



# **GRIEVANCE PROCEDURE**

**Policy reviewed by:**

**HEADTEACHER  
GOVERNORS**

<b>Reviewed</b>	<b>Agreed by Governing Body</b>	<b>Next review</b>
September 2016		September 2017

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## **1. Introduction**

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- 1.1 Governors, headteachers, line managers, supervisors and employees are expected to establish and maintain good relationships with each other but it is understood that problems may sometimes arise concerning work issues and relationships. It is hoped that in most cases these problems will be resolved by informal discussion but this procedure has been designed to deal with grievances which remain unresolved after the normal management process has been exhausted.
- 1.2 The procedure aims to settle grievances fairly and promptly, as near to the point of origin as possible, and sets out a formal procedure for individual employees to raise grievances about matters that remain unresolved.
- 1.3 Every attempt should be made to resolve problems quickly and informally, by discussing the matter openly and honestly, and only when this fails should the formal procedure be used. The aim of this procedure is to resolve problems as fairly and speedily as possible.
- 1.4 It is the School's policy that everyone should be treated fairly and without discrimination in relation to their human rights regardless of sex, race, colour, language, religion, age, disability or sexuality.
- 1.5 The School will not tolerate processes, attitudes and behaviour that amount to any form of discrimination, including harassment, victimisation and bullying through prejudice, ignorance, thoughtlessness and stereotyping. This commitment will be demonstrated from the most senior to the most junior positions within the School. In practice this means:
- there will be clear and effective ways of raising any complaint, in confidence and without fear of recrimination;
  - wherever appropriate, necessary steps will be taken to ensure the individual safety of the complainant;
  - complaints shall be properly investigated;
  - employees making a complaint can choose to be represented/accompanied;
  - employees will be informed of any complaints made against them. They can be represented/accompanied and respond at any time during the investigation;
  - there is a right to appeal.
- 1.6 The Grievance Procedure is part of the contract of employment between the School and employees and this is stated in the written particulars of employment.

- 1.7 If an employee is found to have made a false allegation(s) for malicious reasons, formal disciplinary action against the employee may be recommended under the School's Disciplinary Procedure.

## **2. Scope**

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- 2.1 The Grievance Procedure applies to headteachers, teaching and support staff working under a contract of employment with the School.
- 2.2 Where governors have a complaint against schools staff, including the Headteacher, it should raise this complaint to the Director of Children's Services.

## **3. Exclusions**

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- 3.1 The Grievance Procedure will not apply to complaints or grievances which:-
- allege that the employee has been or will be dismissed (whether or not this is for a discriminatory reason) or that the School has decided to take disciplinary action for reasons of conduct or capability which falls short of dismissal (e.g. complaints of suspension without pay, demotion or reduction of pay). Such complaints will be dealt with under the School's Disciplinary Procedure.
  - are over 3 months old; however an employee may refer to earlier matters if they believe that they support the complaint or grievance;
  - Recruitment short listing or non appointment;
  - are covered by statutory controls such as Income Tax, National Insurance and Pension Schemes;
  - or are covered by other national or local appeals procedures.

## **4. Governors/Headteachers/Line Managers/Supervisors role and responsibilities**

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- 4.1 Governors, Headteachers, Line Managers, Supervisors will:
- implement this procedure according to the timescales set out in this procedure
  - set and monitor standards of behaviour in the school;
  - provide advice and support to employees making a complaint;
  - make every effort to deal with complaints informally;
  - ensure that they are seen to be fair and equitable in their dealings with employees;

## **5. Employee's role and responsibilities**

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- 5.1 Employees will:
- make every effort to resolve the problem or complaint before starting the formal grievance procedure;

- bring any grievance complaint within 3 months of the issue or incident occurring;
- follow the stages of the procedure in sequence.

## **6. Role of the Schools' Human Resources (HR) Team**

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- 6.1 The Schools' Human Resources Team has responsibility for advising governors, headteachers, line managers and supervisors on all aspects of the operation of this procedure and for helping to maintain consistency in its application. The Schools' HR Team may, at the request of both the employee and the manager, assist in resolving the grievance on an informal basis. This may include advice on obtaining assistance from an Advisory Officer or use of mediation.

