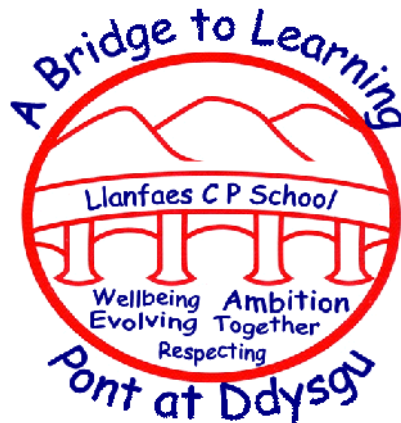


CYNGOR SIR POWYS COUNTY COUNCIL

Grievance Procedure for Schools



LLANFAES PRIMARY SCHOOL
Adopted on: NOVEMBER 2025

Date of review.....

Signed by

Cyngor Sir Powys County Council Grievance Procedure for Schools

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Cyngor Sir Powys County Council Grievance Procedure for Schools

Policy Statement

This policy and the procedures contained within apply to all employees employed at Llanfaes Primary School. Employees employed by Powys County Council directly, such as Catering and Cleaning employees, will be covered by Powys County Council's Grievance policy and procedures.

Grievance procedures are necessary for promoting fairness and order in staff relations. Every employee has the right to raise a grievance over an issue related to their employment. Most routine complaints and grievances are, however, best resolved informally wherever possible.

This document sets out the grievance procedure for schools and reflects as appropriate:

- The provisions of Education (School Governance) (Wales) Regulations 1999;
- The provisions of the NAW Circular 03/2004 School Governing Bodies Complaints Procedures;
- The provisions of the ACAS Code of Practice on Grievance Procedures which came into effect on 6th April 2009;
- Staffing of Maintained Schools (Wales) Regulations 2006 (and amendments);
- School Teachers Pay and Conditions Document;
- Burgundy Book provisions, Section 7 and appendix IV.

The Governing Body have adopted the procedure set out in this document and have recorded the adoption in the minutes. The Governing Body will ensure the Policy is readily available to management and staff at the school.

It is recognised that it is healthier for all concerned to raise concerns while they are fresh. The Governing Body encourage employees to be open about concerns rather than bottling them up for a long period. Grievances must be raised at the first opportunity so that they may be resolved promptly and those involved can continue to work with minimum disruption. Employees are encouraged to raise anything of concern within a reasonable period of time and at the latest, within six months of the event. Any grievance relating to an event which occurred more than six months ago may result in the grievance not being considered.

Employment Tribunals are required to take the ACAS Code of Practice on Grievance Procedures into account when considering cases. Tribunals are entitled to make adjustments to compensatory awards where the employer or the employee has failed to comply with the Code's provisions. Therefore this policy is written in accordance with the guidance provided in the Code of Practice.

1. Matters likely to be dealt with through this Procedure

- Terms and conditions of employment (i.e., how they have been applied or interpreted).
- Professional relationships at work (with (colleagues/headteacher);

Both parties must therefore:

- Cooperate and engage in resolving the matter;
- Take responsibility for and be committed to seeking a solution to the situation informally in the first instance;
- Deal with matters in a timely manner;
- Not use this procedure for allegations of a frivolous or vexatious nature and to note that any grievance found to be malicious could lead to disciplinary action being taken.

2. Matters not covered by this Procedure

2.1 The following subjects will be dealt with under separate policies and procedures and not through this Grievance Procedure:

- Matters connected with an employee's unsatisfactory performance or conduct where the employee has already been notified of a formal hearing concerning that matter, which will be dealt with under the Performance Capability Policy;
- Allegations of discrimination or harassment, including those on the basis of race, sex, disability, age, religion or belief, which will be dealt with under the Fairness and Dignity at Work Policy;
- Matters relating to malpractice, illegal acts or omissions at work which are covered by the Whistle-blowing policy;
- Matters that more appropriately fall under the schools' complaints policy;
- Appeals on pay policy decisions;

2.2 Grievances which are subject of, or appropriate to, a collective dispute between the employer and the trade union(s) which would be raised through the Schools JCC for Teachers and JCNC for support staff;

