Byron College

Staff Grievance and Procedure for Resolution Policy

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1. Introduction:

The school believes that all employees should be treated fairly and with respect. The Board of Directors recognises that from time to time employees may wish to seek resolution for grievances relating to their employment.

2. Framework of Principles underpinning this Policy

- In the context of Byron College it is hoped that the great majority of grievances can be resolved in an informal manner.
- The policy allows access for all to the process which is publicized and simple to understand.
- All actions taken during any grievance procedure should be non-adversarial and actors should be impartial.
- The resolution of grievances and complaints should be swift and within prescribed time limits.
- All parties involved in the grievance procedure have the right to confidentiality.
- The purpose of this grievance procedure is to provide effective and appropriate responses.
- Any remedial action that is taken should be made public and where the issue is dealt with fairly and justly and where a solution is provided then all have something to gain and to learn from the procedure.
- No employee will suffer any detriment in the form of victimization by asserting their right to raise a grievance. Any witness called should be afforded the same protection.

3. The Definition of a Grievance

A grievance is a complaint made by an employee about an action which Byron College has taken, or is contemplating taking, in relation to their work.
Grievances can relate to:

- Terms and conditions of employment
- Health and safety conditions
- New working practices
- Difficult working relationships
- Working environment
- Discrimination / Unfair treatment

In the case of discrimination, harassment or a bullying complaint, employees should also use the Grievance Procedure.

The prescribed Grievance Procedure should not be used:

- If the grievance is of a collective nature. The procedure is intended as a reconciliation process to deal with the grievances of individual employees.
- As a means to seek vindication or revenge, or to discriminate.
- Where the school has taken (or has indicated that it is considering taking) disciplinary action against the complainant. If the complainant is unhappy about any disciplinary action, the disciplinary appeals process should be used. However, if the complainant has an unrelated grievance, the disciplinary procedure and grievance procedure can run concurrently.

4. The Grievance Procedure

The process of dealing with grievances can be defined as: “a means of dealing with concerns, problems or complaints that employees raise with the employer or his representative”.

In the case of Byron College the employer is represented by the Head of School and The Executive Director.

The formal procedure has several steps to it.

However, the School strongly suggests that employees should discuss their concerns, in the first instance, with their line manager and with the Head of School. It is hoped that issues can almost always be resolved in an informal but professional manner.

Complaints, by staff, which have the Head as the subject create a more complex problem. Open, professional, courteous and respectful dialogue should provide satisfactory resolutions. However, if a member of staff who has exhausted the informal channel of resolution with the Head of School and is still not satisfied then they must follow a formal process of putting their complaints in writing to the Board and of asking the Head to arrange a meeting to air the grievance with the Chairman of the Board or his representative.

In cases where the grievance involves a disagreement between employees, the Head of School or the manager should set up an informal meeting between the employees concerned, as a means of resolving the matter without using the Grievance Procedure. Any hearing held to resolve issues informally should only involve those concerned and, if it is felt that it might be helpful, then mediation may be an option.

4.1. Statement of Grievance – Step 1
When it is not been possible to resolve an employee’s concern informally they may ask for their issue(s) to be considered formally as follows:

- The employee should set out their grievance in writing using the form provided by the School. Allegations against a named individual must be clear and specific. Dates, times and names of witnesses must be provided. If there are any then statements from witnesses must accompany a factual description of events and direct quotes if remembered. A brief description of the context of each incident needs to be provided and the employee should indicate, as part of their formal written statement, what solution they seek.
- The employee should send the completed and signed form and all accompanying documentation to the Head of School who will act as the Grievance officer / Resolution officer unless he wishes to appoint a replacement for himself.

The Head of School, should normally be the Resolution Officer for all grievances relating to pupils, parents or staff.

Grievances relating to the Head of School will be resolved at Directorial level.

Grievances relating to a Director or Chair of Directors must be resolved at Directorial level and the Board may wish to employ an external person to advise and recommend.

4.2. **Grievance Hearing – Step 2**

The Resolution Officer will ordain the time, date and place of any hearing.

Any hearing will be held within **10** working days of receipt of the formal complaint.

Employees do, of course, have the right to be accompanied by a colleague from within the School. Requests for such a companion to attend must be made in advance to the panel chair.

