

# Hindley J and I School



## Grievance Procedure Policy

October 2020

Review date: October 2022

Mr S Wallace (Headteacher)

Mr G Doubleday (Chair of Governors)

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## **1.0 Introduction**

The purpose of this procedure is to provide a support mechanism for employees, enabling them to raise grievance issues related to their employment.

It aims to ensure that all employees are treated fairly and with respect and as such it ensures that good working relationships are maintained between managers and employees. In addition, it also aims to provide a systematic, consistent and positive approach to grievance issues.

## **2.0 Employees Covered by this Procedure**

This procedure applies to all school based employees (teaching and support staff) whose Governing Body has formally adopted this procedure.

This procedure does not apply to centrally managed employees, supply or agency workers or contractors who work within the school.

## **3.0 Definitions and Abbreviations**

A grievance is a complaint made by an individual (or group of employees) about a matter related to their employment that they wish to resolve with management. Issues may include the working environment or working conditions, allocation of work or the way in which an employee (or groups of employees) have been managed.

A complaint made by a group of employees about a matter related to their employment is called a collective grievance.

Trade Union Representative means any representative of a trade union.

Management means Line Manager or Headteacher.

Line Manager means the immediate line manager of the employee(s) who have submitted the grievance.

The ACAS Code means the ACAS Code of Practice on Disciplinary and Grievance Procedures.

## **4.0 Scope**

This procedure can be used to resolve any employee complaints arising out of their employment with the exception of the following:

- Issues surrounding the grading of posts;

- Issues arising that are out of the control of the school e.g.
- taxation, national insurance and pension matters;
- Retirement on the grounds of ill health;
- Where the complaint relates to a provision within an established policy/procedure which has been consulted upon (eg if an employee considers the triggers in the sickness management procedure should be 5 occasions or 20 days, rather than 3 occasions and/or 10 days)
- Where an employee has a concern about the behaviour of another employee; in this situation the school's Dignity at Work policy should be invoked;
- Where the employee is subject to formal action under other established procedures e.g. disciplinary, capability, sickness absence, organisational change, including selection for redundancy (any issues raised under these procedures will be dealt with under that particular procedure);
- If the grievance relates to a protected disclosure i.e. 'Whistle Blowing' (this will be dealt with under the relevant policy).

## **5.0 Representation**

The aggrieved employee has the right to be accompanied by a work based colleague or trade union representative at any grievance meeting or subsequent appeal.

There is no compulsory requirement for work based colleagues to attend grievance meetings or hearings at the request of colleagues; employees must not be pressured to act in such a capacity, however, where individual workers are agreeable to accompanying their colleague, appropriate paid time off will be authorised for attendance at such meetings.

Any other party or parties who may be identified as the focus of the complaint or have information relating to the complaint do not have the right to be accompanied at investigation meetings or hearings.

Where there is a collective grievance, the case for employees should be presented by one trade union representative or work based colleague; one representative of each trade union has the right to be in attendance at any hearing.

The trade union representative or work based colleague accompanying any of the employees must not be involved or potentially involved in the complaint, as this would not be in the interests of natural justice and would undermine the grievance process.

Where the chosen companion is unavailable on the day scheduled for the investigation meeting, or hearing, the meeting will be rescheduled, provided that the companion can propose an alternative time within five working days of the scheduled date.