3. General Conditions

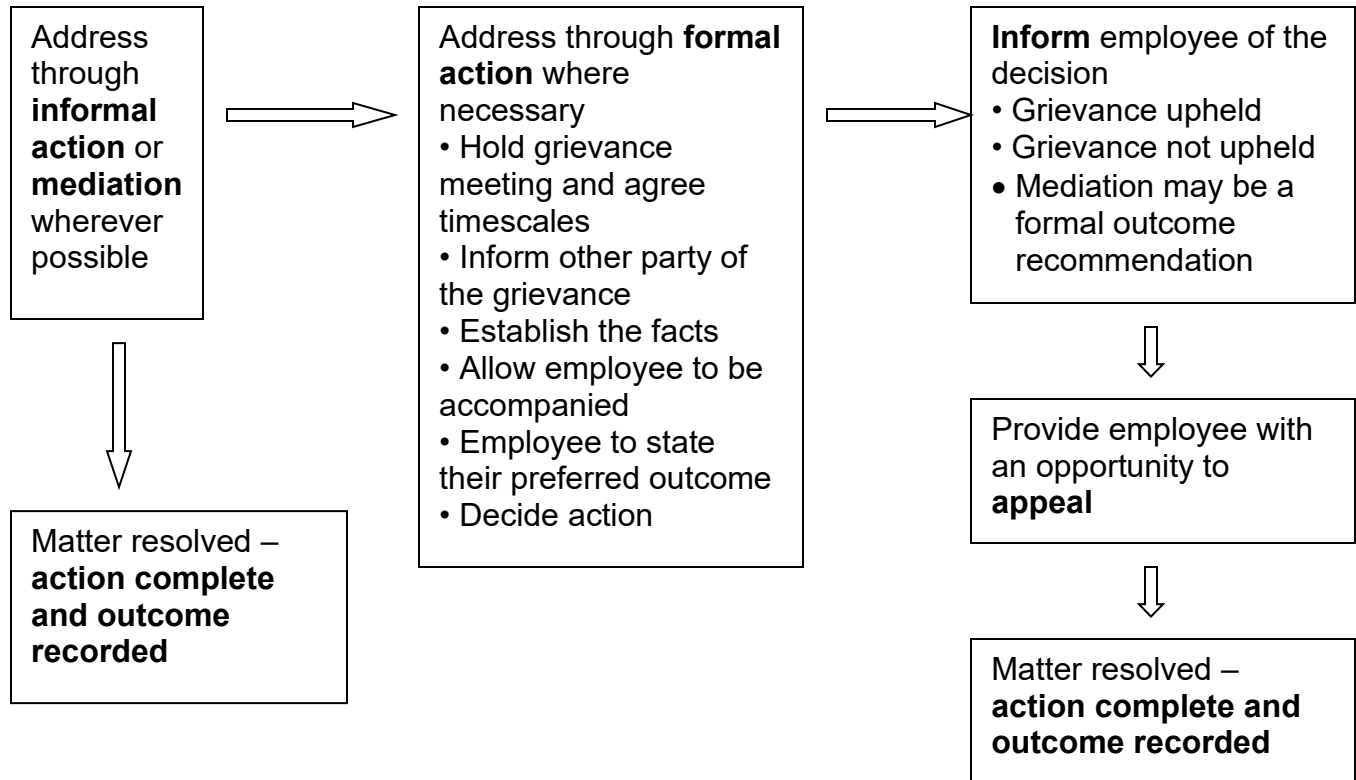
3.1 It should be noted that the outcome may not always be what the individual/s expected but it will be based on a viable solution to the matter. However, there will be a requirement for all parties concerned to co-operate in seeking a resolution by suggesting solutions, agreeing to compromises and in implementing any recommendations which arise.

3.2 It is the Headteacher's responsibility to ensure employees within their School act consistently in dealing with grievance matters. They should ensure that decisions are implemented and actions take place accordingly. It is the employee's responsibility to cooperate fully with this.