## **7. Grievances made during the course of a disciplinary process**

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- 7.1 Grievances lodged at any time up to any appeal hearing, which concern or connected to disciplinary matters will normally be dealt with as part of the School's Disciplinary Procedure. However, managers are advised to consult with the Schools' HR Team for further guidance in relation to these matters.
- 7.2 Any grievances raised after any dismissal or warning stage but before an appeal stage will normally be considered at the appeal hearing under the School's Disciplinary Procedure. Insofar as grievances brought by an employee are unconnected to matters concerning the disciplinary process, the Grievance Procedures will apply in relation to those unconnected complaints. Governors/headteachers, line managers and/or supervisors are advised to consult with the Schools' HR Team for further guidance in relation to these matters.

## **8. Confidentiality**

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- 8.1 Strict confidentiality must be maintained when dealing with grievances. Governors, headteachers, line managers, supervisors and employees involved in cases must not discuss or disclose facts or matters relating to the complaint to others who do not have a legitimate interest in the grievance.
- 8.2 Records should be kept detailing the nature of the complaint raised, the response, any action taken, and the reasons for it. These records should be kept confidential and retained in accordance with the Data Protection Act (1998).

## **9. Bullying and Discrimination**

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- 9.1 The School operates a zero tolerance stance to any form of unlawful discrimination, harassment, or bullying. Refer to Appendix A for The Code of Practice on Discrimination & Workplace Bullying.

## **10. Grievance Procedure**

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

10.1.1 If an employee has a complaint relating to their employment then the first stage in the procedure is to raise this informally with their line manager. It is anticipated that most complaints can best be resolved informally in discussion with the immediate line manager. Such informal procedures concentrate on conciliation, not sanctions. For example, asking someone to stop doing something or to apologise, rather than issue disciplinary warnings.

10.1.2 Most issues can be resolved in this way, sometimes by acknowledging that although a matter may have created annoyance, it can best be handled by simply talking it through and agreeing how to improve the situation.

10.1.3 In some cases, employees may not consider it appropriate to raise matters informally due to the nature of the issues complained of. In such cases, the employee will not be precluded from having their grievance dealt with under Stage 2 of these procedures without first having to go through Stage 1.

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

10.2.1 If the employee is not satisfied with the outcome of the informal discussion then they must within 3 months of the date of the act or matter complained about register the grievance formally in writing using the Grievance Form – Stage 2, at Appendix B. The written statement must set out the full details of the grievance; why the employee is dissatisfied with the response at Stage 1 of the procedure (where applicable); and what it is that the employee thinks would be a satisfactory remedy.

#### **10.2.2 Investigating a grievance at Stage 2:**

10.2.3 The grievance should be submitted in writing to the Chair of the Governing Body where the Headteacher wishes to submit her/his own formal grievance, or if a formal grievance is against the Headteacher, or against a Member of the Governing Body other than the Chair.

10.2.4 If the grievance is against the Chair of the Governing Body, it should be submitted in writing to the Vice Chair of the Governing Body.

10.2.5 In other cases it should be submitted in writing to the Headteacher, who may refer the matter to another senior manager in the School, who will then become the Stage 2 Manager.

#### **10.2.6 Stage 2 Manager shall:**

- within a further 15 days convene a meeting with the employee to explore possible resolutions to the grievance, and elicit any further information or seek clarification on any matters which are unclear. The employee will be notified of the date and of the right to be accompanied by a trade union representative or work colleague;
- investigate the complaint and interview all other parties as appropriate;

- write to the employee notifying them of whether or not the grievance has been upheld, using Letter 2 at Appendix D. The letter must be sent within 40 days from the date the grievance was received. If it is not possible for the Stage 2 Manager to notify the employee in writing of the outcome within the 40 day time period, the Stage 2 manager must explain in writing to the employee why it has not been possible to comply, and when a reply can be expected.

