



# King David Primary School

## Grievance Policy

### **1. Introduction**

1.1 The following procedure has been adopted by the governing body of King David School in accordance with the requirements of paragraph 7 of the School Staffing (England) Regulations 2009 (the Regulations) for the governing body to establish procedures for the regulation of the conduct and discipline of staff at the school and by which staff may seek redress for any grievance relating to their work at the school.

1.2 The procedure sets out the steps that will be taken when a grievance is raised by an employee. A grievance is a concern, problem or complaint that an employee or a group of employees might raise with their employer about their work, their terms and conditions of employment, their working environment or their relationship with colleagues. The grievance could be in relation to an action or actions which has been taken, or is contemplated.

1.3 The procedure is designed to

- ensure that employees who have a grievance about their employment are aware of their rights and have a clear framework to enable the grievance to be dealt with;
- encourage employees to communicate their problems with the appropriate people i.e. between employees and their head teacher (or between head teachers and their chair of governors); and
- encourage parties to deal with grievances fairly, consistently and speedily and as near as possible to the point of origin.

1.4 The governing body encourages employees to resolve grievances in an informal manner and without recourse to the formal grievance procedure wherever possible.

1.5 Employees raising a grievance should be able to do so without fear of victimisation as a result of the grievance or any subsequent investigation/management action. All grievances shall be dealt with in a non-discriminatory and consistent way.

1.6 Where an employee pursues a grievance in good faith, which is not upheld following an investigation, no further action will be taken by the governing body. However, all parties involved have a duty to act honestly and without malice to anyone else. Employees who are found to be raising frivolous, vexatious or malicious complaints may therefore be subject to disciplinary action under the governing body's disciplinary procedure.

1.7 The local authority's guidance on the conduct of hearings applies to this procedure (Appendix N). The model letters referred to in this procedure are not part of the procedure, but guidance which the governing body commends to those using the procedure within the school.

1.8 Any part of these procedures, other than a statutory requirement, may be varied in a particular case by mutual, explicit agreement between the employee and the person(s) acting on behalf of the governing body. If there are points in the procedure where the preferred timescales are not reasonably practicable, the employee should be provided with an explanation and informed of when a hearing or response can be expected.

1.9 In this procedure working days are defined as the 195 days on which classroom teachers and classroom-based support staff may be directed to work at the school. With the mutual, explicit

agreement of all parties concerned, any part of this procedure may take place on days falling outside of this definition.

## **SCOPE OF THE PROCEDURE**

1.10 The procedure applies to all employees at the school. 'Employee' means a person employed to work at the school or in provision made by the governing body under the Education Acts, other than a person employed by a contractor, including by the authority acting as contractor, or who is self-employed.

1.11 The procedure applies to both individual and collective grievances, i.e. those grievances raised by two or more employees about an issue that affects them all (see section 5 of this procedure).

1.12 The procedure does not apply to:

- Concerns, problems or complaints made under the Public Interest Disclosure Act, which should be dealt with under the whistle-blowing procedure adopted by the governing body.
- Allegations of bullying or harassment, which should be dealt with under the anti-harassment procedure adopted by the governing body, unless an employee chooses to use the grievance procedure, in which case the employee must adhere to the grievance procedure and may not subsequently ask for the same allegation(s) to be considered under the anti-harassment procedure.
- Concerns, problems or complaints that an employee may have about pay or grading, which should be dealt with under the pay policy adopted by the governing body.
- Concerns, problems or complaints about actual or contemplated disciplinary action, which should be dealt with under the disciplinary procedure adopted by the governing body (unless the complaint is that disciplinary action taken was discriminatory, e.g. on the grounds of race, sex, disability, age, religion and belief or gender reassignment).
- Concerns, problems or complaints about an actual or contemplated dismissal by an employer, which should be dealt with under the procedures adopted by the governing body for the actual or contemplated dismissal.
- Concerns, problems or complaints about recruitment and selection of employees, which should be dealt with under the governing body's recruitment and selection complaints procedure.
- Concerns, problems or complaints that an employee may have over national insurance, income tax or rules of pension schemes, which are generally outside of the school's control and which should be raised with the appropriate bodies such as the Inland Revenue or the Teachers' Pension Scheme.
- Concerns, problems or complaints that an employee may have about conditions of service outside the control of the governing body (for example, the sick pay and maternity leave schemes adopted by the employer under national or local agreements) as distinct from the way in which those conditions have been interpreted and applied by the governing body or staff of the school.
- Any other matters which are outside the control of the school.

