

ST OSWALD'S CATHOLIC PRIMARY SCHOOL.

Complaints Procedure

**This complaints procedure, prepared by the SEAT Team, in accordance with the Law, has been formally adopted by the Governing Body of St. Oswald's Catholic Primary School.
It will be reviewed, when appropriate by the governors.**

Adopted by governors February 2016

School Employment Advisory Team.
December 2010
Updated October 2012

Introduction

1. Employees' grievances relate to matters concerning their employment.
They can be relatively simple complaints involving a single member of staff or of fundamental importance involving a group or groups of staff. They can range from dissatisfaction with working arrangements to issues including harassment, discrimination and bullying, grading and conditions of service. **The procedure cannot be invoked to deal with matters which are in the process of being dealt with under another procedure(e.g Sickness/absence procedures or disciplinary procedures.)**
2. To meet this variety of situations there are four stages to the procedure.
The first stage is to enable the grievance to be resolved informally and without recourse to any subsequent stage; the other three are to deal formally with grievances which have not been resolved informally or are of a type where informality is inappropriate.
3. The purpose of the procedure is also to provide a prompt, fair and consistent method of dealing with staff grievances and complaints.
Grievances or complaints that are found to have been made maliciously will be dealt with accordingly.

Scope

4. The School Standards and Framework Act 1998 requires Governing Bodies to establish a grievance procedure.
5. This model grievance procedure is recommended by the Authority for adoption by Governing Bodies.
6. The procedure applies to all staff employed at a school during any period when the school has a delegated budget, and should be used in conjunction with any Statutory Regulations, and any guidance issued from time to time by the Executive Director.

Principles

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7. Any employee who has a grievance or complaint relating to his or her employment is entitled to express it and to receive a response.
8. A complainant has the right to be represented at all stages of a grievance either by a single companion who may be a trade union official or a work colleague. Similarly any other parties who may be identified as the focus of a complaint or grievance also have the right to be similarly represented at all stages.
9. Any employee who remains dissatisfied after the response given at stage 1 or stage 2 of the procedure may proceed to stage 3 of the procedure. Employees who are dissatisfied with the decision given at Stage 3 may appeal.
10. During all stages of the procedure, complainants will be expected to maintain normal working pending the outcome of any complaint.
11. No person involved in the preparation of a response may take part in the determination of a *Grievance/Appeal Committee* decision.
12. All responses from formal hearings should be given in writing within five working days from the date of the hearing.
13. The *Grievance Appeals Committee* will have the power to allow or disallow the appeal or vary the decision appealed against. The decisions made by this Committee are final.
14. All decisions of the *Grievance Committee* and *Grievance Appeals Committee* will be reported for information to the next meeting of the full *Governing Body*.

15. The proceedings and decisions of this procedure are confidential, and the considerations, which led to them, shall not be discussed or rehearsed by the full Governing Body or anyone else party to the procedure.

Responsibility of Head Teacher and Governors

16. The Head Teacher and the Governing Body are responsible for the consistent and fair operation of this procedure.

17. The Head Teacher should attempt to resolve grievances where he or she is not the subject of the grievance.

18. No hearing shall proceed if less than 3 Governors are present, unless the employee and his or her representative have been consulted and agreed.

19. The Governing Body will elect a Grievance Committee and a Grievance Appeals Committee which must be the same size, to hear grievances and determine appeals against decisions of the Grievance Committee.

20. No Governors with prior involvement at the earlier stage may hear a subsequent appeal.

21. The Executive Director, or his nominee, may be invited to attend any stage of this procedure, and offer advice to the Head Teacher or Governors.

22. The Governors of voluntary aided, foundation and foundation specialist schools may also seek advice or assistance from the relevant voluntary authority.

23. The Chair of the *Grievance Committee* or *Grievance Appeals Committee*, as appropriate, conducting a hearing shall be responsible for ensuring that it is conducted in a fair, reasonable and thorough manner.

First (Informal) Stage

24. Where a member of staff has a grievance, which involves another, or other members of staff but not the Head Teacher, he or she should firstly endeavour to resolve the matter informally. If this is unsuccessful he/she should approach an appropriate senior member of staff or the Head Teacher.