### **10.3 Stage 3-Appeal**

- 10.3.1 An employee who remains dissatisfied with the outcome of the Stage 2 process can appeal against the decision by submitting a written statement within 10 working days of being notified. This must be done using the form Appeal Against Grievance Decision – Stage 3, at Appendix C. The employee should send their letter of appeal to the Headteacher. Where the Headteacher was the Stage 2 Manager, it should go to the Chair of the Governing Body or, if the Chair is the subject of the grievance at Stage 1, the letter of appeal should be sent to the Vice Chair of the Governing Body. When the headteacher was the subject of the grievance and the Stage 2 Manager was a member of the governing Body any subsequent appeal should be sent to the Chair of Governors. A copy must also be sent to the Stage 2 Manager. The employee may submit other documentation for consideration at the appeal.
- 10.3.2 Any documents must be submitted with the appeal form. Late submission of documents will only be considered where the employee can show that it was not possible to submit them at the time the appeal was lodged or if those documents were not in existence at the relevant time. The appeal will be heard by the Headteacher, where the Headteacher was not the Stage 2 Manager. Or brought to the notice of the Governing Body, if the Headteacher was the Stage 2 Manager, where an Appeals Panel will be appointed.
- 10.3.3 The Headteacher/Appeal Panel will then convene a meeting involving the Stage 2 manager, the employee and his/her Trade union representative or work colleague and reply to the employee on the same basis as Stage 2 (para. 10.3.2). A member of the Schools' HR Team should also be present at the meeting to give advice where appropriate.
- 10.3.4 Meeting of Headteacher/Appeal Panel:  
An Appeal Panel will consist of no fewer than two members of the Goevrning Body. The Headteacher/Appeal Panel will have had no prior involvement in the case. Appendix E sets out the procedure to be followed at the Meeting of Appeals Committee.
- 10.3.5 The formal minutes taken at the Appeal hearing must be shared with all parties present, including the employee and their representative within 2 weeks of the date of the hearing. Copies of the minutes are for information only and no invitation to comment should be made. If the employee and their representative do wish to comment on the minutes they should make their comments in writing which should then be retained and noted for the records

10.3.6 The decision from the Headteacher/AppealPanel will then be the final response by the School.

## **11. Grievance procedure Guidance Notes**

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11.1 This procedure should be read in conjunction with the Grievance Procedure Guidance Notes.

## **12. Further information**

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12.1 For further information on the operation of this procedure, please contact your HR Coaching & Advice Officer in the first instance.

**Schools' HR Team**

**September 2016**

## **Appendix: A**

### **Code Of Practice on Discrimination and Workplace Bullying**

#### The Damaging Effects of Discrimination and Bullying

Discrimination and bullying extract a high price from both employees and employers. Employees can be subject to fear, stress and anxiety, which can put great strains on personal and family life and the result can also be illness, absenteeism, poor performance and resignation from the workplace. The damage, tension and conflict which they create should not be underestimated. The result is not just poor morale but higher labour turnover, reduced productivity, lower efficiency and divided teams.

#### The Royal Borough's Assurance

The Royal Borough will not tolerate any form of unlawful discrimination, or discrimination in contravention of Royal Borough policy, or bullying. The management response to such discrimination will take account of the fact that it can be either intentional or unwitting, and, that in either case it is against the law where committed on certain grounds.

The Royal Borough will take appropriate action in respect of existing employees who commit such acts of discrimination or bullying against other Royal Borough employees, service users or anyone else on the Royal Borough's premises. The Royal Borough will also take appropriate action in respect of behaviour which is committed outside the workplace, if the behaviour incites violence or aggression on any of the grounds mainly covered by this Code and if it is judged that workplace harmony could be undermined as a result. The Royal Borough will also consider debarring prospective employees who have engaged in such activities.

All complaints will be taken seriously. Extreme care will be taken during an investigation into allegations of discrimination or bullying to seek to protect the interests of both the complainant and the employee complained against, whilst establishing the true nature of the problem.

Careful consideration will be given to the redress desired by the complainant and as far as is reasonable, managers will be sensitive to the outcome desired by the complainant. However, the interests of the Royal Borough must not be subordinated to the interests of any individual and, therefore, it may not always be possible to grant what is desired.