1.13 The governing body acknowledges that there may be rare occasions when an employee is aggrieved with a decision taken, or policy adopted by, the whole governing body. In these circumstances the way in which a grievance is dealt with is constrained by the fact that there is no appeal outside the governing body. This procedure permits an employee to explain why he or she is dissatisfied with the governing body's decision or policy to the chair of the governing body, with an appeal to the appeals committee, either of which could decide to recommend the governing body to vary a policy or reverse a decision. The governing body will require governors to conduct hearings into such grievances in good faith and will consider any recommendations arising from them. Depending on the nature of the grievance, the employee might have the subsequent option of complaint to an employment tribunal.

1.14 If an employee raises multiple grievances including one or more which, if submitted individually, would be dealt with under one of the procedures listed above, or if it is unclear whether the complaint is

a grievance which should be dealt with under this procedure or whether it falls within other procedures (examples of which are listed in 1.12 above), the employee will be asked whether he or she wishes the grievances to be heard under the grievance procedure or under another procedure (such as anti-harassment).

## **PRINCIPLES**

1.15 The governing body accepts the following principles:

- Employees with a grievance about their employment have a right to raise that grievance and to have it heard.
- Wherever possible, grievances should be dealt with at the early stages of the procedure and by way of informal discussions.
- Where formal action is needed, what action is reasonable or justified will depend on all the circumstances of the particular case.
- Whenever formal action is taken, it is important to deal with issues fairly.

1.16 In addition, the governing body acknowledges that the Code includes the following key principles:

- Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- Employers and employees should act consistently.
- Employers should carry out any necessary investigations, to establish the facts of the case.
- Employers should allow employees to be accompanied at any formal grievance meeting.
- Employees should be given a chance to appeal against any formal decision made.

1.17 If any aspect of the grievance procedure causes an employee difficulty on account of any disability that he or she may have, or if the employee requires assistance because English is not his or her first language, the employee should raise this issue with his or her line manager, supervisor or other senior member of staff, who will make appropriate arrangements. Reasonable adjustments may include offering an interpreter or allowing an employee extra time or other help, although these examples are not exhaustive.

## **RECORDING PROCEEDINGS**

1.18 The following apply to this procedure:

- The governing body will require its clerk or an appropriate substitute to attend and make a full record of any hearing held by a committee under these procedures. It will expect the head teacher to arrange for a full written record to be made of any hearing conducted by him or her under these procedures (see appendix M).
- Minutes of hearings will be available to the employee or the employee's representative if requested and should normally be provided within five working days of the meeting, other than in exceptional circumstances.
- No participant should make a sound or video recording of a meeting without the consent of all the participants, including witnesses.
- If the content of the minutes is questioned, the person who wrote the minutes should check his or her notes of the hearing in question and, if no reason is apparent for altering them, refer the question to the person or committee conducting the hearing (as the case may be) for verification. If a disagreement over the content remains, then the employee may append his or her version of the disputed part to the original minutes, which shall remain unaltered.
- All records should be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act 1998, having regard to the possibility that records will have to be disclosed in the event of a tribunal hearing. In addition to records of meetings and hearings, the records of the case should include the written submission of the grievance and any letters written in response to that grievance, including those recording the conclusions of meetings and hearings. An optional form for recording a case of grievance appears at Appendix M.

## **2. MEDIATION (OPTIONAL)**

2.1 Mediation is a voluntary process whereby an independent and impartial third party intervenes in a problem such as a grievance. The aim of the process is to enable two or more people to reach a mutually acceptable agreement.

2.2 The governing body acknowledges that some grievances may lend themselves to the possibility of mediation. Therefore, if the parties involved in a grievance express a mutual desire to attempt mediation in order to resolve the grievance, the person in receipt of the written grievance will decide (subject to advice from Employee Relations where necessary) whether mediation is appropriate. The person in receipt of the written grievance may also propose mediation to the parties. Mediation may be appropriate:

- For conflict involving colleagues of a similar job or grade, or between a line manager and his or her staff;
- To rebuild relationships after a formal dispute has been resolved;
- To address issues such as relationship breakdowns, personality clashes, communication problems or perceived discrimination.

Mediation may be inappropriate if:

- Used as a first resort – as individuals should be encouraged to speak to each other and to their line manager or supervisor before seeking a resolution via mediation;
- It is used to avoid managerial responsibilities;
- An individual who has raised a grievance that they have been discriminated against would like the matter to be investigated;
- One party is completely intransigent and mediation would only raise unrealistic expectations of a positive outcome.

