

**GRIEVANCE PROCEDURE**

It is the responsibility of PLAY governing bodies with delegated powers to determine the grievance procedures for staff at PLAY. The Council has well established procedures and these have been reviewed and adapted.

In accordance with Brighton & Hove City Council policies:

**Introduction**

This procedure has been prepared in consultation with all the recognised trade unions in the Education Service. It is commended to governing bodies to enable them to meet their obligation under the Employment Act 2002 to determine and make available to staff a grievance procedure. It applies to all categories of employee within the setting, and is designed to enable individual grievances which arise in the course of employment to be resolved as fairly and as quickly as possible and to minimise any effects of the grievance upon relationships at the setting.

Whilst employment legislation requires that this procedure be available to staff, it is in the interests of the parties to any grievance to seek to resolve it at the earliest possible stage by any appropriate informal means available to them.

The following matters cannot be raised under this grievance procedure.-

(i) Disciplinary matters (for which there is a separate disciplinary/dismissal procedure which makes provision for the hearing of appeals);

(ii) Matters relating to income tax, national insurance and other statutory deductions from pay;

(iii) Matters raised by a group of staff (for which a collective disputes procedure is to be made available)

(iv) Appeals against the grading of posts;

(v) Matters over which the council or school has no control e.g. compliance with and implementation of health and safety legislation

(vi) Employment-related matters raised by ex-employees after their service with the school has ended

(vii) Capability matters (dealt with under the separate Capability Procedure).

(viii) Matters where separate procedures apply e.g. whistleblowing.

In this grievance procedure, reference to days means working days when the setting is in session.

The parties to a grievance may on occasion, and by mutual agreement, modify the time limits referred to in this grievance procedure.

If a grievance is not dealt with within the time limits laid down in the grievance procedure, or within any extended time limits mutually agreed under paragraph 5 above, the employee will be entitled to move to the next stage of the procedure.

Where the grievance is against another employee (other than a supervisor or manager where the grievance relates to that role), initially it may be more appropriate to hear the grievance without that other employee present. An adjournment, a later separate meeting with that other employee, possibly resulting in bringing both parties together, should then be considered.

All parties using the procedure should endeavour to settle the grievance as near as possible to the point of origin. The overall aim should be to use the procedure appropriately, fairly and speedily to ensure that its spirit and intention is observed at all times. The value of an impartial approach to the consideration of grievances is recognised by all parties.

Under current legislation, former employees may also raise a grievance. The procedure detailed below should be followed unless the former employee and the manager agree in writing to follow what is known as a ‘modified procedure’ (contact HR for further details).

**Informal Stage**

The manager shall be considered to be responsible as part of his/her overall management responsibilities for the oversight of matters capable of causing grievances amongst employees, and shall seek to resolve such grievances as they arise without recourse to formal procedures. In cases where grievances are against the manager then a duty manager shall assume the role of the manager given above. The resolution of grievances by these means is encouraged, and the informal assistance of the Director of Children’s Services (or their representative) and the recognised trade unions may be sought for this purpose in appropriate cases.

The formal stages of the procedure set out below shall be applied for the purpose of resolving any grievance held by an employee arising in the course of his/her employment which cannot be resolved through informal discussion amongst those involved as part of the everyday management of the setting by the manager, Duty manager (or their nominee) and senior staff.

**Formal Procedure for employees (other than manager)**

Grievances contained within the setting

In the event that a grievance is not informally resolved within ten days of it being raised, or earlier if the employee decides, the employee shall be entitled formally to present his/her grievance in writing to the manager in summary or in detail.

**Stage 1**

A grievance should in the first instance be dealt with by the manager, who should conduct a formal meeting(s) with the aggrieved employee and any other parties involved within ten days following receipt of the grievance in written form. The manager may be advised by a senior colleague in the setting or by an officer of the local authority. The value of seeking to resolve any grievance against another employee (other than a supervisor or manager where the grievance relates to that role) initially by a separate meeting should be considered. The aggrieved employee and any other employee (except as part of a supervisory or management role) is entitled to be represented at any such meeting by a trade union representative or colleague employed at the school.

The procedure at any meeting should be as follows: The manager shall allow the aggrieved employee or his/her representative to make a statement. Where it has been decided to involve more than one party, the aggrieved person or his/her representative shall make the opening statement and be allowed to call any witnesses. There shall be an opportunity for questioning by the other party and the manager. The same opportunity to make a statement and call witnesses shall then be afforded to the other party. There shall be an opportunity to make a closing statement. The person raising the grievance shall make his/her closing statement last.

If the circumstances permit, the manager should give his/her decision on the grievance orally, normally after an adjournment to consider the decision. This decision shall be confirmed in writing within three working days.

Alternatively the circumstance may require further review and/or enquiries. This should be confirmed orally at the end of the meeting. A decision should be given orally within five working days of the meeting and confirmed in writing within three further working days.

**Stage 2**

Where the employee is not satisfied following Stage 1, he/she should send written details of his/her grievance to the Manager within ten working days of receiving the written decision. The Manager should arrange through the Manging director a meeting of a panel of senior staff members authorised by the governing body to hear grievances. Members of the panel must not have had any previous involvement in the matter. Normally the meeting shall take place within twenty working days of the receipt of the written grievance by the clerk.

The procedure followed by the panel during the meeting shall be the same as at Stage 1.

**Stage 3**

In the case of the grievance remaining unresolved, cases will be considered by a separate panel authorised by the governing body to hear grievance appeals.

The procedure followed by the selected panel will be the same as for the Stage 1 hearing. The time scales will be as for the Stage 2 hearing.

The decision of the grievance appeal panel will be final.

Details of any grievance and the steps and decisions taken in an effort to resolve it should be retained on the personal file(s) of the person(s) involved.

Policy agreed by Management and Trade Unions orig. 23 November 2001. Minor revisions agreed – Schools Consultation Group - 16 May 2008

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| This policy was adopted by: PLAY | Date: 12/12/2022 |
| To be reviewed: December 2023 | Signed: *Emment* |

This policy was adopted by the Staff and Management at PLAY, November 2016