## 6.0 General Principles

- This procedure is to be operated in accordance with the ACAS Code and the principles of natural justice;
- It is recognised that, by their very nature, matters of grievance can be difficult to deal with, and that not all cases can be quickly resolved. Despite the potentially emotive nature of the process, it is expected that all parties will act in good faith, and conduct themselves in a reasonable and respectful manner throughout, in order to ensure a fair and balanced approach.
- Any employee who raises a grievance should be issued with a copy of this procedure;
- This procedure is not an appropriate means of settling differences of opinion between employees, unless they feel that their terms and conditions have been adversely affected by such circumstances. Such matters should be raised via the schools Dignity at Work Procedure;
- Employees are encouraged to attempt to resolve grievance matters at the informal stage in the first instance;
- Only in exceptional circumstances will grievance matters enter the procedure at the formal stage without any informal action;
- Management will attempt to resolve all grievances in a fair, consistent and timely manner;
- Whilst all attempts will be made to adhere to the time limits specified in this procedure, it may not always be possible to achieve this, due to, for example, reasons such as availability or the occurrence of school holidays; failure to adhere to the time limits specified in this procedure for such reasons shall not render the operation of the procedure invalid;
- Where it is not possible to meet the time limits set out in the procedure, the employee raising the grievance must be notified of the reason for delay and the anticipated length of the delay;
- Where an employee remains dissatisfied at the informal or formal stages of the procedure they may proceed to the appeal stage of the procedure;
- If a collective grievance is progressed to the formal stage and appeal stages of the procedure, the group of employees will nominate one representative to attend the hearing on behalf of the group (see also section 5.0; representation);
- If an employee reaches the appeal stage of the procedure, the appeal panel's decision is final and there is no further internal process to follow;
- All responses from hearings will be given in writing to the employee within five school working days;
- In accordance with the 'Guidance for Governing Bodies on Responsibilities for Making Decisions on Staffing and Pay Matters', appeal hearing panels will consist of a panel of three Governors except in cases where there are insufficient Governors. In this instance a hearing may go ahead with a panel of two Governors;
- No Governor with prior involvement at an earlier stage may hear any subsequent appeal;
- The Headteacher, Manager or Governors dealing with the complaint or appeal may be supported by a member of HR and OD Services at any stage throughout the process subject to Service Level Agreement;

- Where an employee pursues a grievance in good faith, which is not upheld after investigation, no action will be taken. If however an employee pursues a grievance that is shown to be malicious or vexatious, disciplinary action may be taken;
- Where an employee submits a grievance which merely repeats complaints which have already been made and dealt with under this, or another appropriate procedure, for example, dignity at work, the school reserves the right not to pursue the grievance. The employee will be advised in writing of the reasons why;
- It is intended that this is a flexible procedure; although every attempt will be made to adhere to the steps outlined within the procedure when dealing with such matters, circumstances may arise where it is appropriate to take steps outside of the procedure in an attempt to resolve matters quickly; this would usually be with the agreement of all parties.

## **7.0 Mediation**

Depending on the nature of the grievance, it may be appropriate for the matter to be dealt with by way of mediation; an appropriate person agreed by the school and employee (this may be internal or external), can act as a mediator and help resolve issues.

Mediation is voluntary and all parties must agree to enter into the process.

The role of the mediator is to discuss the issues raised in the grievance with all parties and seek to facilitate a resolution.

Mediation may be arranged at any point throughout the grievance process.

## **8.0 Support**

Raising a grievance at work can be very difficult for both the employee(s) and their colleagues, whether this is dealt with under the informal or formal stages of the procedure.

The school will endeavour to support all members of staff as much as reasonably possible and provide (appropriate) additional support on request.

The following resources are available to staff for advice and guidance on grievance issues:

- HR and OD Services (Schools Operational HR Team) subject to Service Level Agreement
- ACAS; [www.acas.org.uk](http://www.acas.org.uk);
- Unions (for those who are union members)

The Employee Assistance Programme is also available for support staff:

Telephone: 0800 243 458

This service is available for teaching staff where the school has bought in to this service (the Headteacher will be able to confirm this).

Alternatively, teaching staff can access the 'Teacher Support Line':

Telephone: 08000 562 561

## **9.0 Withdrawal of Grievance**

Should an employee (or group of employees) choose to withdraw their grievance, this should be confirmed in writing and the employee should outline the reasons for their decision.

Such information should be addressed to either the employee's (or group of employees') Line Manager or the Headteacher, depending on who is responding to the grievance at the time of the withdrawal.

Whilst in the majority of cases the school will respect the rights of the employee (or group of employees) to withdraw their grievance, there may be instances where the concerns raised impact on the duty of care towards others; in such situations, the school may take the decision to continue with the investigation, independently of the grievance being withdrawn.

