

**GRIEVANCE**

**TOOLKIT**

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**GRIEVANCE TOOLKIT**

# **Getting Started**

**The importance of handling grievances fairly and effectively**

A good grievance procedure contributes to developing a culture of fair treatment, allowing employees to feel that they are being treated reasonably and with respect, and that their issues / grievances are being listened to. Grievances raised by employees can help to uncover unacceptable – and sometimes, unlawful - practices that could damage the organisation's effectiveness and, potentially, our reputation. It is therefore in our own interest to enable our employees to raise legitimate grievances without fear of repercussions.

**Effective Handling of Grievances**

Dealing effectively with a grievance does not necessarily mean just giving the employee what they want, as this is obviously not possible in every case. Effective handling of grievances means:

* taking the grievance seriously, i.e. taking on board why the employee feels aggrieved, unhappy or dissatisfied;
* investigating the facts and surrounding circumstances and showing the employee that this has been done thoroughly and sensitively;
* actively looking for a solution that will satisfy the employee without causing disproportionate difficulty for the organisation or the employee's colleagues;
* being willing to tackle, or change, any aspect of the employee's employment that is genuinely unacceptable;
* providing feedback to the employee about what can, and/or cannot, be done to resolve the grievance; and
* taking any necessary follow-up action.

**Who should deal with grievances?**

Many issues / concerns / grievances can be dealt with informally by the employee's immediate line manager or supervisor. The line manager will be the person most likely to have a hands-on understanding of the issues involved, and this approach should also enable the grievance to be dealt with promptly.

Although the general principle is that grievances should wherever possible, be dealt with informally, not all grievances can be resolved in this way. Where a grievance cannot be resolved informally, the employee is able to raise it formally with management.

**Handling Grievances of a Sensitive Nature**

Some grievances of a sensitive nature may require special treatment. Examples include cases of:

* harassment
* bullying
* whistleblowing,
* where employees may not feel able to voice their concerns to their own line manager. Indeed, an employee's grievance may relate to allegations about their own line manager.

The grievance procedure clearly states the person to whom an employee should address their concerns in this situation. LCC also has a confidential line for employees making a whistleblowing allegation.

# **The Grievance Procedure**

**Handling Grievances Informally**

It is a manager’s responsibility to ensure that their employees know that any genuine issues or concerns will be listened to and that you want employees to come to you to raise them. This is not the same as having an open door to ‘moans and groans’ of employees – however, managers must recognise that unresolved genuine issues can deepen and become more serious issues if we don’t resolve them. There may be issues raised that we can’t do anything about – sometimes issues are raised about culture and ways of working that we know are right for us, but don’t suit an individual. Being a manager means having honest conversations about what we can change and what we can’t.

Managers should be willing to deal with an employee's grievance irrespective of whether it is raised verbally or in writing. It is not helpful to insist that an employee who has raised a complaint verbally should also put it in writing when you are attempting to resolve it informally. It is better to focus on resolving the grievance, than to become bogged down in unnecessary bureaucracy.

Managers need to make notes of any discussions with employees regarding issues they have raised, even informally, and how you have attempted to resolve them. These notes may be important at a later date if a formal grievance is raised and we need to consider what action has been taken to date to resolve matters.

Whenever an informal grievance, or issue / concern is raised, the manager should arrange to meet the employee as soon as is reasonably practicable to establish why they are dissatisfied and look for a solution to the problem.

The joint aims of the discussion should be to:

* ensure that the employee is given a full opportunity to explain their issues; and
* seek a means of resolving these matters to the employee's satisfaction, if possible, while considering company policies, procedures and rules, the resources available, and the need for consistency and fairness.

In some cases, it will not be possible to resolve the employee's grievance to their satisfaction, perhaps because this would breach the organisation's policy, cost too much or be impracticable. If this is the case, the manager should provide feedback to the employee.

If the grievance is raised by one member of staff against another, the Head Teacher/line manager could facilitate an open collective discussion between both parties with the intention of the concerns being aired and responded to with a view to reaching a resolution. The Chair of Governors may take on this role where the grievance is raised against the Head Teacher.

**Formal Grievance**

Where informal attempts to raise issues have not resolved matters, employees may raise a formal grievance. A formal grievance may be raised by an employee submitting the Grievance Submission Form; or they may raise it be sending an email or a letter. However they confirm it in writing, we must act upon it. Formal grievances may occur where:

* attempts at informal resolution have failed; or
* the grievance is of a serious nature (for example harassment or bullying).

Where an employee has indicated that he or she wishes to raise a grievance formally, or where the grievance is about something potentially serious, management should treat the matter as a formal grievance. Equally, where informal discussions have not resolved an employee's complaint to an employee’s satisfaction, the opportunity should be available for the employee to raise the matter formally.

If a formal grievance is submitted, the manager should acknowledge receipt, and arrange a meeting with the employee as soon as possible to discuss the matter. Some grievances require further investigation of matters before being able to resolve them.

It is critical that managers always explore with an individual what is it that they are looking for to resolve the matter. It is not a manager’s responsibility to ‘guess’ what a resolution may be – if any employee has an issue, they must be able to advise what outcome / resolution they are looking for. Only then will we know if it is something we can resolve or not to the employee’s satisfaction, or if it is something that there may need to be comprises on if we can go some-way to resolving, but not fully; or, if the resolution is something we know we will not be able to do.

