



THE FULHAM BOYS SCHOOL

GRIEVANCE POLICY

RESPONSIBLE COMMITTEE

Personnel Committee

RATIFIED BY GB

Spring 2021

REVIEW DATE

Summer 2022

The master copy of this document can be found on the FBS Google Drive, under the "Policies" folder. This is one of a number of policies that are reviewed by the Governing Body, the full list can be found on the FBS Google Drive in the Policies Folder. Minor revisions that just adjust factual items (eg contact details / names) can be made by the author without formal review, and must be recorded in the Revisions table at the back of this policy.

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1. POLICY

- 1.1 This Policy will be interpreted in line with the Christian values and ethos of the school and must be read consistently with all other material policies of the School. For the purposes of all School policies please refer to the definitions guide (not all defined terms will be material to all policies or the procedures authorised by the governing body under it).
- 1.2 The aim of the School is to provide an outstanding education in every respect to the boys and, so far as reasonably possible, to provide appropriate pastoral support, working conditions and resources to its employees to enable each of them to fulfil their own potential in achieving that outcome.
- 1.3 If an employee breaks specific legal, contractual or professional rules about behaviour this will be considered as misconduct and a matter of discipline. If the School's expectations about the way employees do their job are not met, this will be considered as poor performance, or lack of capability and will be dealt with under the appropriate policy and procedures.
- 1.4 This policy and the procedures implementing it are not concerned with issues such as lengthy or frequent short-term sickness absences or alcohol or drug-related problems or a combination of these which are dealt with by the School's specific policies and procedures for managing such matters.
- 1.5 The procedures adopted under this policy are intended to be workable, transparent, consistent, objective and fair so that they merit the confidence of all teaching and non-teaching employees and other stakeholders.
- 1.6 The School will closely adhere to its policy and procedures and the senior leadership team and governors involved in implementing the procedures will undertake appropriate training.
- 1.7 The governing body will take all reasonable steps to ensure that the rights to privacy of employees and other persons who may be affected are protected in the course of any proceedings and that such proceedings are carried on in a proper manner and governors and other persons who may be involved as committee members or otherwise in making formal decisions are not tainted.
- 1.8 The governing body will ensure that it obtains and takes proper advantage of appropriate independent professional advice and assistance at all stages in relation to grievance and disciplinary matters and will further obtain appropriate insurance cover against all losses, damage, costs, fees and expenses arising out of or related to internal procedures and/or related litigation whether in courts or tribunals.

- 1.9 The governing body will co-operate where legally required or otherwise reasonable to do so with all relevant public authorities.
- 1.10 The currently approved procedures under this policy are set out below and will be subject to review and amendment from time to time by the governing body.
- 1.11 In this policy Head Teacher refers to Executive Headmaster or Head of School as appropriate.

2. GRIEVANCE PROCEDURES

2.1 **General**

- 2.1.1 Grievances can only be invoked by a current or former employee of the School.
- 2.1.2 Grievances may relate to the administration or management of the School and to decisions reached by the governing body; the Head Teacher or any other employee with management responsibility but may relate to any other concerns, problems or complaints that an employee has.
- 2.1.3 This procedure sets out:
 - An Informal Stage through which most grievances may be resolved without recourse to any subsequent stage;
 - A Formal Stage to be invoked when the informal stage has failed or is inappropriate;
 - An Appeal Stage which may be invoked at any stage of the procedure.
- 2.1.4 The grievance procedure is different from the disciplinary procedure and the two should not be confused. If in the course of a disciplinary case an employee raises a grievance that is directly related to the case, the disciplinary procedure should be suspended until the grievance has been considered. Although where the grievance and disciplinary matter are linked it may be appropriate to deal with or hear both together.
- 2.1.5 Where allegations are made against a named employee by another employee, they will normally be treated as a complaint rather than a grievance and be referred for investigation under the disciplinary procedure.
- 2.1.6 Every effort must be made to resolve the grievance as quickly and amicably as possible. Normal working practices should be maintained except in an exceptional case until all stages of the procedure have been exhausted.

- 2.1.7 Collective grievances should be dealt with through normal employer/union negotiation if and to the extent that the School recognizes a relevant trade union.
- 2.1.8 A person against whom a grievance is raised shall be informed in writing by the person to whom the complaint was made of the nature of the grievance and have an opportunity to respond; this should be done once the person investigating the grievance is clear about the nature of the grievance.
- 2.1.9 Grievances relating to pay are dealt with in accordance with the School Pay Policy.

2.2 Informal Stage

- 2.2.1 Where an employee has a grievance, s/he should raise the complaint with her/his line manager or the Head Teacher as appropriate. Where the grievance is against the Head Teacher, the employee should be referred to the chair of the governing body. Where an employee requests a personal interview with their line manager or with the Head Teacher, or other senior leader, it should take place within the period of the next five clear working days after the grievance was first raised or the date of the request whichever is the later.
- 2.2.2 Where the Head Teacher has a grievance against the governing body, s/he should first try to resolve the matter by a direct approach to the Chairman of Governors. Where actions of the Chairman of Governors have provoked the grievance s/he should discuss the matter with the Vice-Chair of the governing body and ask them to seek independent professional advice and assistance before appointing an investigator.
- 2.2.3 A written note of all informal discussions and communications must be kept by the Head Teacher or other the person investigating the grievance. The note must be placed on file and be available to the persons involved in the discussions on request.
- 2.2.4 Where the informal steps described above do not resolve the matter or in case of urgency the employee may proceed to give formal written notice of grievance.