## **Grievance Procedure**

### **Stage 1 - Informal Stage**

Where an employee (or a group of employees) has a grievance regarding an employment issue, they should attempt to resolve the grievance informally with their Line Manager or Headteacher. The grievance can be raised either verbally or in writing.

Any discussions and/or any outcomes agreed should be documented as evidence that the informal stage has been implemented.

Where an employee (or group of employees) has a grievance regarding an employment issue which involves another employee, they should first attempt to resolve the grievance by discussion with the employee directly which encourages agreement and understanding (please note that if issues relate to allegations of bullying, harassment, victimisation or discrimination, these should be reported via the school's Dignity at Work Policy).

The aggrieved employee (or group of employees) may choose to request a meeting with their Line Manager or Headteacher to seek assistance in resolving the grievance informally. The request for such a meeting shall be made in

writing and a meeting will be convened within five school working days (where possible).

The employee (or group of employees) must be clear about the nature and details of the grievance and a possible resolution.

Following the meeting, the Line Manager or Headteacher should endeavour to resolve the problem personally, or by mutual agreement in consultation with other employee(s).

The Line Manager or Headteacher will provide written confirmation of the discussions that have taken place including any action to be taken.

Where the grievance can not be resolved via the informal stage the employee (or group of employees) may progress to the formal stage (stage 2) of the procedure.

If the employee (or group of employees) feels unable to speak to the employee directly (the employee to whom the grievance relates), the matter should be raised with their Line Manager or Headteacher.

## **Stage 2 - Formal Stage**

Where the grievance has not been resolved under the informal procedures described above, the employee (or group of employees) concerned should complete and submit a formal grievance form (**Appendix 1**). The form should be submitted to the Headteacher, together with any relevant documentation in support of the grievance. This should include the evidence to support the outcome of any action taken as part of the informal process.

It is expected that any grievance raised within the formal stage of the procedure is raised within twenty school working days of the outcome of the informal stage, or within twenty school working days of the issue first being identified where this could not be raised informally.

Where a formal grievance form has been received, in most circumstances the Headteacher will convene a grievance investigation meeting with the aggrieved employee, giving five school working days notice of the meeting (invite letter template **Appendix 2**). In some cases it may be appropriate for the Headteacher to appoint another person to arrange and carry out the grievance investigation meeting.

The employee (or group of employees) will be offered the right to representation at the meeting (i.e. trade union representative or work based colleague) and the Headteacher may be accompanied by a representative from HR and OD Services.



The purpose of the meeting will be for the Headteacher to fully explore the nature of the grievance and to obtain as much information as possible to allow the Headteacher to conduct a full investigation.

The meeting should cover the following points:

- Why the employee (or group of employees) is still aggrieved;
- The proposed resolution;
- The reasons for the inability to attempt to resolve matters informally (if applicable);
- Details of any other information or any other employees who may be able to assist with the investigation of the formal grievance.

The Headteacher should investigate the grievance as fully and reasonably as possible, which would usually involve meeting with the employee to whom the grievance relates (if applicable) and any witnesses to the matter complained about in addition to the meeting with the employee (or group of employees) raising the grievance.

On conclusion of the investigation, the Headteacher will produce an investigation report.

The Headteacher will convene a meeting to advise the employee (or group of employees) of the outcome of the investigation; the Headteacher will subsequently confirm the outcome of the investigation, in writing, normally within five school working days of the meeting or as soon as reasonably possible; this will include details of any decision and / or any action required and a copy of the investigation report.

Following the outcome of the investigation, if the employee (or group of employees) remains dissatisfied, they will be advised of their right to appeal against the outcome of the investigation.

### **Stage 3 – Appeal Hearing**

The employee (or group of employees) has the right to appeal against the outcome of the formal grievance investigation if they continue to feel aggrieved.

The employee (or group of employees) should complete and submit an appeal form (**Appendix 3**) to the Clerk to the Governing Body within ten school working days of receiving written notification of the outcome of the investigation.

The employee (or group of employees) should ensure that they clearly state the grounds on which they are appealing.