**The Right of Appeal**

Once a formal grievance has been heard and a resolution provided, the employee has the right if they are not satisfied with the outcome, to submit a **Grievance Appeal**, for a panel of three Governors to hear and consider. Where an employee does appeal against a decision regarding a grievance, they will be asked to set out the grounds for the appeal, i.e. why they think that the decision was unfair or wrong.

The panel of Governors will need to understand the grounds of the grievance; what has taken place at the formal grievance meeting to resolve it; and whether or not those actions were appropriate and fair, or whether other actions could take place. Because an appeal is, by definition, the final stage in the grievance procedure, time and effort should be taken to ensure that the appeal process is handled seriously and sensitively and that it gives the employee the opportunity to be heard.

At each stage of the formal procedure, grievance meetings will take place to allow the employee the opportunity to explain their complaint fully (see [Conducting a grievance meeting](https://www.xperthr.co.uk/good-practice-manual/handling-grievances/81996/#conducting-a-grievance-hearing) ).

# **Handling Grievances**

**The importance of dealing with grievances promptly**

Once an employee has raised a grievance, whether formally or informally, it is important to deal with the matter promptly. This does not mean that the grievance should be dealt with in haste, but that the relevant manager should commence any necessary investigations and set up a meeting with the employee to discuss the matter without undue delay. Any delay in tackling and resolving the grievance is likely to make matters worse because the hold-up may:

* make the employee feel anxious;
* create resentment;
* have an escalating negative impact on the employee's performance and productivity;
* disrupt working relationships;
* demotivate other employees who may come to think that management does not care about them; and
* hamper any investigations because witnesses' memories will have faded, and relevant information or documents may have been discarded or lost.

**Managers' approach to grievances**

High performance and productivity are dependent on effective working relationships, and the fair and reasonable handling of grievances is an important element in creating and maintaining those relationships.

Managers are encouraged to view grievances constructively. If a grievance is raised, this provides an opportunity for the manager to resolve a workplace problem and improve working conditions and/or morale. Knowing about a problem is always much better than not being aware that an employee is unhappy or disgruntled about some aspect of his or her employment.

Adopting a positive attitude may also facilitate a speedy and satisfactory resolution. A negative attitude towards grievances is likely to alienate the employee and aggravate the situation. A line manager who refuses to listen to an employee's grievance, declines to take it seriously, or treats the employee as a nuisance or a troublemaker may demotivate the employee and damage working relationships, possibly irrevocably. The original grievance will remain unresolved and the employee may have a new grievance in respect of the manager's unreasonable lack of support.

Even if a grievance appears to a manager to be trivial, you should bear in mind that the matter may not be trivial to the employee. If the grievance is over something minor, the chances are that the manager will be able to resolve it quickly and easily. This is an opportunity that should not be missed as it will help to build trust and respect and enhance management/staff relationships.

**Reluctance to raise grievances**

An employee with a grudge or grievance will sometimes remain silent and dissatisfied rather than raising the problem with their manager. This may be because the employee:

* thinks that the manager is "too busy" to consider the problem;
* feels embarrassed or anxious at the prospect of being seen by colleagues to approach the manager;
* fears criticism or rejection from the manager;
* is shy or nervous;
* believes that the manager will not take the complaint seriously; or
* worries that they will be seen as a troublemaker.

Instead of simply waiting for employees to come forward with grievances, managers should, therefore, also:

* maintain regular face-to-face contact with their staff about day-to-day workplace issues;
* regularly ask questions about how employees perceive various work-related matters;
* listen actively to what employees have to say; and
* keep their eyes and ears open to any potential problems or rumblings of discontent.

If a manager makes the effort to instigate informal talks with employees on a regular basis, it is much more likely that you will pick up on any gripes and grumbles before these can escalate into major grievances. As soon as a potential problem is identified, the manager should instigate action to investigate the matter and establish what can be done to improve or resolve the situation.

# **Grievance and Appeal Meetings**

**Conducting a grievance meeting**

The main tasks for a manager conducting a grievance meeting are to:

* listen to what the employee has to say;
* ask questions to clarify the facts and explore the matter fully;
* achieve a clear understanding of the grievance and why it has arisen;
* distinguish between matters of fact and matters that represent the employee's opinion about the issue;
* find out how the employee would like the grievance to be resolved;
* discuss any alternative solutions, and if there might be room for compromise; and
* provide the employee with any relevant information about company policies and rules, or availability of resources.

Managers will need to develop various qualities and skills if they are to handle grievance meetings effectively. These include:

* the ability to listen actively and without bias;
* the ability to remain objective when hearing points of view that may not accord with their own;
* the skill of asking open, probing questions, i.e. those beginning with "what", "which", "why", "how", "who", "when" and "where”;
* empathy, i.e. the ability to show that they understand how the employee feels, which can be demonstrated through responses such as "I can see why you're upset about this”;
* the ability to understand the employee's grievance within the larger context of the organisation's needs;
* the ability to avoid expressing emotional reactions such as anger, displeasure or disapproval; and
* the ability to be direct and honest without alienating the employee.

Where a grievance meeting is being conducted, it will be important for the line manager to:

* ensure that there are no external interruptions;
* allow the employee to explain the complaint without interruption;
* allow the employee to "let off steam", but not let this turn into a general rant about how awful things are;
* encourage the employee to be specific about dates, times, events, incidents where possible;
* reassure the employee he or she will do whatever is reasonable and practicable to resolve the grievance;
* not be afraid to point out and question any discrepancies, or to challenge what the employee is saying;
* remain objective, irrespective of his or her personal like or dislike of the employee;
* after hearing what the employee has to say, focus on what can be done to resolve the problem; and
* at the end of the meeting, confirm what has been discussed, check understanding and agree what will happen next. Ask the employee if they feel they have been listened to, and do they have anything further to add.