2.3 Mediation may be attempted at any stage of the grievance process subject to agreement between the relevant parties (including the employee, any person against whom the grievance has been raised and the person in receipt of the written grievance).

2.4 If and when mediation is attempted, the person in receipt of the written grievance will suspend the formal grievance process pending the outcome of the mediation process. If the mediation is unsuccessful, the grievance procedure will resume at the appropriate point.

## **3. INFORMAL RESOLUTION**

3.1 The governing body encourages employees to resolve grievances in an informal manner and without recourse to the formal grievance procedure wherever possible.

3.2 The governing body acknowledges that the Code does not prescribe how grievances should be dealt with or resolved informally. Informal resolution is likely to involve direct discussions between an aggrieved employee and the person or persons perceived to be either the source of the grievance or who are best placed to assist in its resolution. However, it is recognised that employees may be reluctant to engage in such discussions without the support of a companion, a mediator, or an intermediary and that persons able to fulfil that role, subject to the agreement of all parties, may include trade union representatives, on the understanding that the meeting takes place on an informal, non-adversarial basis. In such informal meetings either party may withdraw at any point. If a direct approach to the person or persons perceived to be the source of the grievance is inappropriate or unsuccessful, even with the support of a companion, the employee may wish to seek resolution indirectly, by asking someone, such as a manager, phase leader, or head of department, to try to resolve the grievance on his or her behalf.

3.3 A mediator internal or external to the school may be involved in helping to resolve the grievance at this or any other stage of the procedure (see 4 below).

3.4 If, however, an employee does not feel able in good faith to pursue a grievance informally, he or she may make a formal complaint. Similarly, an employee who has endeavoured to resolve the grievance informally but without apparent success may also lodge a formal grievance.

#### **4. FORMAL RESOLUTION**

4.1 If an employee wishes to raise a grievance formally, he or she must, in accordance with the Code, state the grievance in writing. The employee may submit the grievance by completing the Statement of Formal Grievance Form (attached at Appendix A). Otherwise the employee must write a letter covering the same points. The employee is required to be explicit about the nature of the grievance and wherever possible to indicate the desired resolution or action that he or she would like the school to take to resolve the grievance. Employees should indicate whether there has been an attempt to resolve the grievance informally. Employees should also stick to the facts and avoid language which may be considered insulting or abusive. If the employee wishes to submit written evidence in support of his or her formal grievance, it should be attached to the statement of formal grievance or letter. If the written statement of grievance is unclear, the employee may be asked to clarify it before any meeting takes place.

4.2 The employee should submit his or her written grievance to the head teacher. If the grievance is against the head teacher, the employee should submit the written grievance to the chair of governors, unless the grievance is also against the chair of governors, in which case the written grievance should be submitted to the vice-chair of governors. If the head teacher has a grievance, he or she should submit the grievance to the chair of governors, or to the vice-chair of governors in the event that the grievance is against the chair of governors. In the event of a grievance against the whole of the governing body, the written grievance should be submitted to the chair of governors. When the chair, or vice-chair as the case may be, is in receipt of a written grievance he or she should take advice from the local authority (through School and Governor Support, which will take advice from Employee Relations as necessary).

4.3 The person in receipt of a written Statement of Formal Grievance shall acknowledge the complaint in writing within five working days (and refer to the date of receipt), unless there are exceptional circumstances in which case the response will be made as soon as reasonably practicable, and inform the employee that he or she will be invited to attend a meeting to discuss the grievance(s) (see model letter at Appendix B).

#### **GRIEVANCE HEARING**

4.4 The person in receipt of a written Statement of Grievance will write to the employee inviting the employee to a grievance hearing. The hearing will be held as soon as is reasonably practicable, wherever possible within ten working days of receiving the formal written grievance. The letter will explain the purpose of the hearing, i.e. to discuss the concerns that have been raised and ways of resolving the issues. The employee should also be informed of his or her right to be accompanied by a trade union representative or fellow-employee (see model letter at Appendix C).

4.5 If the Statement of Grievance received by the head teacher or chair of governors concerns allegations made against another employee or employees at the school, he or she shall write to the employee(s) concerned to notify them of the allegations being made and explaining the next steps. If the allegations are serious, the head teacher (or chair or vice-chair of governors as the case may be) may decide to suspend an employee on full pay pending the outcome of investigation meeting(s) with the employee in question and the aggrieved employee (see model letter at Appendix D).

