

## APPENDIX 3

# E5 Grievance Procedure

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## Introduction

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1. The aim of this grievance procedure is to encourage the successful resolution of a teacher's concerns, problems or complaints swiftly and at the lowest practicable level. It is envisaged that most issues will be satisfactorily resolved at an informal level, however the procedure also sets out the process for raising grievances formally and the right to appeal in circumstances where the teacher remains dissatisfied. The Director of Human Resources will be responsible for the interpretation, advice and management of this procedure on behalf of the City of London Corporation.

2. The key objectives are to ensure that:
  - teachers raise, and managers deal with concerns and problems including complaints of bullying and harassment, wherever possible informally, promptly and within one month of the issue occurring
  - teachers attempt to resolve issues they have with colleagues directly and constructively
  - teachers and managers work collaboratively to resolve issues on a 'no blame' basis
  - to clarify how matters requiring formal action will be dealt with by an appropriate level of management as defined in the Managing People Policy
  - appropriate points of contact/support and timescales are given to the teacher who raises a grievance
  - teacher grievances are handled fairly, consistently, swiftly and with appropriate confidentiality
  - there is clarity about issues raised which are more appropriately dealt with under an alternative procedure such as disciplinary, whistleblowing or where an appeal/review mechanism is already in place
  - there is compliance with employment legislation and the ACAS Code of Practice.

## **Scope**

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3. This policy applies to all teachers of the City Corporation except for Heads for whom separate procedures apply. This policy does not apply to agency workers, consultants or other workers providing services to the City Corporation.

## **Stage 1 Informal resolution**

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4. Teachers are encouraged to raise issues of concern or complaints that they have about work with their line manager or colleagues direct on an informal basis. Open communication is often the quickest and best way of resolving grievances, depending on the issue involved. If the issue is about the line manager then the teacher can raise the matter with their line manager's manager if it is not possible to deal directly with the line manager.
5. Informal resolution should always be viewed as a constructive and a credible response. It provides an opportunity for managers, teachers and colleagues to discuss situations in a supportive, empathetic and solutions-focused way. Constructive dialogue promotes positive behaviours and effective relationships in the workplace, fostering an environment of mutual understanding and respect.
6. When there is potential conflict at work, such as disagreement between colleagues, an early resolution meeting with coaching or mediation by the manager or in some

situations a third party, should help to identify a mutually acceptable outcome to remedy the situation being complained about. Informal resolution aims to support colleagues by securing lasting and constructive solutions in a non-adversarial way. Any agreement reached is both voluntary and confidential.

7. An initial outcome of informal resolution may be that line manager determines that the matter should be dealt with formally as outlined in paragraph 12 and they will be asked to complete a grievance complaint form.
8. If a teacher believes that their grievance has not been resolved to their satisfaction through the informal approach, then they can progress to the formal procedure.

## **Stage 2 Formal grievance resolution – Initial meeting**

9. A teacher must put their formal grievance in writing to the manager's manager if it is not possible to deal directly with the line manager setting out the nature of the grievance, what steps they have taken to resolve it and what resolution they seek. They should do so within one month from the date the teacher tried to resolve the matter informally or from the issue occurring where it is agreed by the manager that the matter should be raised formally. At the very latest the teacher's formal grievance should be submitted within three months of the last incident occurring. A grievance complaint form is available to assist teachers for setting out their grievance.
10. On receipt of the formal grievance, the manager (referred to as the Grievance Resolution Manager for the purposes of this procedure) will arrange to meet with the teacher usually within 5 working days of receipt of the grievance. The Grievance Resolution Manager will usually be accompanied by an HR representative.
11. The teacher is entitled to be accompanied at the meeting by a fellow worker or trade union representative. The teacher and their companion must make every effort to attend any meetings arranged to consider their grievance. If the teacher's companion cannot attend on the date arranged the teacher may offer a reasonable alternative date and time so long as it is no more than five working days after the original date.
12. The purpose of the formal grievance resolution meeting is to:
  - establish and clarify the facts about the teacher's grievance
  - consider the resolution they seek
  - consider steps they have taken to resolve the matter informally
  - explore what action can reasonably be taken to resolve the matter
  - confirm that save for exceptional circumstances any teacher complained about will be provided with an agreed summary of the complaint made against them and will be given the opportunity to respond. The Grievance Resolution Manager will determine how this will take place (eg by interview with the

Grievance Resolution Manager, making a written statement in response or in some circumstances attendance at the resolution meeting)

- discuss the level of confidentiality that can be maintained and who else will need to be involved if at all, in order to resolve the grievance
- to approach the meeting in a constructive, honest and collaborative fashion to seek solutions rather than apportion blame. Relevant parts of the decision and/or action plan drawn up will be shared with other parties to the grievance