The Royal Borough will make every attempt to protect employees who participate in a complaint from intimidation and victimisation. Retaliating against an employee for making a complaint is a disciplinary offence.

It should also be observed that the Royal Borough expects its managers to manage in a fair and proper manner and that employees cannot avoid the expectations upon them to perform to an acceptable standard by making false allegations of bullying. The making of such false allegations may result in the disciplinary procedure being invoked.

#### Responsibilities

*Everyone* has a responsibility to ensure that they do not behave in a way that could be offensive to others, or is in any other way unjust to others. Everyone can contribute by developing an awareness and sensitivity towards the issues and by ensuring that they maintain a proper standard of conduct.

No-one should allow others to behave in a way that contravenes this Code without taking appropriate action to resolve the matter: An employee who is the target of discrimination or workplace bullying should act in accordance with the employee guide: *'dealing with complaints and grievances'* which is available from departmental personnel sections. An employee who is not the target of such behaviour but who has observed such behaviour to another person should report the matter to their line manager, or, if this is not appropriate, to their line manager's manager.

Any employee who is called upon to make a statement and/or give evidence in relation to discrimination or bullying is required by the Royal Borough to cooperate.

All employees should be aware that a breach of this Code could lead to disciplinary action, including dismissal. Employees should also be aware that discrimination on the grounds of gender, race or disability is unlawful, and therefore, behaviour which amounts to a breach of the law may render them liable to legal consequences.

*Managers and supervisors* have a particular responsibility for implementing this Code, communicating it, investigating any instances of discrimination or bullying in accordance with the Royal Borough's arrangements and resolving them as quickly as possible.

Managers are required to investigate behaviour which they consider may constitute discrimination or bullying and to take appropriate action whether or not a grievance has been lodged.

Managers need to recognise the prevailing situation within their areas of operation and seek to find means of overcoming difficulties to avoid a culture where discrimination or bullying can develop.

### Definitions/Descriptions

Discrimination and bullying take many forms. They may be directed at one person or many people. They can be described as unwanted behaviour which causes disadvantage, which a person finds intimidating, upsetting, embarrassing, humiliating or offensive.

#### **1. Discrimination**

This occurs on a variety of grounds. This part of the Code applies to discrimination mainly on the grounds of race or ethnic origin, gender, disability, sexuality, age or social background. It is mainly on these grounds that people suffer discrimination - although it is recognised that there are also other grounds.

Discrimination may be overt or subtle from person to person, or it may be institutional, ie seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and stereotyping which disadvantage people on the above grounds.

In some cases employees behave unreasonably or react improperly to a colleague or manager for no reason other than that the colleague or manager is of a different race or ethnic origin, or from a different culture, or is of a different gender, or is disabled, or is lesbian or a gay man, or is of a different age or social background.

Whilst all or most managers may experience resentment from time to time, the experience of a higher proportion of black and women managers is that they are more judged and commented on, are more exposed to false allegations and/or grievances, and that the reason for this type of behaviour is born out of resentment on the grounds of race or gender. Such behaviour is sometimes dishonestly presented by the perpetrators as 'professional concerns'.

Discrimination is also sometimes applied so as to give people advantages over others on the above grounds, such as favouring a person in one's own image.

#### **1.1 *Race, including cultural background, skin colour or religious belief***

A racial incident is any incident which is perceived to be racist by the victim.

Unlawful racial discrimination is conduct or words or practices which disadvantage or advantage people because of their race or ethnic origin, culture, colour or religious belief and would include the following: racial abuse of a physical, verbal or prejudicial nature; racist innuendo, jokes, insults, ridicule or name calling; display of racially offensive written or visual material including graffiti and open hostility. More subtle forms could include unfair allocation of work, unequal treatment in the application of conditions of employment, unreasonable pressure to complete tasks, exclusion from conversations and normal workplace activities or social events.

It is often the case that people who are black or from a visible ethnic minority who challenge these types of behaviour are said to be "aggressive", "over-sensitive" or to "have-a-chip-on-their-shoulder" or to be "playing-the-race-card".