25. If necessary, the senior member of staff should advise him/her that the other staff or the Head Teacher will be consulted, as appropriate, before a response is given.

Second Stage

26. If a member of staff is dissatisfied with the oral response at the first stage, the grievance or complaint should be put in writing to the Head Teacher. The Head Teacher should re-open the discussions with other members of staff in an attempt to resolve the grievance. In such circumstances the Head Teacher should advise the member of staff of the length of time before a response is likely to be given.

The complaint must be registered with the Head Teacher within 3 months of the date on which it first arose or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. Where a grievance has originally been raised in accordance with paragraph 24, the initial registration date will be that date when the senior member of staff or Head Teacher was approached by the complainant. The Head Teacher must decide whether or not the 3 month time limit has been observed.

Third Stage

27. If the member of staff remains dissatisfied after this process, he or she may pursue the grievance to the *Grievance Committee*. The complaint at this stage then becomes a complaint against the Head Teacher/*Governors* decision at stage two of the procedure. The grievance must be referred to the *Grievance Committee* within 7 calendar days of receiving the Head Teacher's decision and the Head Teacher should arrange the hearing within 15 working days unless extended by mutual agreement.

28. Copies of the full details of the complaint, details of witnesses and any other relevant documentation as well as the formal response from management should be submitted to the *Grievance Committee* members, the LEA representative (where relevant), the complainant and his/her representative, and the respondent, not less than 3 days before the hearing.

29. The member of staff will receive the decision of the *Grievance Committee* within 5 working days of the hearing, unless it is a complex issue requiring some investigation, in which case agreement will be sought from the member of staff about an appropriate timescale. However, in the event that a response is not forthcoming within either the normal or mutually agreed timescale, the member of staff will be entitled to invoke the next stage of the procedure.

Fourth and Final Stage

30. If the member of staff is dissatisfied with the decision of the *Grievance Committee*, he/she may pursue the matter further to the *Grievance Appeal Committee*. The member of staff must register the appeal in writing to the Clerk to the *Governors* within 7 calendar days of receiving the decision. A meeting of the *Grievance Appeals Committee* should be convened within 15 working days unless there are exceptional circumstances. If such circumstances exist they should be communicated to the appellant within the original timescale.

31. Copies of the full details of the complaint, reasons for appeal, details of witnesses and any other relevant documentation as well as the formal response from management, should be submitted to the Grievance Appeal Committee members, the LEA representative (where relevant), the complainant and their representative, and the respondent, no less than 3 days before the hearing.

32. The decision of the Grievance Appeal Committee will be communicated in writing within 5 working days of the hearing and is final. However, staff will retain the right to pursue complaints of breach of contract or of discrimination to an Employment Tribunal or through the County Court.

Grievances against a Head Teacher

First Informal Stage

33. Where a member of staff has a grievance against the Head Teacher he/she must first endeavour to resolve the matter informally through discussion with the Head Teacher.

Second Stage

34. If the member of staff is dissatisfied with the oral response at the first stage the full details of the grievance or complaint should be put in writing to the Chair of Governors. The Chair of Governors will try to resolve the grievance and if appropriate should re-open the discussions with both parties to do so. In such circumstances the Chair of Governors should advise the member of staff of the length of time before a response is likely to be given. The complaint must be registered with the Chair of Governors within 3 months of the date on which it first arose or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. Where a grievance has originally been raised in accordance with paragraph 33, the initial registration date will be that date when the Chair of Governors was approached by the complainant. The Chair of Governors must decide whether or not the 3 month time limit has been observed.

