belief, sex and sexual orientation**. [Equality Act 2010]

Microaggressions - “The everyday verbal, nonverbal, and environmental slights, snubs or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target people based solely upon their marginalised group membership.” [Derald Wing Sue Ph.D., Columbia University Professor of Psychology and Education]

Vicarious liability - This refers to a situation where someone is held responsible for the actions or omissions of another person. In a workplace context, an employer can be liable for the acts or omissions of its employees that took place in the course of their employment. [ACAS]

Victimisation - This happens where someone suffers a detriment because they made a complaint or exercised their legal rights; or it is thought they plan to - including taking out a grievance, whistleblowing, and submitting a claim to an employment tribunal. It is unlawful to victimise a former employee for example, by refusing to give them services or giving them substandard services.

Whistleblowing - This is reporting wrongdoing. The complaint must be in the public interest i.e. it must affect others, for example, the general public. A whistleblower is protected by law and must not be treated unfairly or lose their job. The incident can be something that has happened, is happening now or it is believed it will happen in the future.

Note: Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless the particular case is in the public interest.