**Employee bringing a Companion**

Employees have the statutory right to be accompanied by a work colleague or trade union official or representative at any formal grievance meeting. If the employee wishes, the companion should be permitted to play an active role in the proceedings, although in many cases the employee will wish to bring someone along simply for moral support.

Although the companion must be allowed to take part in the proceedings, the manager is nevertheless entitled to expect the employee - and not his or her companion - to answer any questions asked.

During the meeting, the employee and their companion should be permitted an adjournment, should they wish, to have a private discussion about the progress of the meeting.

**Carrying out an investigation**

A grievance may raise matters about which the manager is uncertain or does not have all the background facts. The grievance might also involve allegations about, for example, sexual harassment. Such matters will need to be investigated promptly, impartially and thoroughly.

The investigation may involve:

* checking the wording of policies or procedures;
* talking to the HR team;
* accessing the employee's file to check their employment terms or general background;
* reviewing any other relevant documentation; and

discussing the matters that the employee has raised with other employees to establish their version of events.

**Interviewing the person/people whom the grievance is against and interviewing witnesses**

As part of the process of an investigation into a grievance, it may be necessary for other employees, managers and possibly people outside the organisation to be interviewed. This would be important if, for example, the complaint was about alleged bullying. To ensure that this is done effectively and fairly, the investigating manager should:

* prepare a list of questions in advance of each interview;
* present the facts of the employee's complaint objectively and without embellishment and ask for comment;
* avoid making assumptions;
* point out, and question, any discrepancies in the evidence;
* not be afraid to challenge what the interviewee is saying;
* be careful not to express disapproval or pass judgment;
* make sure that the whole story is uncovered; and
* take notes.

The investigating manager should always remain open-minded when looking into the substance of a grievance.

# **Mediation**

The Grievance Policy makes reference to considering mediation at any point of time in a grievance process, when attempting to resolve matters informally, or when formal grievance procedures are underway. Mediation is a voluntary process led by an impartial third party that we can use to resolve issues or conflict between individuals. Conflict can occur in any employment relationship and is best dealt with early at source. If left unchecked, it can fester and escalate, potentially leading to formal complaints / grievances being raised when someone feels there is nothing more they can do, or they are at a point where it is causing them so much distress, they don’t know what else to do.

The ACAS guide on Disciplinary and Grievance procedures refers to mediation as being a useful tool to help in resolving workplace conflict, and encourages the use of it being explored. Mediation is viewed as being effective in addressing many of the common conflicts that exist in the workplace. It has emerged as one of the most effective and successful means of resolving conflict, and is particularly effective when there is a need or wish to maintain relationships.

The emphasis in mediation is on helping the parties take responsibility for the outcome. The mediation process focuses on the needs and interests of both sides / parties. One party's position may be in conflict with the other party's solution. By exploring the parties' positions, the mediator helps the parties to focus on their shared interests and bring their positions closer together.

There are a number of benefits in using mediation to resolve workplace conflicts

* Mediation can bring about a conclusion to a dispute relatively swiftly. Most mediation processes that reach agreement do so within a day.
* Mediation can reduce the direct and indirect costs that occur when there is workplace conflict between individuals.
* Developing a culture where conflict is dealt with collaboratively, and people are encouraged and afforded the opportunity to discuss their differences directly, can improve the way colleagues learn about difference and communicate around difficult issues, and improve the quality of decisions.
* One of the features of mediation is its capacity to repair and rebuild frayed relationships, thereby improving staff retention. It encourages individuals to address difficulties with their colleagues directly, creating opportunities for employees to learn how to work together effectively.
* The principles of mediation are self-determination and free and informed choice. Mediation empowers parties to take full responsibility for the outcomes of the process. This increases the possibility that the parties will settle the dispute and that the outcome reached will be acceptable to both parties. This benefit is not afforded to parties in an employment tribunal, where the tribunal panel decides the outcome.
* The parties to mediation can find solutions that a tribunal has no power to order, enabling them to reach a solution that is more acceptable to them and more fitting to us.
* The mediation process allows parties to reflect on their contribution to the conflict and to listen to and express their concerns, feelings and fears: they talk about the things that matter most. As a consequence, parties feel respected, supported, valued and treated with dignity, which they often attribute in part to the mediator and in part to us as their employer. This fosters loyalty to the organisation and staff retention.
* Mediation can help to reveal broader problems in the organisation. Conflict can often be a symptom of those problems.

In a conflict situation where a manager believes mediation may be helpful, contact your HR colleagues for support in appointing a suitable mediator.

# **Harassment**

Harassment is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Harassment is when someone considers that they have been treated in a way that is detrimental to their dignity at work. Essentially it is treatment that somebody else finds unreasonable and unwelcome and which causes intimidation and offence.

The Equality Act 2010 describes those groups protected by equality legislation as having “protected characteristics”. They are:

* Age
* Disability
* Race
* Religion or Belief
* Sex
* Sexual Orientation
* Gender reassignment
* Marriage and Civil Partnerships
* Pregnancy and Maternity

It is important to understand that:

* A single serious incident may amount to harassment.
* A person may be harassed even if they were not the intended “target” of the behaviour in question. For example, a person may be harassed by racist jokes about an ethnic group to which they do not belong provided the jokes create an offensive environment for them.
* A person need not possess the relevant protected characteristic themselves but may be harassed on the basis of their association with another person who has a protected characteristic or on the basis of a perception that they have a protected characteristic (even if that perception is wrong).
* Conduct may amount to harassment even if there was no intention to offend. Provided the conduct has the effect of violating someone else’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them (even if that was not the purpose of the behaviour), the behaviour will amount to harassment.