Third Stage

35. If the member of staff remains dissatisfied after this process he or she may pursue the grievance to the *Grievance Committee* within 7 days. Upon receipt of a written request, which details the grievance, the *Chair of Governors* should arrange the hearing within 15 working days unless extended by mutual agreement.
36. Copies of the full details of the complaint, details of witnesses and any other relevant documentation as well as the formal response from the *Chair of Governors* should be submitted to the *Grievance Committee* members, the LEA representative (where relevant), the complainant and their representative, and the respondent not less than 3 days before the hearing.
37. The member of staff who has made the complaint will receive the decision of the *Grievance Committee* within 5 working days of the hearing, unless it is a complex issue requiring some investigation, in which case agreement will be sought from the member of staff about an appropriate timescale. However, in the event that a response is not forthcoming within either the normal or mutually agreed timescale, the member of staff will be entitled to invoke the next stage of the procedure.

Fourth and Final Stage

38. If the member of staff is dissatisfied with the decision of the *Grievance Committee*, he/she may pursue the matter further to the *Grievance Appeal Committee*. The member of staff must register the appeal in writing to the *Clerk to the Governors*, within 7 calendar days of receiving the decision. A meeting of the *Grievance Appeals Committee* should convene within 15 working days unless there are exceptional circumstances. If such circumstances exist they should be communicated to the complainant within the original timescale.

39. Copies of the full details of the complaint, details of witnesses and any other relevant documentation and the formal response from the Chair of Governors will be submitted to the Grievance Appeal Committee members, the LEA representative (where relevant), the complainant and their representative; and the respondent, not less than 3 days before the hearing.
40. The decision of the Grievance Appeal Committee will be final. However, staff will retain the right to pursue complaints of breach of contract or of discrimination to an Employment Tribunal or through the County Court.

Head Teacher Grievances

First Informal Stage

41. Where a Head Teacher has a grievance, he or she must firstly endeavour to resolve the matter informally by approaching the Chair of Governors.

Second Stage

42. If the Head Teacher is dissatisfied with the oral response at the first stage the full details of the grievance or complaint should be put in writing to the Vice Chair of Governors. The Vice Chair of Governors will try to resolve the grievance and if appropriate should re-open the discussions with the Head Teacher and the Chair of Governors. In such circumstances the Vice Chair of Governors should advise the Head Teacher of the length of time before a response is likely to be given.
43. The complaint must be registered with the Vice Chair of Governors within 3 months of the date on which it first arose or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. Where a grievance has originally been raised in accordance with paragraph 41, the initial registration date will be that date when the Vice Chair of Governors was approached by the Head Teacher. The Vice Chair of

Governors must decide whether or not the 3 month time limit has been observed.

Third Stage

44. If the Head Teacher remains dissatisfied after this process he or she may pursue the grievance to the *Grievance Committee* within 7 days. Upon receipt of a written request, which details the grievance, the *Vice Chair of Governors* should arrange the hearing within 15 working days unless extended by mutual agreement.

45. Copies of the full details of the complaint, details of witnesses and any other relevant documentation, as well as the formal response from the *Chair of Governors* should be submitted to the *Grievance Committee* members, the *LEA representative* (where relevant), the complainant and their representative, and the respondent, not less than 3 days before the hearing.

46. The Head Teacher will receive the decision of the *Grievance Committee* within 5 working days of the hearing, unless it is a complex issue requiring some investigation, in which case agreement will be sought from the Head Teacher about an appropriate timescale. However, in the event that a response is not forthcoming within either the normal or mutually agreed timescale, the Head Teacher will be entitled to invoke the next stage of the procedure.

Fourth and Final Stage

47. If the Head Teacher is dissatisfied with the decision of the *Grievance Committee*, he/she may pursue the matter further to the *Grievance Appeal Committee*. The Head Teacher must register the appeal in writing to the *Clerk to the Governors*, within 7 calendar days of receiving the decision. A meeting of the *Grievance Appeals Committee* should convene within 15 working days unless there are exceptional circumstances. If such circumstances exist they should be communicated to the complainant within the original timescale.

48. Copies of the full details of the complaint, details of witnesses and any other relevant documentation and the formal response from the Vice Chair of Governors should be submitted to the Grievance Committee members, the LEA representative (where relevant), the complainant and their representative and the respondent, not less than 3 days before the hearing.

49. The decision of the Grievance Appeal Committee will be final. However, the Head Teacher will retain the right to pursue complaints of breach of contract or of discrimination to an Employment Tribunal or through the County Court.