The appeal form should include the following details:

- The nature of the grievance raised;
- Why the employee (or group of employees) feel that the outcome of the formal grievance investigation is unsatisfactory, i.e. the grounds on which they are appealing; and
- The outcome the employee (or group of employees) is seeking and how this might be achieved.

On receipt of the appeal form, the Clerk to Governors will convene an appeal hearing giving ten school working days notice of the hearing (invite letter template **Appendix 4**).

The employee (or group of employees) has the right to be represented by a trade union representative or work based colleague.

The Headteacher may be accompanied by a representative from HR and OD Services.

At least five school working days prior to the hearing, the employee and the Headteacher (as the respondent) must indicate, in writing, any written evidence to be referred to at the hearing and also any witnesses, if any, are to be called.

No new evidence will be considered at an appeal hearing unless there is good reason in the interests of fairness. Any new evidence must be submitted to the Clerk to the Governing Body at least five school working days in advance of the hearing as this must be passed to the Headteacher or employee prior to the hearing.

Should any new evidence be supplied on the day of the hearing, it will only be accepted if the employee / Headteacher can demonstrate that the evidence could not have been provided earlier, and/or that it is in the interests of fairness that it should be considered.

A panel of three Governors will hear the appeal (except in cases where there are insufficient Governors; in these circumstances a hearing may go ahead with a panel of two). The panel may be supported by a representative from HR and OD Services.

The appeal hearing shall be conducted in line with the process outlined in **Appendix 5**.

The hearing may be adjourned for the purposes of gathering any further relevant information and/or seeking further clarification.

There are three possible outcomes of the appeal hearing:

1. Uphold the appeal and implement the resolution proposed by the employee;
2. Uphold the appeal and implement an alternative resolution;
3. Dismiss the appeal and accept the outcome of the formal grievance investigation.

The decision of the hearing shall be confirmed in writing within five school working days (outcome letter template **appendix 6**).

The decision of the appeal panel is final.

## **Grievance against the Headteacher**

### **Stage 1 – Informal Stage**

Where an employee (or group of employees) has a grievance regarding an employment issue which involves the Headteacher, they should first attempt to resolve the grievance informally with the Headteacher directly. The grievance can be raised either verbally or in writing.

Where an employee (or group of employees) has a grievance against the Headteacher but the grievance relates to allegations of bullying, harassment, victimisation or discrimination, such matters should be reported via the school's Dignity at Work Policy.

The employee (or group of employees) must be clear about the nature and details of the grievance and a possible resolution. In this regard, it would be advisable for the employee (or group of employees) to seek the advice of their trade union representative.

The employee (or group of employees) may request a meeting with the Headteacher to discuss the matter. A request for such a meeting should be put in writing and a meeting should be convened within five school working days.

The Headteacher will provide written confirmation of the discussions that have taken place including any action to be taken (the Headteacher may choose to have a note taker at the meeting).

Where the grievance can not be resolved via the informal stage, the employee (or group of employees) may progress to the formal stage (stage 2) of the procedure.

If the employee (or group of employees) feels unable to speak to the Headteacher directly the matter should be referred straight to the formal stage of the procedure, however, the employee (or group of employees) should provide clear reasons why they feel unable to speak to the Headteacher informally in the first instance.

### **Stage 2 - Formal Stage**

Where the grievance has not been resolved under the informal procedures described above, the employee (or group of employees) concerned should complete and submit a formal grievance form (**Appendix 1**). The form should be submitted to the Chair of Governors, together with any relevant documentation in support of the grievance. This should include the evidence to support the outcome of any action taken as part of the informal process.

It is expected that any grievance raised within the formal stage of the procedure is raised within twenty school working days of the outcome of the informal stage, or within twenty school working days of the issue first being identified where this could not be raised informally.

Where a formal grievance form has been received the Chair of Governors will convene a grievance investigation meeting with the aggrieved employee, giving five school working days notice of the meeting (invite letter template **Appendix 2**).

The Chair of Governors will notify the Headteacher that a formal grievance form has been received and that they will be invited to a meeting in due course as part of the grievance investigation process.

The employee (or group of employees) will be offered the right to representation at the meeting (i.e. trade union representative or work based colleague) and the Chair of Governors may be accompanied by a representative from HR and OD Services.