4.6 The hearing will be conducted by the person in receipt of the written statement of grievance, who may be accompanied by an appropriate person to take notes and a representative from the local authority. The aim of the hearing is to find a way forward. A recommended order of proceedings for the hearing is located at Appendix E. At the hearing, the employee will be asked to explain the nature of the grievance and invited to suggest how it might be resolved. Whilst the employee should be given every opportunity to explain his or her case fully, he or she should confine his or her explanation to matters that are directly relevant to the complaint. The person chairing the meeting will ensure that the discussion concentrates on the grievance(s) set out in the Statement of Formal Grievance or grievance letter.

4.7 Where appropriate, the hearing may be adjourned for investigations to take place. The nature of those investigations shall be agreed by the participants. They may agree that the grievance may not warrant a full, detailed investigation but that some further enquiries should be made to establish some facts or take advice on the feasibility of suggested solutions. Mediation or support from an intermediary may be helpful at this stage. In certain cases a formal investigation may be deemed necessary.

4.8 The employee will be informed in writing of the outcome of the grievance hearing within ten working days of the hearing. This letter will include a summary of the action that is proposed to resolve the grievance, where possible, together with the right of appeal (see model letter at appendix F).

4.9 When it is agreed that a formal investigation shall take place the person in receipt of the statement of grievance shall commission that investigation. Subject to the need to find a suitable investigator, a formal investigation should be commissioned within fifteen working days of an agreement that such an investigation shall take place. In small schools it may be difficult to find a senior employee who is not already aware of the alleged grievance(s). If a suitable investigator cannot be found within the school, the head teacher, or chair or vice-chair as the case may be, should secure the services of an appropriate, trained investigator external to the school (through School and Governor Support, which will take advice from Employee Relations Team as necessary). The investigation should be conducted in accordance with guidance on investigations from the local authority (see appendix G). The guidance specifies that investigations should be completed between ten and twenty working days from receiving the terms of reference from the commissioning officer unless there are exceptional circumstances.

4.10 When the investigator has submitted his or her report to the person who is in receipt of the written grievance and who commissioned the investigation, the grievance hearing shall be reconvened as soon as practicable. However, if the contents of the report are such that the person in receipt of the grievance considers that disciplinary proceedings against another employee should be considered, then there may be a short delay in reconvening the hearing, in order to allow for:

- The person in receipt of the grievance to take advice from the Employee Relations Team
- A preliminary investigation to take place, including an interview with the employee who might be the subject of disciplinary proceedings, in accordance with the school's disciplinary procedure

4.11 If disciplinary proceedings are instituted, then at the reconvened hearing the employee who submitted the grievance shall be informed of that decision. The person conducting the hearing should explain that because of the confidential nature of disciplinary proceedings the report of the investigator cannot be released. The complainant may be asked to appear as a witness in those proceedings. When the disciplinary proceedings have been completed the complainant will be advised in a meeting of their completion and informed whether or not a disciplinary sanction has been imposed (though not of the details of the case or the level of any sanction imposed).

4.12 If no disciplinary proceedings are instituted, then at the reconvened grievance hearing the employee who submitted the grievance will be given a written summary of the findings of the report, with due regard to the rights of third parties under the Data Protection Act. The head teacher should confirm that any witnesses named have been interviewed by the investigator, but not disclose which

particular piece of information has been given by which witness. If there were no witnesses and the report deals only with statements from the complainant then the full report should be released. (If assistance is needed in deciding how much of the report can be shared a request should be made to the Employee Relations Team for advice, which may be referred to one of the City Council's special teams for the Freedom of Information Act.) The parties to the hearing shall then endeavour to resolve the grievance in the light of the findings of the report.

4.13 The person in receipt of the written grievance shall summarise the conclusions of the hearing. This may be done orally at the hearing and in any event must be confirmed in writing. The complainant should be informed of the right of appeal, both at the hearing and subsequently in writing.

### **APPEAL**

4.14 An employee who is dissatisfied with the conclusions of the grievance hearing has the right of appeal. An appeal will be heard by the governing body's Appeals Committee ('the Committee'). The governing body will ensure that members of the Appeals Committee have not been involved in the grievance. Where this is not possible because the complaint is about a policy or a decision of the full governing body, the chair, who will have heard the grievance in accordance with this policy, should not be a member of the Appeals Committee.