#### **1.2 *Gender, marriage, marital status or gender reassignment***

Unlawful sex discrimination is treating a person less favourably than another on the ground of a person's gender, marital arrangements/status or because of the fact that, under medical supervision, a person intends to change, or is undergoing change, or has changed from one sex to the other.

Such discrimination would include conduct of a sexual or sexist nature which affects the dignity of women and men at work such as brushing against another person's body, the invasion of another person's body space; verbal conduct such as unwelcome sexual advances, propositions, pressure for sexual activity, suggestive remarks, innuendoes or

lewd comments; jokes of a sexist or sexual nature, unwanted comments on dress or appearance; non-verbal conduct including display of pornographic or sexually suggestive pictures, objects or written material; leering, whistling or sexually suggestive gestures.

### **1.3 Disability**

Unlawful disability discrimination is less favourable treatment which cannot be justified in relation to a person's disability (physical, sensory or hidden impairment, learning difficulties or mental distress). Such discrimination include: offensive, threatening or patronising language, action or behaviour including inappropriate jokes, comments and questioning about a person's disability; the denial of an individual's identity as a disabled person; a continual failure to provide reasonable facilities to assist a disabled person to perform their duties.

### **1.4 Sexuality**

Discrimination against lesbians and gay men is less favourable treatment based upon the idea that lesbians and gay men are abnormal in comparison to heterosexuals. Such discriminatory behaviour include: offensive jokes, ridiculing or name calling, comments or actions that are hostile to lesbians or gay men, or which stereotype them; display or circulation of offensive written or visual material; verbal abuse, threats or derogatory comments about people who are, or are assumed to be, lesbian or gay; using intrusive questioning about a person's partnership or domestic circumstances; the systematic exclusion of lesbians or gay men from workplace activities; the "outing" of a person by deliberately revealing their sexuality.

### **1.5 Age**

Individuals are sometimes labelled "middle-aged" or "old" with derogatory intent and at times suffer overtly offensive references to their age. The unemployment rate for those aged between forty-five and sixty-four is disproportionately high and people within this age range are at times made to feel that because of their age, they do not have anything meaningful to contribute.

Younger people can also suffer age discrimination, eg purely because of their age they are sometimes allocated the least popular tasks. Promotional and other opportunities may not be afforded to them as to others because of perceptions about their domestic/financial commitments based upon their age.

### **1.6 Social background**

Many people suffer disadvantage by reason of class, income or employment status. In the context of recruitment, selection and promotion, opportunities are denied because of unreasonable requirements pertaining to educational attainments. Jobs which offer good prospects are sometimes unfairly reserved for those who have attended certain educational establishments which can normally only be afforded by relatively few people.

### **1.7 Other examples**

The above list is not exhaustive as there are other grounds on which individuals are subjected to discrimination, eg HIV status. The conduct and behaviour of offenders follow a similar pattern to the detailed examples given above.

## 2. Workplace Bullying

This can be defined as persistent actions, criticism or personal abuse either in public or private, which humiliates, undermines or demeans the victim and would include any form of inappropriate behaviour that had these results.

Some types of bullying behaviour are subtle and therefore harder to define. However, a pattern of inappropriate behaviour, whether overt or subtle indicates that bullying may be taking place. Some examples of bullying behaviour include use of abusive language, unreasonably removing areas of responsibility, continually ignoring or excluding an individual, persistently setting objectives with impossible deadlines or persistently picking on an individual and finding ways of belittling them.

Bullying is often, but not always carried out by a person who has power over another as in the case of a manager over an employee. However, research has shown that in a substantial number of cases bullying has occurred between employees at the same or similar levels of authority. Occasionally, it is the employee who bullies the manager.

Research has also shown that there are key indicators which may act as a guide to where bullying is likely to develop. These are:

- an extremely competitive environment
- uncertainty and organisational change
- job insecurity
- authoritarian style of management
- lack of training
- lack of participation
- no clear guidelines for acceptable conduct
- excessive workloads and unreasonable demands
- a culture of envy
- absence of structures to deal with complaints

Bullying is not, however, proper management action that is designed to achieve proper standards of work, conduct or attendance. False allegations made against a manager for the purpose of deflecting proper management action would be regarded very seriously.