The purpose of the meeting will be for the Chair of Governors to fully explore the nature of the grievance and to obtain as much information to enable the Chair of Governors to conduct a full investigation.

The meeting should cover the following points:

- Why the employee (or group of employees) is still aggrieved;
- The proposed resolution;
- The reasons for the inability to attempt to resolve matters informally (if applicable);
- Details of any other information or any other employees who may be able to assist with the investigation of the formal grievance.

The Chair of Governors should investigate the grievance as fully and reasonably as possible, which would usually involve meeting with the employee to whom the grievance relates (if applicable) and any witnesses to the matter complained about in addition to the meeting with the employee (or group of employees) raising the grievance.

On conclusion of the investigation, the Chair of Governors will produce an investigation report.

The Chair of Governors will convene a meeting to advise the employee (or group of employees) of the outcome of the investigation; the Chair of Governors will

subsequently confirm the outcome of the investigation, in writing, normally within five school working days of the meeting or as soon as reasonably possible; this will include details of any decision and / or any action required and a copy of the investigation report.

Following the outcome of the investigation, if the employee (or group of employees) remains dissatisfied, they will be advised of their right to appeal against the outcome of the investigation.

### **Stage 3 – Appeal Hearing**

The employee (or group of employees) has the right to appeal against the outcome of the formal grievance investigation if they continue to feel aggrieved.

The employee (or group of employees) should complete and submit an appeal form (**Appendix 3**) to the Clerk to the Governing Body within five school working days of receiving written notification of the outcome of the investigation.

The employee (or group of employees) should ensure that they clearly state the grounds on which they are appealing.

The appeal form should include the following details:

- The nature of the grievance raised;
- Why the employee (or group of employees) feel that the outcome of the formal grievance investigation is unsatisfactory, i.e. the grounds on which they are appealing; and
- The outcome the employee (or group of employees) is seeking and how this might be achieved.

On receipt of the appeal form, the Clerk to Governors will convene an appeal hearing giving ten school days notice of the hearing (invite letter template **appendix 4**).

The employee (or group of employees) has the right to be represented by a trade union representative or work based colleague.

The Chair of Governors may be accompanied by a representative from HR and OD Services.

At least five school working days prior to the hearing, the employee and the Chair of Governors (as the respondent) must indicate, in writing, any written evidence to be referred to at the hearing and also any witnesses, if any, are to be called.

No new evidence will be considered at an appeal hearing unless there is an over-riding requirement of natural justice to allow such evidence; any new evidence must be submitted to the Clerk to the Governing Body at least five

school working days in advance of the hearing as this must be passed to the Chair of Governors or employee prior to the hearing.

Should any new evidence be supplied on the day of the hearing, it will only be accepted if the employee / Chair of Governors can demonstrate that the evidence could not have been provided earlier.

A panel of three Governors will hear the appeal (except in cases where there are insufficient Governors; in these circumstances a hearing may go ahead with a panel of two). The panel may be supported by a representative from HR and OD Services.

The appeal hearing shall be conducted in line with the process outlined in **Appendix 5**.

The hearing may be adjourned for the purposes of gathering any further relevant information and/or seeking further clarification.

There are three possible outcomes of the appeal hearing:

1. Uphold the appeal and implement the resolution proposed by the employee;
2. Uphold the appeal and implement an alternative resolution;
3. Dismiss the appeal and accept the outcome of the formal grievance investigation.

The decision of the hearing shall be confirmed in writing within five school working days (outcome letter template **Appendix 6**).

The decision of the appeal panel is final.

**Appendix 1**

**Stage 2 Grievance Form (Formal Stage)**

Please indicate if this is a collective grievance	Yes/No <delete as appropriate>
Name(s):	
School:	
Post Title:	
Date of Informal Discussion:	
Officer who heard Informal Grievance:	

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**Please complete all sections**

What is the nature of your grievance? Please be specific and provide as much detail as possible. You may use additional sheets if necessary.

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Please provide details of any informal action including the outcome of any informal action. (Documentation relating to any informal action should be attached to this form).