4.15 The appeal should be made in writing to the clerk to the governing body within ten working days of receiving the written conclusions of the grievance hearing. The appeal letter must state all the grounds of the appeal, i.e. why the appellant thinks that the conclusions were wrong or that the proposed action or action taken was inappropriate. The grounds for appeal should be accompanied by any additional evidence to be presented in support of the appeal. If the appellant so wishes there is no requirement to submit any documentation, other than a statement from any witness who may be called by the appellant. However, if the appellant does not intend to submit any documentation there should be a positive statement from the appellant or the appellant's representative to this effect and the employee will not be able to use at the appeal hearing any evidence not previously provided.

4.16 The clerk to the governing body will immediately notify the person who conducted the grievance hearing of all the grounds of appeal and any additional evidence, with a request to submit any additional papers in response to the clerk within seven working days.

4.17 The clerk to the governing body should make every effort to agree a date, by discussing options with the appellant's union/professional association if they are already involved in the case, before sending the formal invitation to attend the hearing. The clerk will then arrange an appeal committee hearing as quickly as possible, to take place, other than in exceptional circumstances, within twenty working days of the appellant's notice of appeal. The appellant may suggest an alternative time and date as long as it is reasonable and is not more than five working days after the original date. The committee may reject this suggestion if it is unreasonable and may proceed to hear the appeal in the absence of the appellant or the appellant's representative, but also has the discretion to defer the date of the hearing in order to reach mutual agreement on a convenient date, having particular regard to the availability of the appellant's representative.

4.18 The clerk to the Committee shall give fifteen working days' formal notice of the hearing to all the participants, and in the same letter shall set out the order of the proceedings, remind the appellant of the appellant's rights at the hearing, including the requirement to state in advance whether he or she wishes to be accompanied at the hearing by a representative of his or her choice who is either a trade union representative or another of the employer's employees, list the members of the appeal committee, give the names of any witness(es), and confirm the options for action which the appeal committee may take (see below). All documents relevant to an appeal hearing shall be enclosed with the letter. The

witnesses may include, as appropriate to the circumstances of the case, the person who conducted the grievance hearing. (For model letter see Appendix H.)

4.19 The Committee will hear the appellant's case in accordance with the order of the proceedings set out in the letter giving notice of the hearing (see copy at Appendix 'I').

4.20 At the conclusion of the hearing the Committee may either

- Dismiss the appeal; or
- Uphold the appeal in whole or in part and specify the action to be taken to resolve the grievance; or
- Uphold the appeal in whole or in part and modify some or all of the action proposed by the person who conducted the grievance hearing

4.21 The Committee will notify the appellant of the outcome in writing within ten working days of the appeal hearing. The decision of the Committee will be the final stage of the process and this should be explained to the appellant in the appeal outcome letter (see model letter at Appendix J).

## **5. COLLECTIVE GRIEVANCES**

5.1 The governing body acknowledges that provisions of the ACAS Code on grievance procedures 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 colleague and therefore provides for these grievances to be handled in accordance with this section of the grievance procedure adopted by the School, although the relevant stages referred to above will still apply.

5.2 If more than one employee within the school raises an identical grievance the person in receipt of those employees' grievances shall draw their attention to this section of the procedure and, if the employees have not already nominated a representative or representatives, invite them to do so and to proceed with a collective grievance. If any of the employees declines that invitation and asks for his or her grievance to be heard separately as an individual grievance, the person in receipt of the grievance shall consider and decide on that request, having regard to the circumstances giving rise to the grievance on the part of that employee.

### **Nominated Representatives**

5.3 Employees wishing to pursue a collective grievance should nominate individual(s) known as "nominated representatives" to represent their interests throughout the process. Nominated representatives may be another employee at the School or a recognised trade union official and will be responsible for representing the interests of all employees who are party to the collective grievance, including presenting the case on their behalf at hearings.

### **Informal Resolution**

5.4 The governing body encourages employees to resolve grievances in an informal manner and without recourse to the formal grievance procedure wherever possible. Employees who consider that they have a collective grievance are therefore encouraged to follow the guidance on informal resolution set out in section 3 of this procedure.

### **Formal Resolution**

5.5 Once the relevant employees have nominated a representative or representatives and wish to proceed to formal resolution of their collective grievance, the representative(s) should prepare a written statement setting out that grievance and arrange for that statement to be signed by all employees who are party to the grievance (alternatively, employees may sign separate copies of the statement and forward those copies to their nominated representative(s)).



5.6 The statement should be headed “Formal Collective Grievance” and should be sent to the head teacher, chair of governors or vice-chair of governors as the case may be, according to whether or not the head teacher or the chair of governors is the subject of the grievance.