**Appendix B**

**Grievance Form – Stage 2**

It is hoped that most grievances will be resolved by informal discussion as set out in Stage 1 of the Grievance Procedure. When the informal stage has been unsuccessful then this form should be used to submit a formal grievance.

**Name:** ..... **Payroll No:** .....

**Job title:**..... **School :** .....

**Telephone No:**.....

**What is your complaint?** (Please continue on separate sheet if required)

**When did you speak informally to your manager about this complaint?**  
**Date** .....

**Why are you dissatisfied with the response?**

**What do you think should be done to put things right?**

**Signature**.....**Date**.....

**Appendix C**

**Grievance Form Stage 3 - Appeal against outcome at Stage 2**

**Name:** ..... **Payroll No:** .....

**Job title:**..... **School :** .....

**Telephone No:**.....

**On.....I raised a grievance under Stage 2 of the Grievance Procedure. I am not satisfied with the response and wish to appeal under Stage 3 of the procedure**

**Reasons for appealing against the decision at Stage 2**  
(Please continue on separate sheet if required)

**What action are you seeking to resolve your grievance?**

**Your Signature**.....**Date**.....

**Appendix D**

**Letter 1 - Acknowledgement of formal grievance**

Dear "Insert Employee's name"

**Re: Grievance – Stage 2**

I acknowledge receipt of your formal grievance dated "Insert date" would like to arrange a meeting with you to investigate your grievance as part of the Stage 2 Procedure.

I have set up a meeting for us on the "Insert Date" to discuss the grievance. You have a right to be accompanied to the meeting by a trade union representative or work colleague. Should you or the person representing you be unable to attend the meeting then it will be postponed, however, you must within 5 working days notify me of an alternative date and time for the re-scheduled meeting to take place. A postponed meeting may proceed without your representative if he/she is not available within 2 working weeks of the original postponed meeting date.

The meeting will give me an opportunity to gather relevant information and to clarify any information provided in your grievance which is unclear.

Yours sincerely,

Investigating Officer  
"Name"  
"Job Title"

## Letter 2 - Grievance Response

Dear "Insert Employee's name"

### Re: Grievance Response

I refer to your grievance dated "Insert Date" and I am now writing to inform you of my decision. I have concluded that your grievance should be upheld/ partially upheld or not upheld (*delete as appropriate*). A copy of the grievance report is enclosed (*for complex/lenthy cases*).

If you wish to appeal against my decision you must do so by submitting a written statement to the **Chair/Vice Chair of Governors/Headteacher** within 10 days of the date of this letter. This must be done using the form at Appendix [B] You may also submit other documentation for consideration at the appeal. Any documents must be submitted with the Appeal form. Late submission of documents will only be considered out of time where you can show that it was not possible to submit them at the time the appeal was lodged or if those documents were not in existence at the relevant time.

Yours sincerely

"Name"  
Recipient Manager

### **Letter 3 - Notice to attend an Appeal hearing**

Dear "Insert Employee's name"

#### **Re: Appeal Hearing**

I am writing to you concerning the appeal you have made against the decision to partially uphold/ not uphold your grievance dated "Insert Date"

An Appeal Hearing has been arranged and the details are as follows:

Date: (minimum 5 working days notice)

Time:

Location:

Your appeal will be heard by (insert Headteacher/governors' names) Presenting the management's response will be (insert name), who will be presenting the following documentary evidence:

1. Appeals Report.

The following witness(es) will be called:

If you wish to call any witnesses, please contact "Name" who will make the necessary arrangements.

You must submit any documentary evidence and indicate the names of witnesses, and these will normally have previously been part of the case. It would be inappropriate to accept any new evidence in the form of documents or witnesses from either side at the appeal Stage unless you did not have, nor could reasonably be expected to have, such evidence at the earlier stage. Any accepted evidence must be directly relevant to the substance of the grievance heard at the earlier stage. Please provide me with copies of any documentary evidence you wish to present at least 2 days prior to the hearing date.