**The outcome of a grievance**

Following the conclusion of the grievance proceedings, the manager should give the matter careful and thorough consideration before concluding or deciding about what action to take. The manager should never be tempted to decide what to do about the grievance until all the facts have been fully discussed and, if necessary, investigated.

The employee will need to be given feedback on the outcome. This will consist of an explanation of what action has been taken, or will be taken, or an explanation that no action can be taken, along with the reasons for this. This feedback is best delivered face-to-face initially but should also be confirmed in writing. The employee should be informed that they have the right of appeal.

If the manager is unable to take any action to resolve the employee's grievance, it will be important for feedback to be given to the employee about the reasons for this. If no feedback is provided, the employee is likely to conclude that the manager has simply not bothered to do anything about the grievance and become demotivated. A manager who fails to provide detailed feedback should not be surprised if the employee's performance and/or attitude deteriorates sharply.

Once the grievance procedure, including the appeal stage, has been exhausted, the employee should be informed clearly that the grievance procedure is at an end and there is no further right of appeal. The matter will be closed irrespective of whether the employee accepts the outcome.

**Keeping records**

Where an employee has raised a formal grievance, they will be given a written response following the conclusion of any investigation or meeting. A copy of this will be placed on file.

Managers must ensure details of all formal grievances are provided to HR to ensure appropriate records are maintained.

Managers also need to keep records of:

* all formal grievances raised;
* the steps taken to deal with each grievance;
* any meetings held to discuss the grievance (including informal meetings);
* any investigations carried out;
* decisions taken;
* the reason for any decisions;
* any specific follow-up actions taken, and the reasons for these;
* any appeal meeting(s); and
* the outcome.

**Templates - Record of Formal Interviews**

# **Template 1 - Grievance Meeting with individual raising grievance – including opening script**

School name

Record of Interview

Date:

Interviewer:

Interviewee:

Others Present:

**RECORD OF INTERVIEW**

|  |  |
| --- | --- |
| **Initials**  |  |
|  | This is a meeting in order to discuss further the grievance you have raised against XXXX.I have been asked to investigate the matter. This is a confidential interview and should not be discussed with anyone else. Discussions about any aspects of this interview with other parties will be treated as a disciplinary matter. Notes will be taken and you will have an opportunity to check these for accuracy and sign to say that you will not discuss or share the content of those notes with anyone unless officially required to do so by the xxxxx (school).Although the evidence you provide will be used in determining an outcome, your statements will not be released unless the matter is to be considered at a hearing. The statement is confidential and will only be considered initially by myself and HR. The statement will however receive wider distribution if a hearing is necessary including to the individual against whom the grievance is raised.  |

This statement is an accurate and fair record of the interview held. I understand that this statement is strictly confidential and I will not discuss or share the content of this document with anyone unless officially required to do so. I understand that the information provided may be used in accordance with internal schools procedures and may be circulated to the ‘subject’ and others as appropriate.

Interviewer: Print Name:

Signed: Date:

Interviewee: Print Name:

Signed: Date:

Second Member of staff present: NA Print Name:

Signed:

**Template 1 -**  **Grievance Meeting with individual raising grievance – including script for introduction of the interview**

**Template 1 -**  **Grievance Meeting with individual raising grievance – including script for introduction of the interview**

Template 2 -

**GRIEVANCE – Interviewing person who grievance against**

# **Template 2 – Grievance Interview with person the grievance is against – including opening script**

School name

Record of Interview

Date:

Interviewer:

Interviewee:

Others Present:

**RECORD OF INTERVIEW**

|  |  |
| --- | --- |
| **Initials**  |  |
|  | This is an investigation into allegations made against you.I have been asked to investigate the matter. This is an opportunity for you to respond to the allegations. This is a confidential interview and should not be discussed with anyone else. Discussions about any aspects of this interview will other parties be treated as a disciplinary matter. Notes will be taken and you will have an opportunity to check these for accuracy and sign to say that you will not discuss or share the content of those notes with anyone unless officially required to do so by the xxxxx (school).Although the evidence you provide may be used in reaching an outcome, your statements will not be released unless the matter is to be considered at a hearing. The statement is confidential and will only be considered initially by myself and HR. The statement will however receive wider distribution if a hearing is necessary including to the individual raising the grievance. |

This statement is an accurate and fair record of the interview held. I understand that this statement is strictly confidential and I will not discuss or share the content of this document with anyone unless officially required to do so. I understand that the information provided may be used in accordance with internal schools procedures and may be circulated to the ‘subject’ and others as appropriate.