2.3 Formal Stage

- 2.3.1 Where the grievance has not been resolved under the informal procedure, the employee may invoke the formal grievance procedure by giving written

notice to the Head Teacher or other investigator providing copies of any relevant documents as soon as possible.

- 2.3.2 If the grievance involves other employees a copy of the written notice and copies of any papers given to the Head Teacher or other the person investigating the grievance must be provided to them by the employee at the same time.
- 2.3.3 The Head Teacher or other investigator must first seek to settle any employee's grievance formally notified to them. Even if some or all of the steps in the formal procedure set out below have already taken place informally they shall be repeated formally and a written record which so far as possible should be agreed between the parties kept on file.
- 2.3.4 Upon being given formal notice of any employee's grievance the Head Teacher or other investigator must:
- a) arrange to meet the aggrieved employee within five clear working days of receipt of the formal notice;
 - b) explore with the aggrieved employee the nature of the grievance and any action that s/he wishes to have taken to resolve it
 - c) undertake or in an appropriate case and with the consent of the aggrieved employee arrange for another independent investigator to undertake an investigation involving all relevant parties;
 - d) determine whether the grievance is justified and, if so, what action can be taken/recommended to resolve it;
 - e) write a letter to the aggrieved employee as soon as possible, stating:
 - i) what is understood to be the nature of the grievance;
 - ii) if the grievance is considered to be justified what action is to be taken or recommended to resolve it;
 - iii) if the grievance is considered not justified, the reasons for arriving at this conclusion;
 - iv) in any event that a Committee will be appointed to consider the grievance on the employee's request;
 - f) put on file a full written record of the grievance, including the facts established, the decision taken and the reason for it, together with the dates upon which the grievance was formally heard and responded to;
 - g) send a confidential report of the grievance and action taken to the chair of the governing body or any other person appointed by the governing body to receive such reports.

- h) the aggrieved employee and the Headteacher or other investigator may each be accompanied by a companion at any stage or throughout the above process.

2.4 Appeal Stage

- 2.4.1 If the aggrieved employee wishes to appeal against the Committee's decision s/he must send written notice of appeal to the Clerk within 10 clear working days after receipt of written confirmation or notice of the Committee's decision stating the grounds upon which the appeal is being made
- 2.4.2 After consulting with the chair of the governing body, upon receipt of an appeal notice the Clerk must convene a meeting of an Appeal Committee.
- 2.4.3 The Appeal Committee meeting must be held within 15 clear working days of the date of receipt of the appeal notice.
- 2.4.4 The Clerk must send written notice of the appeal hearing to all parties not less than ten clear working days before the date of the hearing. The notice shall include:
 - a) the date, time and place of the hearing;
 - b) the purpose of the hearing;
 - c) the name of any person who might give evidence;
 - d) a list of all written representations, evidence or other relevant documents already received by the Clerk from the Committee (copies must also be supplied with the notice of hearing)
 - e) details of the procedure to be followed during the hearing
 - f) a request that the aggrieved employee provide to the Clerk any further written representations or evidence or other documents intended to be relied upon not less than seven clear working days before the appeal hearing
 - g) a statement of the employee's right to attend with a companion.
 - h) notification that the appeal committee may attend with additional professional representatives or advisors as necessary.
- 2.4.5 As soon as possible but in any event not less than five clear working days before the appeal hearing date the Clerk shall send to all persons attending the hearing copies of all material documents received.

- 2.4.6 The chair of the Appeal Committee is in control of the hearing and shall make such decisions as s/he thinks fit as to the conduct of the hearing in the exercise of her/his reasonable discretion and in accordance with the principles of natural justice.
- 2.4.7 The chair of the Appeal Committee in conducting the hearing should:
- a) welcome and introduce those present
 - b) state that the hearing is private and all information and representations are confidential to those present
 - c) outline and if reasonably possible obtain agreement to the procedure to be followed
 - d) ask the parties to remain available for an agreed period after the Appeal Committee withdraws at the end of the hearing in case further information or clarification is required on any material point stating that in that case the hearing will resume with all parties present for that purpose
 - e) explain the process for notifying the parties of the Appeal Committee's final decision
 - f) The chair of the Appeal Committee may adjourn the appeal hearing for any good reason including the presentation of new evidence or the making of further representations which requires further time for consideration or investigation by any party in which case the chair shall give directions for the adjourned hearing including further written notice and the making of further written representations and provision of material documents
- 2.4.8 Following the appeal hearing the Appeal Committee must make one of the following decisions:
- a) confirm the decision Head Teacher or other investigator at the Formal Stage or,
 - b) allow the appeal in its entirety

2.5 **Notification of the Appeal Committee's decision**

- 2.5.1 The chair of the Appeal Committee either notifies the parties of the Appeal Committee's decision orally at the end of the hearing or that they will be notified later in writing.
- 2.5.2 confirmation of a decision notified orally at the hearing or written notification of the Appeal Committee's decision shall be given by the Clerk to the parties as soon as reasonably possible after the hearing and shall include a statement of the Appeal Committee's reasons.

- 2.5.3 In giving written confirmation or notice of the Appeal Committee's decision the Clerk must take account of the requirement to protect the aggrieved and any other employee from prejudice.
- 2.5.4 The decision of the Appeal Committee is final.

REVISIONS TABLE

Date	Description of Change/Item Edited
Spring 2021	Separation of Grievance Policy from Discipline Policy Simplification -of process steps