If you have been unable to attempt to resolve your grievance informally, please provide justification for this below.

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Why are you dissatisfied following informal action? Why are you still aggrieved?

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What resolution are you seeking and how can this be achieved? What do you think the school can do to resolve your grievance?

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Signed:	
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Date:	
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**On completion please pass this form to the Headteacher or Chair of Governors if it is a formal grievance against the Headteacher.**

**Appendix 2**

### **Invite to Formal Grievance Investigation Meeting – Letter Template**

Private & Confidential

**<INSERT ADDRESS>**

Dear **<name>**

#### **Formal Grievance – Grievance Investigation meeting**

I write to acknowledge receipt of your formal grievance form and supporting documentation, which I received on **<insert date>**.

In accordance with the grievance procedure for employees within school, I would like to convene a formal grievance investigation meeting on **<insert date, time and venue>** in an attempt to investigate your grievance further.

The purpose of the meeting will be to establish the following:

- Why you feel the grievance is not resolved;
- Your requested resolution;
- The reasons for the inability to attempt to resolve matters informally **<delete if not applicable>**;
- Details of any other information or any other employees who may be able to assist with the investigation of the formal grievance.

You are entitled to be represented at this meeting by a trade union representative or work based colleague. Should you wish to exercise this right you should make your own arrangements for them to attend.

I will be supported by **<insert name>** from HR and OD Services within the Local Authority **<delete if not applicable>**

I would be grateful if you could confirm your attendance at the meeting by contacting me on **<insert telephone number>**

I enclose a copy of the 'Grievance Policy and Procedure for School Based Employees' for your information.

Should you have any queries prior to the grievance investigation meeting, please do not hesitate to contact me.

**For Support Staff <delete as appropriate>**

For your information, the Employee Assistance Programme (EAP) is available for confidential advice and support on a wide range of issues, 24 hours a day, 7 days a week. Should you wish to make use of such services you can do so by contacting 0800 243 458. Alternatively, you can access the website, [www.workplaceoptions.com](http://www.workplaceoptions.com).

**For Teaching Staff <delete as appropriate>**

Advice and support is available via the 'Teacher Support Line'; should you wish to make use of such services you can do so by contacting 08000 562 561.

Yours sincerely,

**<insert name>**

**Headteacher**

**Stage 3 Appeal Form (Appeal Hearing)**

Please indicate if this is a collective appeal	Yes/No <delete as appropriate>
Name(s):	
School:	
Post Title:	
Date advised of outcome of formal grievance investigation:	



**Please complete all sections**

Please provide details of the nature of your grievance.

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Please provide details of formal action taken to attempt to resolve your grievance including the outcome of the formal grievance investigation.

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Why are you dissatisfied following the outcome of formal grievance investigation? Please state the grounds on which you are appealing i.e. why do you not agree with the outcome that was reached as part of the formal grievance investigation?

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What resolution are you seeking and how can this be achieved? What do you think the school can do to resolve your grievance?

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Please indicate what documentation, if any, you intend to refer to at the appeal hearing. Please note that you should only make reference to the documentation relevant to the grounds of your appeal. Documentation should also be attached to this form prior to submission.

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Please indicate if you intend to call any witnesses to the appeal hearing.

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Should you have any new evidence you wish to present as part of your appeal please provide details below, indicating the reasons why such information was not available at the time of the formal grievance investigation. Any new evidence should be attached to this form prior to submission.

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If this is a collective grievance, please indicate below, the name of the employee who will be representing the group at the appeal hearing.

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Signed:	
Date:	

**On completion please pass this form to the Clerk to the Governing Body.**

## Appendix 4

### Invite to Appeal Hearing – Letter Template

Private & Confidential  
**<INSERT ADDRESS>**

Dear **<name>**

#### **Formal Grievance – Appeal Hearing**

I write to acknowledge receipt of your appeal form, which I received on **<insert date>**, and confirms your appeal against the outcome of the formal grievance investigation.

In accordance with the 'Grievance Policy and Procedure for School Based Employees', an appeal hearing has been scheduled to take place on **<insert date, time and venue>**.