Interviewer: Print Name:

Signed: Date:

Interviewee: Print Name:

Signed: Date:

Second Member of staff present: NA Print Name:

Signed:

# **Template 3 – Grievance Interview with witness – including opening script**

School name

Record of Interview

Date:

Interviewer:

Interviewee:

Others Present:

**RECORD OF INTERVIEW**

|  |  |
| --- | --- |
| **Initials**  |  |
|  | This is an investigation into allegations made against xxxx.You are being interviewed as a potential witness. My investigation is to understand what has happened.This is a confidential interview and should not be discussed with anyone else. Discussions about any aspects of this interview will other parties be treated as a disciplinary matter. Notes will be taken and you will have an opportunity to check these for accuracy and sign to say that you will not discuss or share the content of those notes with anyone unless officially required to do so by the xxxxx (school).Although the evidence you provide may be used in reaching an outcome, your statements will not be released unless the matter is to be considered at a hearing. The statement is confidential and will only be considered initially by myself and HR. The statement will, however, receive wider distribution if a hearing is necessary including to the individual raising the grievance. |

This statement is an accurate and fair record of the interview held. I understand that this statement is strictly confidential and I will not discuss or share the content of this document with anyone unless officially required to do so. I understand that the information provided may be used in accordance with internal schools procedures and may be circulated to the ‘subject’ and others as appropriate.

Interviewer: Print Name:

Signed: Date:

Interviewee: Print Name:

Signed: Date:

Second Member of staff present: NA Print Name:

Signed:

# **Letters and Forms**

## **Template Letter 1 –** **Invitation to address grievance via the Informal Procedure (Individual who raised Grievance)**

***Private & Confidential***

Forename Surname

Address1

Address2

TOWN
POST CODE

(Date)

Dear (name of employee),

**Re: Your grievance**

I am writing in regards to your email dated <enter date> and wish to confirm that this will be addressed in accordance with the schools Grievance Procedure, a copy of which is enclosed.

The first stage of the grievance procedure is to try to resolve the matter informally and as such I would like to invite you to engage in a meeting with a view to resolving the concerns you raise on an informal basis.

This would usually entail a meeting with the individual whom your grievance is against, which I understand from your letter is <enter name>, so that the concerns can be openly discussed. I will also be present to facilitate the discussions.

As the meeting proposed is informal meeting, there is no right to be accompanied or represented at this meeting.

If the informal meeting does not result in a resolution to your grievance, you may still request that the grievance is heard under the formal stage of the Grievance Procedure.

Alternatively, if you do not wish to engage in informal discussion, your grievance will be addressed using the formal stage of the Grievance Procedure.

Please let me know by (insert date allowing 5 working days) by email whether you wish to engage in informal discussions with a view to finding a constructive way forward. If I do not hear from you by this date, I will assume you do not wish to proceed with your grievance.

Please find enclosed a copy of the School’s Grievance Policy for your information.

I look forward to hearing from you.

Yours sincerely

 Name

Job Title

## **Template Letter 2 – Invitation to address grievance via the Informal Procedure (Individual who Grievance is against)**

***Private & Confidential***Forename Surname

Address1

Address2

TOWN

POSTCODE

(Date)

Dear (Name of employee)

**Re: Grievance Raised**

I am writing following our discussion in regard to a Grievance that has been raised against you on (date); as discussed, the matter is being addressed in accordance with the schools Grievance Procedure, a copy of which is enclosed.

The first stage of the grievance procedure is to try to resolve the matter informally and as such I would like to invite you to engage in a meeting with a view to resolving the concerns that have been raised on an informal basis.

This would usually entail a meeting with the individual who raised the grievance against you (name), so that the concerns can be openly discussed. I will also be present to facilitate the discussions.

As the meeting is proposed to be informal, there is no right to be accompanied or represented at this meeting.

If the informal meeting does not result in a resolution of the grievance raised, (name) may request that the grievance is heard under the formal stage of the Grievance Procedure.

Please let me know by (date – allowing 5 working days) via email, whether you wish to engage in informal discussions with a view to finding a constructive way forward; prior to attending the meeting, you will be given a summary of the concerns raised. Whilst I would encourage an informal discussion to take place, if you would prefer **not** to engage in this, the grievance will be addressed using the formal stage of the Grievance Procedure whereby all parties will be interviewed separately.

I look forward to hearing from you.

Yours sincerely

Name

Job Title

# **Template Letter 3 - Invitation to grievance meeting**

***Private & Confidential***

Forename Surname

Address1

Address2

TOWN
POST CODE

(Date)

Dear <Name>,

**Grievance Meeting**

Thank you for your letter/email dated <enter date> in which you confirmed that you wish your grievance to be addressed under the formal stage of the grievance procedure.

I therefore write to invite you to a meeting with me to fully discuss your concerns and the resolution that you are seeking. I confirm this will be a meeting under the formal stage of the grievance procedure.

I would like to propose that we meet on:

**Date:** <Date>

**Time:** <Time>

**Venue:** <Venue>

You may be accompanied by a representative of your trade union or a work colleague. Also at the meeting will be (insert name) who will take notes of the meeting.

Please confirm to me in writing care of the school address or by email (insert email address) by (insert date a couple of days before the meeting date) that you will be attending the meeting and whether you will be accompanied and if so by whom.

Please find enclosed a copy of the grievance procedure.

In the meantime, if you have any queries about the meeting please do not hesitate to contact me.

Yours sincerely

Name

Job Title

## **Template Letter 4 – Notification of Grievance Investigation**

***Private & Confidential***

Forename Surname

Address1

Address2

TOWN
POST CODE

(Date)

Dear (name of employee),

**NOTIFICATION OF GRIEVANCE INVESTIGATION**

Thank you for attending the meeting on (date, time and location) in respect of your formal grievance. I note that you were accompanied by (name of TU Rep or fellow employee). Also present were (name).

I believe that this matter requires further investigation and will be / I have asked (name and job title) to undertake this investigation.

Once this has been completed I will contact you again to provide you with a formal response to your grievance.