- 3.3 The informal process contained within this policy should be dealt with by an appropriate employee requested by the Head-teacher. At the formal stage it may be necessary to appoint a Grievance Officer to investigate, this person may also be the school's Complaints Officer. If the Headteacher or Grievance Officer has had prior involvement in an informal grievance matter it may be appropriate for the Chair to hear the formal stage. For this reason, it is not appropriate for the Chair of Governors to be a member of the Grievance Committee or Grievance Appeal Committee.
- 3.4 Any appeal is to a Grievance Appeal Committee. Where the grievance relates to a Headteacher's grievance, the Chair of Governors may hear it informally and a Grievance Committee formally. The Grievance Appeal committee would then hear the appeal.
- 3.5 All parties involved in the grievance will have the right at any formal stage of this procedure to be accompanied by a recognised trade union representative or a work colleague of their choice, subject to that colleague not having any involvement in the grievance.
- 3.6 Records should be kept detailing the nature of the grievance raised, the response, any action taken and the reason for it. These records should be kept confidential and retained by the school or the HR Department (at the Head's request) in accordance with the Data Protection Act 1998.
- 3.7 A reasonable timescale will be agreed with all parties, ideally within 7 days of the grievance being raised. If a grievance is not dealt with by an appropriate line manager within an agreed timescale, save for genuine reasons which have been communicated to the employee, then the employee will have the right to progress to the next stage. If an employee or his/her representative fails to comply with agreed timescales, then the procedure will cease and the grievance will be considered settled or withdrawn, unless it is agreed that the failure was not the fault of the employee.
- 3.8 Any agreed timescales for addressing a grievance may be varied if the Grievance Officer and the employee agree that in a particular instance the timescales should be extended. There needs to be a commitment to delivering the outcome by both parties and the focus of progressing the grievance will be on delivering the outcome as a priority to the timescale.
- 3.9 The Governing Body will establish a Grievance Committee to deal with Headteacher grievances and a Grievance Appeals Committee to deal with appeals which have already been heard by the Headteacher. No committee member may sit on a committee where they have had previous involvement in the matter. There must be a minimum of three Governors on a committee, who should not include staff representatives wherever possible.

4. Grievance procedure flow-chart

The flow-chart below shows the outline process for handling grievances:



5. Mediation

- 5.1 Mediation by an independent third party is voluntary, and aims to provide support where two people have reached an impasse or cannot appreciate one another's point of view to arrive at a solution. Mediation may be appropriate at any point in the informal or formal grievance process.
- 5.2 It may be appropriate that informal mediation is used at an early stage and may be carried out by a neutral colleague at the direction of the Head.
- 5.3 If the issue is one of disagreement or conflict with colleagues/line managers, normally, the individuals concerned would be expected to have attempted to resolve the issue between themselves, or with the help of their manager/neutral colleague. Where this has not happened or been successful, they may be encouraged to involve an independent mediator.
- 5.4 The role of mediation is to help people in dispute to find a mutually acceptable solution to the problem. The mediator will help the two parties to come up with their own solutions to move forward by facilitating a discussion between them. The

mediator will manage this process but it is down to the individuals involved to work together and take the responsibility of seeking a resolution to the situation.

5.5 The principles of mediation are:

- The parties must be in agreement to use this method to resolve the situation;
- Collaborative problem solving to reach a workable solution acceptable to both parties;
- Focus on the future, emphasising a positive working relationship in the future, rather than apportioning blame for the past;
- A belief that communication is often the key to resolving workplace disputes.

5.6 Mediation is confidential, which means that anything said during mediation cannot be relied upon if the matter is progressed to formal proceedings in the future.

5.7 Representation is not appropriate during mediation, as it is up to the parties concerned to have an open and honest discussion without the distraction of other parties being present.

5.8 There will be no written record of the discussions which take place during mediation, other than notes taken by mediators for their own use during mediation.

The mediator will however:

- Write to the parties concerned, setting out the main areas of concern and what they have agreed to, and will require them to sign this and return it to the mediator;
- Inform the referring manager once the mediation has been concluded;
- Where one of the parties refuses to continue to participate in mediation or the mediation is not concluded for any reason, the mediator will inform the referring manager, who will then put forward their final decisions and actions for resolution.

5.8 A list of trained Mediators is held in HR. These Mediators work to an agreed Code of Practice.

6. Informal Stage

6.1 If an employee wishes to raise a matter of contention connected with a colleague, they should in the first instance seek an early, informal discussion directly with that colleague. If the employee does not feel comfortable discussing matters directly with the colleague it may be appropriate to request their Grievance Officer, or a member of the school's Management Team assist them in facilitating the discussion.