Your appeal will be heard by a panel of Governors consisting of **<insert names of Governors>** who will be supported by **<insert name>** from HR and OD Services within the Local Authority **<delete if not applicable>**

The Headteacher / Chair of Governors **<delete as appropriate >** will be in attendance to present a response to your grounds of appeal and may choose to be supported by a representative from HR and OD Services within the Local Authority.

You are entitled to be represented at the hearing by a trade union representative or work based colleague. Should you wish to exercise this right you should make your own arrangements for them to attend.

Please find enclosed a copy of the 'Grievance Policy and Procedure for School Based Employees' along with the following documents that will be referred to by the Headteacher / Chair of Governors **<delete as appropriate >** during this hearing:

**<Insert appendices provided by the Headteacher / Chair of Governors here>**

The Headteacher / Chair of Governors **<delete as appropriate >** also intends to call the following witnesses:

**<Insert names of witnesses here>**

Should you wish to refer to any documentation and/or call any witnesses you must provide this information to the Clerk to the Governing Body by no later than five school working days prior to the hearing. Such information will be forwarded to the Headteacher / Chair of Governors and the panel members when received.

**OR**

I acknowledge receipt of the following documentation, submitted with your appeal form that you intend to refer to at the hearing:

**<Insert appendices provided by employee >**

You have also indicated that you intend to call the following witnesses:

**<Insert names of witnesses here>**

Such information will be forwarded to the Headteacher / Chair of Governors **<delete as appropriate >** prior to the hearing.

You are reminded that no new evidence is to be considered at the appeal hearing; any new evidence supplied at the hearing itself will only be accepted if you can demonstrate that the evidence could not have been provided earlier.

Please confirm your attendance at the hearing by contacting me on **<insert telephone number>**

Should you have any queries prior to the hearing, please do not hesitate to contact me.

**For Support Staff <delete as appropriate>**

For your information, the Employee Assistance Programme (EAP) is available for confidential advice and support on a wide range of issues, 24 hours a day, 7 days a week. Should you wish to make use of such services you can do so by contacting 0800 243 458. Alternatively, you can access the website, [www.workplaceoptions.com](http://www.workplaceoptions.com).

**For Teaching Staff <delete as appropriate>**

Advice and support is available via the 'Teacher Support Line'; should you wish to make use of such services you can do so by contacting 08000 562 561.

Yours sincerely,

**<insert name>**

**Appendix 5**

**Format of an Appeal Hearing (Stage 3)**

The employee (or group of employees) will have been notified of the appeal hearing in writing, giving ten school working days notice of the hearing.

**Membership of the Panel**

- In accordance with the 'Guidance for Governing Bodies on Responsibilities for Making Decisions on Staffing and Pay Matters', grievance hearing panels will consist of a panel of three Governors except in cases where there are insufficient Governors available. In this instance a hearing may go ahead with a panel of two;
- The panel may be supported by a representative from HR and OD Services.

**Membership of other Parties**

- The employee bringing the appeal and their representative should they choose to be represented;
- The respondent (Headteacher / Chair of Governors) and a representative from HR and OD Services should they choose to be supported;
- Witnesses as and when required.

Please note that where a hearing is being convened to hear a collective appeal, an employee should be nominated to attend on behalf of all the employees.



## The Hearing

1. The employee and Headteacher / Chair of Governors (with their representatives if applicable) will enter the room together when invited to do so.
2. The chair of the panel will introduce all persons present.
3. The chair of the panel will then outline the purpose of the hearing and the order of proceedings.
4. The employee in conjunction with their representative (if applicable) will present their appeal, clearly stating their grounds of appeal, referring to any supporting information and calling any witnesses.

Questioning of witnesses will proceed in the following order:

- The employee and their representative (if applicable);
- The Headteacher / Chair of Governors and their representative from HR and OD Services (if applicable);
- Panel members and the representative from HR and OD Services.

Witnesses leave the room at the conclusion of their evidence.