Yours sincerely

Name

Job Title

## **Template Letter 5 - Invitation to Formal Interview (Individual the Grievance is Against)**

***Private & Confidential***

Forename Surname

Address1

Address2

TOWN
POST CODE

(Date)

Dear (name of employee),

**Grievance Interview**

As you are aware, a grievance has been made against you by <enter name>.

Whilst an informal approach was offered, <enter name> has elected that the grievance is heard at the formal stage of the grievance procedure **OR** Unfortunately, the informal procedure to address the concerns has been unsuccessful and therefore <enter name> has elected that the grievance is heard at the formal stage of the grievance procedure. (delete as appropriate)

I would like to meet with you to discuss the grievance in order that you may respond.

I would like to propose that we meet on:

**Date:** <Date>

**Time:** <Time>

**Venue:** <Venue>

You may be accompanied at the meeting by a representative of your trade union or a work colleague. Also present at the meeting will be (insert name) who will take notes of the meeting.

The grievance against you is that <provide very brief summary of grievance>. You will be given further detail at the meeting and have the opportunity to make a full response.

Please confirm to me in writing care of the school address or by email (insert email address) by (insert date a couple of days before the meeting date) that you will be attending the meeting and whether you will be accompanied and if so by whom.

If you have any queries about the meeting please do not hesitate to contact me.

Yours sincerely

Name

Job Title

## **Template Letter 6 - Confirmation of grievance response**

***Private & Confidential***

Forename Surname

Address1

Address2

TOWN
POST CODE

(Date)

Dear (name of employee),

**Re: Your grievance**

Further to the grievance meeting held on (date), where you were given the statutory right to be accompanied and you chose to (waive this right/have in attendance) (name of work colleague or trade union representative / official). Also present were (name, job title) and myself.

The meeting was convened to consider your grievance as detailed in your (letter/email) dated (date) and was presented to us at our meeting as follows.

* (summarise the complaints made referring to the formal letter and discussions at the meeting)

Having listened to your concerns and conducted the appropriate investigations into your complaints I confirm my findings as follows.

* (detail your findings on all points, including your explanation as to why they are upheld/not upheld/upheld in part as appropriate)

Given the above, it is my considered opinion that your grievance is therefore (upheld/not upheld/upheld in part).

(*if upheld/upheld in part:* The School will now take the following action to resolve your grievance:

* (List the action that the School proposes to take to resolve the employee’s grievance))

I hope that this resolves the matter to your satisfaction. However, you have the right to appeal against this decision. If you wish to do so you should write to the Chair of Governors within 10 working days of receipt of this letter outlining the basis on which you believe that the result of the grievance was wrong or that the action the school has taken/proposes to take as a result was/is inappropriate and the resolution that you are seeking. Please note, the appeal meeting is not intended for the purpose of re-hearing the entire grievance or raising any new issues. A grievance appeal will be heard by a panel of 3 Governors, who will hear the grievance appeal as soon as is practicable.

Should you have any questions regarding the above, please do not hesitate to contact me.

Yours sincerely,

Name

Job Title

**Template Letter 7 - Confirmation of grievance response (Individual the Grievance is Against)**

***Private & Confidential***

Forename Surname

Address1

Address2

TOWN
POST CODE

(Date)

Dear <Name>,

**Formal Stage Grievance - Outcome**

Thank you for attending the meeting with myself on (insert date) to discuss the grievance received from <enter name>

I am writing to confirm the outcome of the investigation. In summary, my findings are as follows:

<state whether each allegation was upheld, partially upheld or not upheld>

*(if upheld/upheld in part include the following sentence:* As a result of this the following actions will now be taken; <include summary>)

The individual raising the grievance has received a written outcome which outlines the above and it is my hope that the grievance process is now resolved. However, please be aware that the individual does have the right to appeal against this decision, should he wish to do so, to a panel of 3 independent Governors.

Please let me know if you have any queries on the content of this letter.

Yours Sincerely

Name

Job Title

## **Template Letter 8 - Notification of grievance appeal**

***Private & Confidential***

Forename Surname

Address1

Address2

TOWN
POST CODE

(Date)

Dear (name of employee),

**Re: Your grievance appeal**

I refer to your letter dated (date) in which you lodged an appeal against the decision on your grievance as confirmed to you in the letter dated (date).

I am therefore writing to invite you to attend a formal grievance appeal hearing held in accordance with the school’s grievance procedure.

At the hearing a panel of three Governor’s will consider your grievance, the solution you are seeking and the reasons why you were dissatisfied with the outcome of the first stage. The meeting will take place as follows:

Time: (Insert Time)

 Date: (Insert Date)

 Venue: (Insert Venue)

 Attendees: (Insert Name,) – Governor (Chair of Panel)

 (Insert Name) – Governor

 (Insert Name) – Governor

 (Insert Name, Job Title) – (HR representative

(Insert Name, Job Title) – (note taker)

 (Insert Name, job title) – (Management Representative)

Enclosed is a copy of the full documentation that will be presented at the hearing.

It is not my intention to call any witnesses to the hearing / I will be calling the following witnesses to the hearing *(delete as appropriate);* <Insert names of the witnesses>

Should you wish to provide any written evidence (other than that already provided) or call any witnesses at the hearing please let me have copies of the documentation and/or names of any witnesses as soon as possible and by not later than <insert date 5 working days prior to the hearing> in order for these to be distributed to all parties concerned.