At the Grievance hearing the employee will be given full opportunity to discuss their grievance and to present supporting evidence. The complainant will have been provided with any written response to the complaint **5** working days before the hearing.

The Resolutions Officer must ensure that an independent note taker is appointed; notes taken will be required in the event of an appeal and the Decision maker should also retain their own summary notes as a record of the grievance meeting.

4.3. **Conduct of the hearing**

The Resolution Officer who is also the decision maker is responsible for the conduct of the hearing.

These are 3 possible options at the end of the hearing, which are:

1. The grievance is agreed and a remedy is decided on.
2. The grievance is agreed in part and a remedy is determined in respect of that part of the grievance, which the remaining part is not considered any further.
3. The grievance is not agreed.
At all times during the hearing consideration must be given to what the employee believes would be a satisfactory resolution.

The **outcome of the hearing** should be communicated to the employee within 5 working days; in writing and a confidential copy of the record of the grievance hearing be kept by the School’s HR Department.

4.4. **Appeal Process – Step 3**

If the decision made is to dismiss the grievance, and the employee continues to be dissatisfied, they must submit a formal appeal to the Resolution Officer, stating the grounds of appeal. This appeals hearing must take place within 20 working days of the appeals being submitted.

The appeals hearing is the final stage of the procedure and the three possible options at the end of the hearing are exactly the same as the three possible outcomes of the original Grievance Hearing.

The Chair of the Appeal Panel, the Board Chairman or his appointee will inform the complainant, in writing of his decision as well as it is rationale Decisions at this stage will be final.

Records will be kept in accordance with the School’s policy on data protection and record keeping and will include written records of:

- The nature of the grievance
- A copy of the written grievance and supporting documentation
- Notes kept by the panel secretary
- The written decision of the Chair of the hearing
- A record of action taken
- A record of the decision maker’s rationale
- Records of the appeals process

Byron College believes that there is something to be learned from the experience of hearing grievances and the Head of School is expected to reflect on any such process and submit, in his annual report, what has been learned.

Byron College also believes that complaints can be dealt with informally, perhaps preventing them from becoming grievances. However, when an employee believes that something is wrong or unfair they do have a clear procedure which to follow.

The School does, however, consider making a false, vexatious or malicious grievance under this procedure to be a serious offence to professional standards and may instigate disciplinary procedures against any such miscreant.
Appendix

Roles & Responsibilities

Of the Governing Body

- Is responsible for approving the policy and procedure and for ensuring the fair and consistent application of the procedure.
- To provide advice and guidance and to provide the officers of the school with up-to-date information on employment law.
- To delegate responsibility to the Head of School for the proper conduct of the School’s Grievance policy and procedures.

Of the Chair of Directors

- To create a climate where any grievance is treated seriously, dealt with fairly, consistently and sensitively.
- To take charge of the grievance progress if a grievance is raised against the Head of School.
- To ensure that, in the event of an appeal, a proper body is set to deal with that.
- To monitor the maintenance of confidentiality in record keeping and witness statements.

Of the Head of School

- The Head of School and his management team are responsible for ensuring the fair and consistent application of the policy and for the smooth implementation of the procedures when required.
- Should ensure that all employees are aware of, and understand, the policy and procedure.
- Should encourage open and effective communication with employees thus enabling them to voice their concerns and allowing for a greater chance of issues raised being addressed informally and effectively.
- Should endeavour to resolve grievances informally BUT complaints of the following nature MUST be in writing:
  - Discrimination
  - Harassment
  - Workplace bullying
  - Unauthorized deductions
  - Working time regulations
Addendum  (This is optional)

Staff Harassment and Bullying

What is harassment?

Harassment is unwanted conduct which has purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment can be based on:

- Sex / gender identity
- Race
- Disability
- Religion / belief
- Sexual orientation

What is bullying?

Bullying is the experience of power over another person through negative acts, or behavior that undermines that person personally and/or professionally. Bullying is to be distinguished from vigorous academic debate, or the action of a manager legitimately and appropriately working capability and disciplinary procedures that have been approved by the School.

Allegations of harassment and bullying received either informally or formally must be taken seriously by management and dealt with promptly and sensitively. Every effect should be made to resolve the matter by informal means (by the HR manager or the Head of the School) but where a complaint is upheld then this could result in disciplinary action being taken against the perpetrator.