WALTHAMSTOW MONTESSORI SCHOOL

Grievance Procedure

A grievance is defined as; "concerns, problems or complaints that employees raise with their employers." Issues that may cause grievances include:

- Terms and conditions of employment
- Health and safety
- Work relations
- Bullying and harassment
- New working practices
- Working environment
- Organisational change

Discrimination. WMS has a Grievance Procedure that applies to all staff of the school - it exists to ensure that grievance problems at work are solved as quickly and as fairly as possible. It is intended that both the school and its employees should view the use of this procedure in a constructive light.

The aim of the Grievance Procedure is to settle grievances fairly and it is intended to operate simply and rapidly. Every effort will be made to resolve the issue at the earliest possible stage, and at each stage efforts will be made to avoid proceeding to the next stage and to settle the issue amicably.

In the case of a grievance being taken out as a counter-grievance, or in response to the instigation of disciplinary action, it may be appropriate to deal with both issues concurrently. If appropriate, the disciplinary procedure may be temporarily suspended in order to deal with the grievance.

If an employee has a problem with another member of staff, and is unable to sort it out informally, the matter should be referred to a senior member of staff. You may be able to agree an informal solution between you. In some cases, this may also involve assistance such as mediation.

If the problem is serious or remains unresolved or the employee wishes to raise the matter formally, the employee can invoke the school's formal grievance procedure which has several stages.

At each stage of the procedure, there will be at least one meeting to discuss the grievance. An employee is entitled to be represented or accompanied by his/her union representative or by a work colleague of his/her choice when attending

these meetings.

The date and time of (any) grievance hearing(s) shall be agreed between the employee, his/her representative and a representative of the school.

The employee and his/her representative will be allowed adequate time to prepare the employee's case, within the time limits set out in the grievance procedure below.

How to raise a Grievance

A grievance should be raised without unreasonable delay, normally within one month of the incident (or final incident) which gives rise to the complaint.

In all cases and at all stages, the employee must detail in writing the specific circumstance or circumstances which constitute the grievance, with dates, times, witnesses, etc. as applicable. Employees should stick to the facts and avoid insulting or abusive language.

Where staff have difficulty expressing themselves because of language or other difficulties, they may like to seek help from trade union or other employee representatives or from colleagues.

The procedure has two stages as set out below. At each stage of the procedure formal records shall be kept, and the result of each stage shall be confirmed in writing. The employee is encouraged to keep his/her own records and is entitled to record his/her disagreement as to the accuracy of the formal records or of the result.

At each stage of the Grievance Procedure the school coordinator and/or Principal hearing the grievance shall undertake a full investigation and there will be a hearing, to allow the employee to put his/her case and state how they would like to see it resolved.

The stages of the procedure are as follows:

Stage I

1) Any grievance should first be raised in writing with the Principal who should attempt to settle it as soon as possible. She will invite the employee to attend a meeting, normally within **5 working days,** to discuss the matter and will hold any additional meetings as required, to resolve the grievance.

2) In the meeting the principal will read out the grounds of the employee's

grievance, ask the employee/representative if they are correct and require the employee/representative to provide clarification regarding details of the grievance, if unclear.

3) The principal will give the employee or their representative the opportunity to put forward their case and say how they would like to see it resolved. The employee/representative may call witnesses and refer to documents provided to the principal.

4) The principal may question the employee/their representative and/or any of the employee's witnesses.

5) The employee/representative will be given the opportunity to sum up but may not introduce any new material.

6) The principal will adjourn the hearing and give due consideration to the case. She may need to seek technical and professional advice and information from internal and external sources as appropriate (e.g., advice and information on employment law or the school's personnel policies and procedures, etc.). The Principal may adjourn the hearing for up to **fifteen working days**. The hearing will be reconvened as soon as possible.

7) Having considered the case, the principal will give her/his decision regarding the case and confirm this in writing to the employee within **five working days**. She will also inform the employee of her/his right of appeal, which must be made to the principal within **ten working days** of receipt of the written decision.

If the grievance is against the Principal, the employee can directly raise the matter to Stage 2.

In the case of the Principal the matter can be raised with the Local Authority or employment tribunal if appropriate. In all circumstances, the Principal will treat all grievances fairly and objectively even if the grievance is about something they have said or done.

Stage II - Appeal

1) If the grievance matter has not been resolved in **Stage I** of the process within **ten working days** of receipt of the written decision, the matter may be raised with the owner who will call a hearing to take place within **fifteen working days** of the matter being formally raised.

2) The Principal shall ensure that a minute-taker is present.

3) The Principal will introduce the meeting, read out the grounds of the employee's appeal, ask the employee if they are correct and require the employee to provide clarification if any of the grounds of appeal are unclear.

4) The employee will be given the opportunity to put forward her/his case, explain why s/he is not satisfied with the outcome at **Stage I**. The employee may call witnesses and refer to the Principal's written decision and any other documents circulated to the owner prior to the appeal hearing.

5) The owner may question the employee and any of the employee's witnesses.

6) The employee will be given the opportunity to sum up but may not introduce any new material.

7) The owner will adjourn the hearing and give due consideration to the case. It will be acceptable for the owner to seek technical and professional advice and information from internal and external sources as appropriate (e.g. advice and information on employment law or The School's personnel policies and procedures, etc.). The owner may adjourn the hearing for up to **fifteen working days**. The hearing will be reconvened as soon as possible.

8) Once the owner has reached a decision, they will recall the employee, give their decision and confirm this in writing within **ten working days**. **The decision of the owner will be final.**

Group Grievance

Where a group of employees has a collective grievance (raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative) the procedure should start at Stage II above.

Informal Meetings

The procedural steps detailed above will not preclude any informal meetings, which may from time to time be considered mutually to be appropriate.

Time Limits

The time limits expressed in this procedure will be regarded as the normal maximum time limits required. They may, however, be extended by mutual

agreement.

Review
This procedure may be reviewed and altered from time to time as appropriate and any changes agreed with employees.

Examples of Possible Reasons for a Grievance
It is not the aim of this procedure to deal with reasonable and justifiable managerial decisions which an employee may disagree with. The list provided below is not exhaustive and there may be other examples of possible reasons for a grievance:

- provision of conflicting, contradictory instructions/supervision.
- unjustified refusal to provide support/supervision when requested.
- persistent lack of support/supervision which affects the employee's ability to carry out his/her job.
- refusal to deal with, or inadequate resolution of work problems between colleagues.
- unwillingness or failure to deal with health & safety issues

Disciplinary Procedure
Any upheld grievance matter may be referred to the school's Disciplinary Procedure.

Records
Records should be kept detailing the nature of the grievance raised, the school's response, any action taken and the reasons for it. These records should be kept confidential and retained in accordance with the Data Protection Act 1998 which requires the release of certain data to individuals on their request.

Copies of any meeting records should be given to the individual concerned although in certain circumstances some information may be withheld, for example to protect a witness.

This policy was adopted on: **01.03.2016**

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