You have the statutory right to be accompanied at the grievance appeal meeting. Your companion may be a work colleague or a trade union representative / official of your choice. Your companion will be permitted to address the meeting and to confer with you during the meeting, but they will not be permitted to answer any questions on your behalf. You should inform the chair of the appeal meeting in advance of the identity of your chosen companion.

If you or your chosen companion is unable to attend this appeal meeting, you are asked to contact (name) as a matter of urgency so that an alternative date and time can be scheduled, within five days of the date arranged above. You should take all reasonable steps to attend the appeal meeting. Failure to attend without good reason could result in the meeting being held, and a decision on your appeal being taken, in your absence.

After the meeting, you will be informed in writing of the decision. Please note that the decision made following this grievance appeal meeting will be final and there will be no further right of appeal.

Please confirm in writing by <insert date 5 working days prior to the hearing> if you intend to be present at the hearing, whether you will be accompanied and if so, by whom.

Yours sincerely,

Name

Job Title

## **Template Letter 9 - Confirmation of appeal response**

***Private & Confidential***

Forename Surname

Address1

Address2

TOWN
POST CODE

(Date)

Dear (name of employee),

**Re: Your grievance appeal**

Further to the grievance appeal meeting held on (date), where you were given the statutory right to be accompanied and you chose to (waive this right/have in attendance) (name of work colleague or trade union official), also present were (name, job title) and myself, I can confirm the following:

The meeting was convened to consider your grievance appeal as detailed in your (letter/email) dated (date) and was presented to us at our meeting as follows.

* (summarise the complaints made referring to the formal letter and discussions at the meeting)

Having listened to your concerns and fully considered all of the evidence provided both verbally and in writing as part of the appeal I confirm that the Panel have concluded:

* (detail your findings on all points, including your explanation as to why they are upheld/not upheld/upheld in part as appropriate)

Given the above, it is our considered opinion that your grievance appeal is therefore (upheld/not upheld/upheld in part).

(*if upheld/upheld in part:* The School will now take the following action to resolve your grievance:

* (List the action that the School proposes to take to resolve the employee’s grievance))

You have now exercised your right of appeal under the School's Grievance Procedure and this decision is final.

The contents of this letter and the grievance process are strictly private and confidential and must not be discussed with third parties other than your Representative and/or legal representative.

Yours sincerely

Name

Job Title

**GUIDANCE ON CONDUCTING A FORMAL GRIEVANCE APPEAL FOR GOVERNORS (RUNNING ORDER)**

The Chair of the Appeal Panel hearing the matter arranges for the parties to enter at the same time and take designated seats

The Chair of the Appeal Panel conducts introductions if this is necessary

N.B. If the employee is unaccompanied, the Chair of the Appeal Panel checks that he/she is happy to proceed without representation and makes a note to that effect.

When directed by the Chair;

* The Employee or Representative states the nature of the grievance and what has been done to resolve the matter, why the remain dissatisfied and what resolution they are seeking.
* Management Representative put questions to the Employee
* Governors Panel / HR Adviser hearing put questions to the Employee
* The Employee may call any witnesses
* Management representative put questions to the witness
* Governors Panel / HR Adviser hearing put questions to the witness
* Witness(s) withdraw from hearing
* The Management representative who has dealt with the matter up to now is asked to respond
* Employee / Representative put questions to the Management Representative
* Governors Panel / HR Adviser hearing put questions to the Management Representative
* The Management Representative may call any witnesses
* Employee / Representative put questions to the witness
* Governors Panel / HR Adviser hearing put questions to the witness
* Witness(s) withdraw from hearing
* Employee / Representative summarises their case
* Management Representative summarises their case
* The Chair of the Appeal Panel will ask both parties to withdraw and notify the employee and Head Teacher of his/her decision, in writing within 5 working days of the meeting

The decision is that of the Appeal Panel hearing the matter and the HR Adviser acts in an advisory capacity only.

The decision of the Appeal Panel is final and there are no further rights of appeal.

# APPEAL PANEL CHAIR – OPENING SCRIPT

This is an outline script for a Grievance Appeal Panel. This does not have to be spoken word for word, but helps to illustrate how to conduct the hearing:

|  |  |
| --- | --- |
| Structure | Sample talking points |
| Introduce those present to the employee (and their companion/representative) and roles | **Opening:** Thank you for attending todays Grievance Appeal Hearing, my name is… and I am Chair of the Appeal Panel today, with me are ………**Employee Representative:** You were aware of your right to be accompanied to the meeting and xxxxx is here as your representative*OR*You were made aware of your right to be accompanied by a TU representative or work colleague. I note you have chosen to attend alone, are you happy to proceed unaccompanied?**Note taker:** xxxxx is here to take notes of the hearing but will not be involved in the decision process, also whilst we endeavour to capture full notes and key action points, notes will not be verbatim. |
| Explain recording authority for hearing  | I would like to start by ~~remaindering~~ reminding you that electronic, audio or video recording by any device of the hearing will not be permitted.  |
| Confirm purpose of the hearing | It is the Panels role to consider your grounds of appeal set out in your letter dated …….. We will consider the evidence and determine whether your grounds for appeal are to be upheld, partially upheld or rejected. |
| Explain the role of the companion/representative (if accompanied) | I note that you have brought xxxxx with you as your representative. Thank you for joining us, I would just like to take a moment to clarify your role in these proceedings. You are permitted to address the hearing; to put and sum up the employee’s case; and confer with the employee during the hearing.You will not, however, have the right to answer questions on the employee’s behalf, address the hearing if he/she does not wish it or be able to prevent him/her from explaining their case.Please note that both parties will have a right to request an adjournment during the hearing. |
| Explain how the meeting will be conducted and confirm the position as regards witnesses | **Outline:** The hearing will follow the running order which was issued as part of the pack for the hearing. Each party will have an opportunity to present their case in turn, starting with the employee/representative, and each party will have an opportunity to ask questions when directed by me.*If notification has been provided by either party that witnesses are being called, confirm this including names of witnesses and explain that they will each be called into the hearing separately at the relevant part of the running order and will exit once questioning of them is complete.* *OR**Confirm no notification has been received for any witnesses to be called and seek both parties confirmation of this position.*Are there any questions regarding the procedure for the hearing? |
| Confirm the situation regarding notification of the outcome following the hearing | Following the hearing we will adjourn and will confirm the decision of the panel in writing within 5 working days of the meeting  |
| Explain confidentiality obligations | **Clarify:** Just before we begin I must make you aware that all information discussed as part of this meeting must be treated confidentially and you are only able to discuss details of the meeting with your appointed representative. Equally we will not share any information ~~we discuss~~ with anyone other than those who are involved in the process. |