6.2 Notes of informal discussions will be kept following any informal meeting.

- 6.3 Even informal grievances must be made in writing, outlining the grievance the employee has and the outcome they desire.
- 6.4 Once a matter has been brought to the attention of the Grievance Officer/Headteacher they will arrange to meet with the employee who has raised the grievance as soon as possible in order to:
- establish what the problem is;
 - establish what steps, if any, have already been taken to resolve matters;
 - establish what the employee's suggested solution to the problem is;
 - consider appropriate actions to resolve the matter;
 - agree timescales and review;
 - discuss and agree timescales in which to carry out any background investigation and/or feedback to the individual about decisions or outcomes reached;
 - consider if mediation would be appropriate to resolve the grievance;
 - where the grievance involves allegations against a colleague a meeting must take place with the colleague to inform them of the allegations and document their point of view;
 - where the grievance involves allegations against a colleague any counter-allegations should also be fully investigated and responded to as part of the grievance response.
- 6.5 When the above steps have been completed (which may include further investigative meetings) the Grievance Officer/Headteacher will then discuss their findings and deliver the outcome to the employee who raised the grievance.
- 6.6 The Headteacher should ensure that any agreed solutions are documented, implemented and monitored, and that regular reviews are conducted where appropriate.
- 6.7 Outcomes from meetings should be confirmed in writing to the parties concerned within 14 days, copies of which should be kept on the individual's personal file for the period of employment.
- 6.8 All parties, including the complainant, will be reminded that the grievance must be dealt with in confidence. Failure to comply with this may result in disciplinary action being taken against any employee who breaches confidentiality.

7. Formal Stage

- 7.1 If informal intervention has not resolved the grievance to the employee's satisfaction, they must raise the matter formally in writing with their Grievance Officer/Headteacher, as appropriate.
- 7.2 In their letter, the employee must set out the following:

- The nature of their grievance;
 - The background of their grievance;
 - How they feel the grievance could be resolved/ their desired outcome.
- 7.3 If the matter is about, or connected with, the employee's Headteacher, the employee should write to the Chair of Governors for investigation. .
- 7.4 The employee may at this stage, if they have not already done so, contact their trade union or seek the support of a fellow colleague, who may accompany them to meetings during the formal grievance procedure.
- 7.5 Once the written grievance is received the Grievance Officer/Headteacher will arrange a meeting with the employee to discuss the matter formally and to commence necessary investigations into the matter. At this stage, a timeframe for investigating and reporting back will be identified and agreed. If this timeframe cannot be kept for any reason, then the Grievance Officer/ Headteacher must inform the employee and inform them of any updates in their progress to handle the matter.

At the meeting the following will be discussed:

- establish what the problem is;
 - establish what steps, if any, have already been taken to resolve matters;
 - establish what the employee's suggested solution to the problem is;
 - consider appropriate actions to resolve the matter;
 - agree timescales and review;
 - discuss and agree timescales in which to carry out any background investigation and/or feedback to the individual about decisions or outcomes reached;
 - consider if mediation would be appropriate to resolve the grievance;
 - where the grievance involves allegations against a colleague a meeting must take place with the colleague to inform them of the allegations and document their point of view;
 - where the grievance involves allegations against a colleague any counter-allegations should also be fully investigated and responded to as part of the grievance response.
- 7.6 Once the investigation is completed, the Grievance Officer/Headteacher will meet with the employee to confirm the findings and outcome. This will be followed up in writing and include the right of appeal. The letter will be sent within 7 days of the outcome meeting.
- 7.7 Where the issue is one of conflict with colleagues/line managers, it may be a recommendation of the formal process that the parties should be requested to attend, or may benefit from mediation.

7.8 All parties, including the complainant, will be reminded that the grievance must be dealt with in confidence. Failure to comply with this may result in disciplinary action being taken against any employee who breaches confidentiality.

8. Appeal Stage

8.1 If the employee who raised the grievance can demonstrate the outcome was not reasonable in their opinion, they have the right to appeal. The appeal should be lodged in writing with the Clerk of Governors within 14 days of receipt of the outcome letter.

The letter should contain the following:

- summary of what has happened;
- statement why they are not able to accept the outcome of the formal stage;
- statement what they feel the solution should be and why.

8.2 At this point, the Clerk of Governors will make arrangements for the appeal hearing. Every attempt will be made to hear the appeal as quickly as possible and wherever possible, within 28 days of the Clerk receiving the employee's letter. Where appropriate HR will assist the Clerk with co-ordinating the collation of the documentation required for the Appeal. This will include:

- a copied set of all the previous letters and notes of meetings;
- the employee's letter of appeal.

8.3 All documentation should be provided to the Grievance Appeal Committee at least five working days before the appeal hearing takes place. Failure to comply with this may result in the Committee not taking the information into account in their deliberations.

8.4 The Grievance Appeal Committee will consist of at least three governors, up to a maximum of five. The Committee will take into account the circumstances, validity and practicality of any proposed resolution, and decide whether or not the appeal should be upheld. It is recommended that the Committee seek HR advice prior to arriving at a decision.