You have a right to be accompanied to the meeting by a trade union representative or work colleague. Should you or the person representing you be unable to attend the meeting then it will be postponed, however, you must within 5 working days notify me of an alternative date and time for the re-scheduled meeting to take place. A postponed meeting may proceed without your representative if he/she is not available within 2 working weeks of the original postponed meeting date.

Yours sincerely,

"Name"

Appeal Officer/Chair of Appeal Panel

Enclosures: Appeals Report  
Witness statements of witnesses unattending  
Supporting Documentation

## **Letter 4 - Appeal Decision**

Dear "Insert Employee's name"

### **Re: Grievance Appeal Hearing Outcome**

I refer to your grievance appeal dated "Insert Date" and I am now writing to inform you of my/Appeals Panel's decision.

Having fully considered the grounds of your appeal, together with all relevant witness and documentary evidence, we have concluded that your appeal "Insert Should/Should not" be upheld.

Chair to set out facts, evidence and conclusions

The appeal stage is the final stage within the School's internal grievance procedure.

Yours sincerely,

"Name"  
Headteacher/Chair of Appeals Committee  
Title

## Appendix E

### Appeals Procedure

Note:

The Governing Body must ensure that formal minutes of appeal hearings are always taken. Decisions of a hearing must be reported to the governing body at the next meeting following the exhaustion of the appeal procedure.

**Reference to the Appeals Committee should be read as equally referring to the Headteacher or governors as appropriate.**

- E.1 The Appeals Committee shall state the purpose of the hearing, and be satisfied the appellant is aware of their right to be represented by a trade union representative or a work colleague, and to call witnesses.
- E.2 The Appeals Committee shall invite the appellant to submit the appeal in the presence of the Stage 2 Manager, and, where necessary, to call upon their witnesses (individually) to give evidence and refer to documentary evidence in support of their ground(s) of appeal.
- E.3 The Stage 2 Manager shall be given the opportunity to ask questions of each of the appellant's witnesses
- E.4 The Appeals Committee may ask questions of each of the appellant's witnesses
- E.5 Each witness shall withdraw after giving evidence and answering any questions put to them
- E.6 When the appellant has completed the submission of their appeal, the Stage 2 Manager shall be given the opportunity to ask questions of the appellant
- E.7 The Appeals Committee may ask questions of the appellant
- E.8 The Appeals Committee shall invite the Manager to present a response to the appeal in the presence of the appellant, and, where necessary, call upon their witnesses (individually) to give evidence and refer to documentary evidence in support of the response
- E.9 The appellant shall be given the opportunity to ask questions of each of the Stage 2 Manager's witnesses
- E.10 The Appeals Committee may ask questions of each of the Stage 2 Manager's witnesses.
- E.11 Each witness shall withdraw after giving evidence and answering any questions put to them.

- E.12 When the Stage 2 Manager has completed their response to the appeal, the appellant shall be given the opportunity to ask questions of the Stage 2 Manager
- E.13 The Appeals Committee may ask questions of the Stage 2 Manager
- E.14 The Stage 2 Manager may sum up their case if they so wish
- E.15 The appellant may sum up their case if they so wish
- E.16 The appellant and the Stage 2 Manager shall withdraw whilst the case is deliberated. If any recall is necessary, to clarify points of uncertainty, both parties are to return
- E.17 The Appeals Committee may decide: -
- (i) That the appeal is not upheld, and the decision of the Stage 2 Manager is confirmed
  - (ii) That the appeal is upheld, and the penalty issued at the earlier stage is commuted to a less severe penalty
  - (iii) That the appeal is upheld, and no penalty is warranted and all records be expunged from the employee's file.
- E.18 Both parties shall be notified of the Appeals Committee's decision.
- E.19 The decision of the Appeals Committee shall be confirmed in writing to both parties. Please refer to Letter 4, at Appendix E. The employee shall be advised that there is no further right of appeal within the School.