# **Hints & Tips**

**Who should deal with an employee's grievance?**

The person appointed to deal with a grievance should be objective and should not have been involved in the issues giving rise to the employee's complaint. An appropriate person may have had some training on how to deal with grievances, but as a minimum should familiarise themselves with the School's grievance procedure and the [Acas code of practice on disciplinary and grievance procedures](https://www.acas.org.uk/index.aspx?articleid=2174).

In most cases the employee's immediate line manager should deal with the grievance, as you are likely to have an understanding of the issues. An exception to this is where the grievance relates to the line manager, in which case it should be dealt with by a different manager, possibly a more senior manager, or an independent manager from another department / service area.

**An employee has submitted a grievance to me – this is the first I have heard of the issues. Can I try deal with it informally first?**

Yes. You can first try to deal with a grievance informally if it is appropriate in the circumstances. Most complaints raised by employees should be dealt with by the employee's line manager, without recourse to the formal grievance procedure. If an employee raises a formal grievance, it could be appropriate for you to meet with the employee and advise them you would like to try deal with informally, for example where it is clear that the employee has a legitimate complaint that can be easily resolved to their satisfaction.

If the nature of the grievance is serious, or if an informal approach to resolving it is not successful, you will need to deal with the grievance under the formal grievance procedure.

**What are the possible outcomes of a grievance?**

Having investigated an employee's grievance and held a meeting with the employee to discuss it, the manager should consider whether or not to uphold the grievance and what, if any, action to take.

As a manager, you can decide to uphold the grievance in full; uphold parts of the grievance and reject others; or reject it in full. If you uphold the grievance wholly or in part, you should identify action that you will take to resolve the issue.

In the course of the grievance meeting, you should ask the employee what outcome they are looking for, and / or what action they would like to be taken; you should take this into consideration when making your decision. If you decide that the employee does have a legitimate grievance but there is nothing practicable that can be done to resolve it, you will need to explain your reasoning to the employee so that they can see that you have given serious consideration to the matter.

If the grievance uncovers failings in our procedures, policies or practices, you should ensure that this is rectified as soon as possible.

**Does the ACAS code of practice on disciplinary and grievance procedures apply to collective grievances?**

No. The ACAS code states that its provisions do not apply to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative. In these instances, managers should refer the relevant employees or trade union representatives to the LCC Collective Disputes Procedure.

**Do workers have the right to be accompanied at a grievance meeting?**

Yes, s.10 of the Employment Relations Act 1999 provides for the right to be accompanied at a formal grievance meeting. This right extends not just to employees but to workers, including agency workers and homeworkers.

**What should I do if an employee's grievance repeats issues raised in an earlier grievance?**

If an employee submits a grievance raising issues that you have already dealt with as a grievance, you should ask the employee to explain how the new grievance differs from the previous one, and whether or not a new incident has occurred or new evidence has come to light.

If it is clear that there is nothing new being raised, you can reject the grievance without a meeting. If you are considering this, speak to your HR representative first who will advise if this is the right thing to do, taking into consideration the substance of the issue. They may see something different in the grievance that you have missed. If you do reject it, this will need to be confirmed to the employee in writing, explaining that that no further action will be taken because the grievance has already been dealt with. It may be appropriate for you to refer the employee to the previous correspondence and the outcome of the original grievance. It may also be appropriate for you to inform the employee that the matter will be considered again if new incidents occur or if new facts come to light.

**Do’s and Don’ts of holding a grievance meeting:**

* **Do**make sure that there will be no interruptions.
* **Do** make the effort to put the employee at ease.
* **Do** allow the employee to explain their complaint fully.
* **Do**listen actively to what the employee has to say and take it on board.
* **Do**distinguish between facts and opinions.
* **Do** avoid emotional reactions such as anger or impatience.
* Do encourage the employee to be specific about date, times, events, incidents where possible
* **Don't** interrupt the employee unless this is necessary to keep the discussion on track.
* **Don't** react negatively, for example by expressing criticism or disapproval.
* **Don't**adopt a judgmental attitude.
* **Don't** allow any personal like or dislike of the employee to influence your responses.
* **Don't** forget to summarise towards the end of the hearing in order to check understanding.
* **Don't** make any decision about what to do about the grievance until all the facts have been aired and, if necessary, investigated or checked.