8.5 The Grievance Appeal Committee may wish to call parties interviewed as part of any formal grievance investigations.

8.6 The employee will be notified in writing of the decision by the Chair of the Committee within 7 days of the appeal meeting.

8.7 The appeal hearing is the final stage in the grievance procedure and the Grievance Appeal Committee's decision is final.

APPENDIX 1

HEADTEACHER/ COMPLAINTS/GRIEVANCE OFFICER GUIDANCE

This guidance should be read in conjunction with the School's Grievance Policy

Why have a grievance procedure?

In any organisation, employees may have problems or concerns about their work, working environment, or working relationships, that they wish to raise and have addressed. A grievance procedure provides a mechanism for these to be dealt with fairly and speedily before they develop into major problems and potentially collective disputes. It is good employment relations practice to provide employees with a reasonable and prompt opportunity to redress any grievance.

It is in everyone's best interest to ensure that employees' grievances are dealt with quickly and fairly and at the lowest possible level at which the matter can be resolved. Grievance proceedings and records must be kept confidential.

In certain circumstances it may, with mutual agreement, be helpful to seek external advice and assistance during the grievance procedure. For instance where relationships have broken down and an external facilitator might be able to help resolve the problem, e.g. HR, or a headteacher from another school, or where the headteacher dealing with the grievance is new and may need mentoring by a more experienced headteacher. It is the Headteacher's responsibility to inform the employee about the support that is available to them such as counselling, mediation or occupational health.

Preparation and Research

Checklist for Investigation:

- Focus on gathering objective information in a thorough and organised manner;
- Inform an employee who has had allegations made against them at an early stage;
- Have meetings with all relevant people;
- Obtain written statements which are signed and dated;
- Remain impartial and avoid reaching a decision until all information has been collated and the meeting has taken place;
- Do not express any views or opinions prior to reaching a decision;
- Ensure all matters raised by all parties are considered and responded to, particularly counter-allegations made;
- Ensure that comprehensive records are maintained of all relevant action taken;

Role of the Representative/Supporter

Throughout the grievance procedure all parties has the right to be accompanied by a work colleague or a union representative at all meetings/hearings. The representative may speak on behalf of the employee and ask questions on their behalf. The representative should not answer questions asked of the employee. The representative may request adjournments to discuss issues separately with the employee. If the employee or the representative cannot attend a meeting, the employee can request an alternative time and date. All reasonable steps should be taken to accommodate requests within 7 days of the original meeting date.

Conducting a Grievance Interview

The nature and process of the grievance procedure should be restated. It should be made clear that the employee can stop the process at any time if they feel that just talking about their problem is sufficient. They should also be assured that invoking the grievance procedure will not be held against them, it is, after all, an employment right. They need to be reassured that every attempt will be made to resolve their grievance, but should also be made aware that things may remain as they are if that is considered to be the most appropriate action.

Checklist for the initial interview:

- The employee should state their case. The interviewer's role at this point is to listen and say nothing.
- The interviewer must not interrupt, justify or sympathise.
- The employee should be encouraged to say as much as they wish of their own accord before being asked to clarify or give examples. If they can cite only feelings and perceptions, they should be asked to try to be as factual as they can so that their claims can be substantiated properly and assessed objectively.
- The interviewer should summarise and clarify their understanding of the issues. They should not suggest solutions or reject the problem.
- The interviewer should carefully question and probe to ensure that the problem really is the one being expressed.
- Ask the employee specific questions to elicit relevant facts and feelings. It may be helpful to prepare a framework of the questions you intend to ask.
- Ask the employee what outcome they desire.
- The interviewer should summarise the problem back to the employee from time to time to ensure that understanding is quite clear.
- The interviewer must ensure that proceedings remain calm at all times. If there are any emotional outbursts it is better to suggest that the meeting be postponed to another time.
- If there are any misunderstandings which have initiated the grievance, then these should be cleared up immediately.
- A second member person may need to take notes. The notes should be signed by both parties.

If it transpires that the grievance is completely without foundation this must be discussed fully and factually with the employee and agreement to end the matter must be sought. If the employee does not agree that the complaint was unjustified then he/she has the right to progress to the next stage of the grievance procedure.

If the grievance is justified, careful consideration must be given to the possible solutions. Wherever practicable, the employee should be involved as much as possible and given the opportunity to express their requirements. But they should be made aware of any constraints. The only promise that can be made is that the matter will receive the fullest consideration.

Reiterate at this point that any employees interviewed should be treated equally and fairly and that any counter-allegations should also be fully investigated.