## **Format of the Grievance Resolution Meeting**

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13. The teacher will outline their grievance and may bring to the meeting any documentation by way of example and can suggest colleagues who may be able to substantiate their complaint or concern.
14. The Grievance Resolution Manager may ask the teacher questions about the circumstances of the grievance in order to establish all the relevant facts, dates, background and surrounding circumstances etc.
15. The Grievance Resolution Manager has the right to ask the teacher to respond to questions directly put to them, although the teacher may on request confer with their representative at any time during the meeting.
16. Once the Grievance Resolution Manager has a clear understanding about the grievance, there could be 3 possible outcomes at this stage:
  - The Grievance Resolution Manager may be able to suggest a solution/action plan at the meeting.
  - The Grievance Resolution Manager may decide to adjourn (usually reconvening within ten working days) in order to consider the matter further, check facts, dates, documentation, etc. - and may wish to interview other employees in connection with the complaint/concern.
  - The Grievance Resolution Manager may decide that due to the complexity of the matter a formal investigation is warranted which they will usually undertake in person or might allocate to another manager within the department. In exceptional circumstances an independent manager outside the service may be more appropriate due to the nature of the complaint and in such cases the Director of HR's representative will be consulted and will determine if this is an appropriate route. However investigations must be prioritised by all involved, be proportionate and balanced, only involving those necessary to make an informed decision, dealt with without delay, usually within 3 weeks of the grievance resolution meeting.
17. The manager will also consider any temporary changes to the workplaces that might be appropriate whilst the grievance is being dealt with.

## **Stage 2 Formal resolution – Outcome letter**

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18. The manager will confirm their decision in writing which will usually include:
- a summary of the issues and the teacher's proposed solution and any immediate action/s agreed at the meeting
  - the decision and any action plan and review period/ date and the right to appeal against the decision

## **Stage 3 Appeal**

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19. If the teacher considers the grievance has not been satisfactorily resolved, they have the right to submit an appeal in writing to their Head within 5 working days of receipt of the outcome of the Grievance Resolution Meeting. The appeal will outline which elements of the decision and/or action plan are not agreed and the resolution sought. Any further details in support of the appeal must be provided within 10 working days of receipt of the outcome of the Grievance Resolution Meeting. The written appeal will be shared with the Grievance Resolution Manager.
20. The appeal will be heard by a more senior manager than the person who considered the initial grievance or a manager of the same grade. Appeals will normally be arranged within 10 working days from receipt of the appeal. The Appeal Officer will be impartial and not previously involved in the case detail and will be supported by an HR representative. The teacher has the right to be accompanied by a fellow worker or a trade union representative. The format of the appeal will be to consider the grounds put forward by the teacher and resolution sought rather than a complete review of all of the evidence gathered at the Stage 2 Grievance Resolution Meeting. The teacher may request that their appeal is a review of the paperwork only, without the attendance of either party at a hearing.
21. At the Stage 3 Appeal Meeting:
- the teacher will outline their appeal detailing why they remain dissatisfied
  - the Appeal Officer may ask questions of them and discuss possible alternative solutions as appropriate
  - the Grievance Resolution Manager will comment on the grounds of appeal and the resolution being sought
  - the Appeal Officer may ask questions of the Grievance Resolution Manager about the steps taken to address the grievance
  - the Appeal Officer may outline their decision at the meeting or may decide to give the matter further consideration in which case the teacher will be notified in writing of the decision within 5 working days of the meeting.

## **Other matters**

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### **Record keeping**

22. Written records will be treated as confidential and stored in accordance with the Data Protection Act. A copy of the outcome letter will be placed on the file of the person who raised the grievance whether it is substantiated or not. A copy will only be placed on the file of the person complained about if the concern is substantiated and will remain on file for 12 months.

### **Overlapping grievances with other formal procedures**

23. In circumstances where a concern or complaint raised results in a disciplinary investigation being commissioned, this will be the resolution to the grievance and the teacher may not further the complaint under the grievance procedure, unless there remain issues which were not investigated under the disciplinary procedure.
24. Where a grievance is raised during the course of a disciplinary, sickness, capability or other formal procedure, in some circumstances it may be appropriate to suspend the formal action in order to deal with the grievance. In other circumstances where they are related it may be appropriate to deal with the matters concurrently as one investigation but with clear outcomes under each procedure. The Director of Human Resources will determine the appropriate way forward in these circumstances. Similarly where counter-grievances are raised these will be dealt with together.

### **Collective grievances**

25. Grievances raised by more than one teacher about the same matter either collectively or as separate grievances will usually be dealt as one matter (so for example if the manager decides to undertake a fuller investigation there will only be one investigation) although the outcomes and resolutions may vary for each individual involved in the raising of the grievance/s.

### **Matters out of scope**

26. The grievance procedure does not apply to complaints where there is a separate appeal or review mechanism in place.
27. Where a teacher who raises a grievance does not wish their identity to be revealed or does not want those complained about to be informed, there may be little that can be done to address the complaint and in such circumstance the teacher will be advised accordingly.

28. Issues relating to service delivery or whistleblowing are not matters that will be addressed under this grievance procedure.

### **Working environment during the course of a grievance**

29. Teachers are expected to work together during the course of the investigation. In exceptional circumstances it may be considered appropriate to relocate or re-assign teachers.

### **List of appendices**

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- Appendix 1 – Grievance Procedure Process Map
- Appendix 2 – Formal Grievance Resolution Form
- Appendix 3 –Appeal Hearing Format

### **Links / Other resources**

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- [Managing People Policy](#)
- [Employee Assistance Programme](#)
- ACAS Code of Practice 1 - Disciplinary and Grievance Procedures
- ACAS Bullying and Harassment Guide for Managers and Employers
- ACAS Bullying and Harassment Guide for Employees