5. The employee and their representative (if applicable) conclude their presentation.
6. The Headteacher / Chair of Governors and the representative from HR and OD Services (if applicable) may question the employee and their representative.
7. Panel members and the representative from HR and OD Services may question the employee and their representative.
8. The Headteacher / Chair of Governors in conjunction with their representative from HR and OD Services (if applicable) will present the response to the appeal, referring to any supporting information and calling any witnesses.

Questioning of witnesses will proceed in the following order:

- The Headteacher / Chair of Governors and their representative from HR and OD Services (if applicable);
- The employee and their representative (if applicable);
- Panel members and the representative from HR and OD Services

Witnesses leave the room at the conclusion of their evidence.

9. The Headteacher / Chair of Governors and the representative from HR and OD Services (if applicable) conclude their response.
10. The employee and their representative (if applicable) may question the Headteacher / Chair of Governors and the representative from HR and OD Services.
11. Panel members and the representative from HR and OD Services may question the Headteacher / Chair of Governors and the representative from HR and OD Services.
12. The employee and their representative (if applicable) will sum up their appeal.
13. The Headteacher / Chair of Governors and the representative from HR and OD Services (if applicable) will sum up their response.
14. The hearing will then be adjourned to allow the panel to consider all of the information presented to them; only the panel will be in the room.
15. Before reaching a decision, the panel may recall either party to clarify any points and/or adjourn to obtain further evidence. Should this occur both parties will be present.
16. Both parties will be invited to return to the room and the chair of the panel will deliver the decision.
17. If it is not feasible for the panel to reach a decision on the day of the hearing, for example, due to time constraints or because of the volume of information to be considered, the panel will inform both parties of this and the outcome will be conveyed in writing to the employee(s) within five school working days.
18. The decision of the appeal panel is final and there is no further right of appeal.
19. The decision will be confirmed in writing within five school working days.

## Appendix 6

### Appeal Hearing – Outcome Letter Template

#### Private and Confidential

<INSERT ADDRESS>

Dear <name>

#### Appeal Hearing - Outcome

I write to confirm the content of the grievance appeal hearing that took place on **<insert date>**. Your appeal was heard by **<insert names Governors, indicating who chaired the panel>**. The panel were supported by **<insert name>** from HR and OD Services within the Local Authority **<delete if not applicable>**. You chose to be represented at the hearing by **<insert name>** **OR** you chose not to be represented at the hearing.

**<insert name>**, Headteacher / Chair of Governors responded to your appeal and was supported by **<insert name>** from HR and OD Services within the Local Authority **<delete if not applicable>**.

The appeal hearing was conducted in accordance with the format as outlined in the Grievance Policy and Procedure for school based employees.

The panel referred to your appeal form and confirmed that you had chosen to appeal against the outcome of the formal grievance investigation on the following grounds:

**<insert grounds for appeal>**

In presenting your appeal you referred to the following documents:

**<Insert appendices provided here>**

You also called the following witnesses:

**<Insert names of witnesses here>**

The Headteacher / Chair of Governors / the panel raised the following questions in relation to your appeal...**<insert all questions and responses>** **OR** the Headteacher / Chair of Governors / the panel had no further questions in relation to your appeal.

In response to your appeal the Headteacher / Chair of Governors referred to the following documents:

**<Insert appendices provided by the Headteacher / Chair of Governors here>**

The Headteacher / Chair of Governors also called the following witnesses:

**<Insert names of witnesses here>**

You / the panel raised the following questions in relation to your appeal...**<insert all questions and responses>** **OR** you / the panel had no further questions in relation to your appeal.

***If any documentation was presented but was not circulated in accordance with the timescales outlined in the grievance procedure, this should be acknowledged in the letter and the reasons why the panel chose to accept or chose not to accept the documentation should be confirmed.***

In considering all of the evidence presented the panel came to the following conclusions:

**<insert all conclusions>**

Based on the above the panel decided to: **<delete as appropriate>**

- Uphold the appeal and implement the resolution requested by the employee; **OR**
- Uphold the appeal and implement an alternative resolution; **OR**
- Dismiss the appeal and accept the outcome of the formal grievance investigation.

Yours sincerely,

**<insert name>**

**Chair of the Appeal Hearing Panel**