The meeting should be adjourned before any final decision is made. Once the decision is made, the solution should be communicated back to the employee. Some background as to how the decision was reached should also be given. If the outcome is not what they had hoped for, they should be reminded of their right to take the grievance to the next stage. They should not be discouraged from doing so and should be told that they will not be thought any less of if they decide to appeal.

Appeal

If the employee is unhappy with the outcome at any stage, he/she has the right to appeal against that decision until the stages of the grievance procedure are exhausted.

Follow Up

If the grievance is resolved quickly and easily it is still important to see the employee at some point to ensure that the solution is still working out as planned. If the outcome has disappointed the employee they should be seen again quite quickly to ensure they are not harbouring ill-feeling.

It is important to provide an open and fair way for employees to make their problems known and give them an opportunity to resolve them before they become major issues.

Checklist for Grievance Procedure:

- Read through the procedure and guidance notes thoroughly.
- Check that all activity to try and resolve the grievance informally has been taken.
- Identify the problem and try to define the exact nature of the complaint.
- Identify the key issues and those involved.
- Where appropriate inform any employee of allegations made against them at an early stage.
- Listen carefully to what all parties have to say – investigate all allegations raised by any parties.
- Interview any witnesses to alleged incidents.
- Decide whether any disciplinary action may be necessary.
- Examine employee work records – if appropriate.
- Collect information and analyse data gathered.
- Where there is conflicting evidence demonstrate a balance of probability as

to whether you believe the concerns are justified.

- Carefully consider evidence that there is no case to answer?
- Consider if there are any mitigating circumstances to take into account?
- Consider if there are any organisational precedents that have taken place in similar situations/cases?
- Summarise findings.
- Decide if allegation/grievance is substantiated.
- Make a decision on the action to be taken.
- Where relevant, notify both sides of the outcome.
- Ensure copies of all notes are placed on employee files.

APPENDIX 2 - GUIDANCE NOTES FOR STAFF

This guidance should be read in conjunction with the School's Grievance Policy

Introduction

Grievances are concerns, problems or complaints that you wish to raise with your employer. Wherever possible, you should aim to settle your grievances informally with your headteacher or other senior manager. But where this is not possible, formal grievance procedures allow for issues to be resolved fairly, consistently and speedily.

What is a grievance?

From time to time, you may have problems or concerns about your work, working conditions or relationships with colleagues that you wish to talk about. You will want the grievance to be addressed and, if possible, resolved. You should aim to settle most grievances informally. This is helpful as it encourages problems to be settled quickly. It is in everyone's interest to resolve problems before they develop into major issues for all concerned, so the emphasis should be on encouraging open communication.

In some cases, it may be decided to use a neutral mediator to help resolve grievances. This can be very helpful in maintaining working relationships.

Why have a procedure?

If a grievance cannot be settled informally you should raise a grievance formally with your Grievance Officer or headteacher. This should be done in writing. A meeting will be arranged to discuss the grievance. You have the right to be accompanied by a work colleague or union representative. You should take all reasonable steps to attend meetings. Any decision will be confirmed in writing and you will have a right of appeal.

If you think you have reasonable grounds for appeal, you should put this in writing to the Clerk of Governors, your appeal will then be heard by a Grievance Appeals Committee. This Committee will consist of Governors at the School.

How will the grievance meeting/hearing be conducted?

You will have provided an outline of your grievance in writing. The Grievance Officer dealing with your grievance may seek advice and/ or support from HR.

The meeting/hearing will be held in private and without interruption from outside. The Grievance Officer will normally arrange for someone to be present to take notes of the meeting. The person(s) conducting the grievance will explore the details of your grievance with open discussion of the issues you have raised. The meeting may need to be adjourned if further information or advice needs to be sought. Possible solutions will be discussed at the meeting where appropriate. You will need to be clear about the outcome you are seeking to your grievance.

It may be necessary for the Grievance Officer to interview other parties before you can receive an outcome to your grievance. If this is the case you will be given the option to meet the Grievance Officer again to hear the outcome before it is confirmed in writing.

The Grievance Officer will advise you when you might reasonably expect to receive a response and update you if these timescales cannot be met for any reasons.

Role of the Supporter

Throughout the grievance procedure you will have the right to be accompanied by a work colleague or a union representative at all meetings. Your representative may speak on your behalf and ask questions on your behalf. The representative must not answer questions asked of you. The representative may request adjournments to discuss issues separately with you, where appropriate. If your representative cannot attend the meeting, you can request an alternative time and date not more than 7 days after the suggested meeting date.