The written statement should include:

- The names, job titles and contact details of all employees wishing to raise the grievance;
- The name and contact details of the nominated representative(s) and whether they are acting in the capacity of trade union representative;
- Details of the complaint including explicit examples, dates and times of issues and events giving rise to the collective grievance;
- Details of how they would like the grievance to be resolved;
- Confirmation that each employee has voluntarily consented to invoke the collective grievance procedure;
- Confirmation that each employee understands that the grievance will give each employee the right to only one collective grievance hearing, one identical outcome and (if applicable) one appeal hearing and appeal outcome.
- The signatures of all relevant employees to whom the grievance applies to confirm that they give consent to be represented by the nominated representative(s); and
- The date.

Formal Collective Grievance Hearing, investigation and appeal

5.7 Arrangements for formal collective grievance hearings, including investigations where agreed, will follow the procedure for hearing individual grievances, except that correspondence will be between the person in receipt of the written grievance and the nominated representative(s) rather than the employees. Prior to the grievance hearing, the nominated representatives must inform the clerk to the governing body of the names of the employees attending the hearing and any witnesses they wish to attend.

5.8 The results of any investigation shall likewise be shared with the nominated representative(s) on behalf of the employees.

5.9 If, following the grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those employees who are withdrawing from the process and those wishing to pursue the appeal. In the event of more than one employee wishing to appeal, the nominated representative(s) will be responsible for submitting the appeal in writing to the clerk to the governing body in accordance with the procedure for appealing in the case of individual grievances and the correspondence will be between the clerk and the nominated representative(s). If only one employee wishes to appeal, the individual grievance procedure will apply.

5.10 Following the appeal hearing, the nominated representative will be informed of the outcome within ten working days. The outcome of this hearing will be final.

Failure to Agree following Negotiation

5.11 In exceptional circumstances, the parties to a collective grievance may still fail to agree despite the collective grievance procedure being exhausted. If a dispute is declared, the matter may be referred for conciliation in accordance with section 6 below.

## **6. COLLECTIVE DISPUTES**

6.1 The Burgundy Book provides a “model procedure to facilitate the resolution of collective disputes between teachers and a school governing body”. That procedure “is complementary to the school’s grievance procedure; it is not an alternative.” It defines a collective dispute as arising “from a difference between the governing body and all, or at least a substantial number of, teachers at the school. The

school's own collective disputes procedure applies only to those matters which fall within the purview of the governing body." The governing body accepts that this procedure for teachers should apply equally to support staff. The governing body notes that unions representing teachers and support staff may advise their members on a collective dispute, even when their members do not form a substantial proportion of the total number of employees at the school.

6.2 The Burgundy Book states that the "prime objective is to reduce the possibility of disputes arising between teaching staff and the governing body. That is best achieved by the establishment of agreed, standing arrangements at the school for regular consultation between staff and the governing body."

6.3 When a dispute cannot be resolved within the context of the recommended consultative arrangements the Burgundy Book provides that "the assistance of a third party conciliator can be sought", but "the conciliator can be invited to make a determination only if the two sides to the dispute agree to such a course of action." The Burgundy Book states that "There is no recourse to another stage in the process."

6.4 Governing bodies are advised to make similar arrangements for consultation with support staff.

## **7. GRIEVANCES FROM EX-EMPLOYEES**

7.1 Wherever possible, a grievance should be raised by an employee and dealt with by a School before an employee leaves employment.

7.2 Prior to the repeal of the statutory dispute resolution procedures, a modified two-stage procedure applied in circumstances where the employee had left his or her employment and both parties had agreed in writing that it should apply. Whilst the new ACAS Code does not expressly require employers to hear or consider grievances from ex employees it may be viewed as good practice by an Employment Tribunal to do so. Therefore, provided that an ex employee sets out his or her grievance and the basis for it in writing within (other than in exceptional circumstances) one calendar month of ceasing to be employed by the School, the head teacher or, where the head teacher is the subject of the grievance, the chair of the governing body, will:

- Acknowledge receipt of the grievance within 10 working days of receipt (for model letter see Appendix K);
- Investigate any issues raised on the basis of the letter received within 10 working days of receipt where practicable; and
- Respond in writing to the employee (see Appendix L). However, the employee will not be entitled to a meeting and there will be no further right of appeal on the written response from the school.

## **8. POLICY MONITORING AND REVISION**

8.1 This procedure will be reviewed on a regular basis and may be amended to reflect changes in legislation and guidance.