Grievance Procedure 2026

1. Introduction

1.1 This policy and procedure has been consulted upon and agreed with the recognised trade unions and professional associations for Hampshire maintained schools. Where Hampshire maintained schools wish to localise this policy further, consultation will need to take place with staff and representatives of the recognised unions and associations. This policy and procedure is commended to academies and external customers who have freedom to develop their own policy and procedure, although such schools who wish to adopt this policy and procedure are advised to take this through their own negotiation/consultation framework.

1.2 This procedure does not form part of any employee's contractual terms and conditions and any links within this document to other documents are for ease of use and do not form part of this procedure.

1.3 This policy and procedure will be reviewed every three years or whenever a change in employment legislation necessitates a review, whichever is sooner.

2. Purpose

2.1 The ACAS Code of Practice defines grievances as "concerns, problems or complaints that employees raise with their employers". The primary aim of this procedure is to provide a mechanism for employees to raise any complaints arising from their employment with their line manager or employer and for such complaints to be resolved promptly, fairly, consistently and at as local a level as possible.

2.2 This procedure provides a process whereby:

- grievances may be resolved as close as possible to where they arise;
- issues can be brought "out into the open" so that they can be considered by the relevant manager in the establishment;
- the individual employee and the school can be reconciled in an open and expeditious manner;
- confidence and trust between individual employees and their senior managers in schools is maintained.

3. Application

3.1 The Grievance Procedure is for all employees, including temporary and fixed-term staff, working within a school/school managed provision/establishment or Education Centre (which for ease of reference are referred to throughout this document as 'schools').

4. Principles

4.1 Grievances raised by individual employees may be of a relatively simple nature or of fundamental importance, significantly impinging upon the employee's ability to work effectively. Unresolved grievances are likely to detract from the achievement and maintenance of satisfactory work standards.

4.2 All grievances should be examined carefully, whether or not the grievance is presented in writing, and be dealt with as quickly as possible. However, formal grievances under the grievance procedure should be submitted in writing. Long delays may increase the sense of grievance and may give employees the impression that Headteachers/Senior Managers and governors in establishments are reluctant to deal with their complaints.

4.3 This procedure seeks at all stages to identify possible ways of resolving the employee's concerns. This should be in consultation with the employee and manager and in line with current policy and working practices and should be conducted sensitively and confidentially. Conciliation services should be considered at all stages of this procedure and discussed with the relevant parties as appropriate.

4.4 In certain circumstances the use of other school or Council procedures may apply. For instance, concerns relating to financial irregularities, abuse, criminal offences, miscarriages of justice or deliberate concealment of information should be dealt with using the Procedure for protected disclosures. Advice on the correct use of procedures should be sought from Education Personnel Services.

4.5 Grievances should, as far as possible, be resolved through informal discussion and conciliation without the need to invoke the formal stages of the procedure. The formal stages of the grievance procedure are not necessarily the best way of resolving concerns and complaints of staff. Therefore, the potential for conciliation, including the use of external conciliation (e.g. through HCC's Health and Wellbeing Service) should be explored prior to moving into the formal procedure. This will not prevent the use of conciliation under the later stages of the formal procedure. However, if the employee wishes to proceed directly to the formal stages then this must be complied with. For conciliation to be effective, all parties must agree to participate in the process and must consent to conciliation taking place, as well as who will facilitate this.

4.6 The parties involved may find the situation stressful so it is possible therefore that they could benefit from some counselling support. Counselling can be accessed via Hampshire County Council's Health and Wellbeing Service. The employee may also seek support from their professional association or trade union representative.

4.7 Grievances are as much about the feelings and emotions of an individual as they are about a set of facts. A grievance therefore, is unlikely to be "resolved" by any process that simply determines whether the aggrieved is right or wrong. It will be important for the process to address the specific grievance, provide an opportunity for that individual to express their feelings, be listened to and have their feelings acknowledged. It is unlikely that any compromise solution will be achieved until these feelings have been expressed.

4.8 For this reason, at all stages of the grievance procedure, up to and including formal hearings by Governors, opportunities for conciliation processes and ways of resolving the issue by mutual agreement should continue to be explored.

4.9 Some grievances will be of a sensitive nature, and confidentiality should be preserved at all times by the parties involved.

4.10 A grievance under the formal grievance procedure should be initiated by the employee in writing. An employee raising a grievance informally will be required to set out the grievance in writing if the procedure becomes formal.

4.11 The procedure should not be used for raising issues which are outside the responsibility or control of the Governing Body; neither can it be used where separate mechanisms exist for employee "grievances" (or appeals) to be dealt with (see section 6 "Exceptions/Exclusions").

4.12 A grievance should be instigated by direct contact from the employee to their Line Manager or Headteacher. If the grievance relates to the Headteacher and the person feels unable to discuss the matter with another senior member of the school's staff (e.g.: Deputy Headteacher, head of department etc:) it may be appropriate for an employee to raise their grievance with the Chair of Governors.

4.13 Whilst disputes between fellow employees i.e. those who are not in a line management relationship fall within the definition of a grievance, they are often best resolved through conciliation. If at any stage, a manager/Headteacher believes a case could be resolved through conciliation, this will be subject to the agreement of the parties involved.

4.14 References in this procedure to "relevant manager" refer to the person within the school who is best placed to manage the grievance process. This could be, for example, the line manager, the Headteacher, a governor or Chair of Governors.

4.15 For grievances that are lodged whilst the employee is still employed by the school, and where the process continues following the employee's exit from the school, this procedure should be followed.

4.16 If a grievance is raised by an individual who is no longer employed by the school, the former employee should write to the school setting out the grievance no later than 3 weeks after their employment has ended. The grievance will be investigated and at minimum a written

response to the grievance will be given to the former employee. In exceptional circumstances, if all parties agree, a grievance hearing could be convened. Where a grievance has been received more than 3 weeks after the employment has ended, the school, with support from Education Personnel Services, will determine whether and how to respond. Schools may wish to provide employees who are leaving with the opportunity to have an exit interview, as this may address any outstanding concerns that an employee may have and avoid a grievance being raised by a former employee.

4.17 Former employees will not normally have a right of appeal beyond any written response, where this has been provided by a school.

4.18 The audio or video recording of any meetings or hearings held under this procedure is not permitted. Where an employee is unable to take his or her own notes of a meeting due to a physical, sensory or mental impairment, it is expected that the employee's representative will take notes on their behalf and/or alternative options will be considered to remove any potential disadvantage that an employee may have. Only in exceptional cases may an employee request an audio or video recording of the meeting as an alternative, In such cases, consideration will be given as to whether or not recording the meeting is appropriate in all the circumstances, including an assessment of whether other options have been considered as above.

5. Right to be accompanied

5.1 The employee has the right, upon reasonable request, to be accompanied at a formal meeting or appeal by a Trade Union/Professional Association representative, or a work colleague. The representative is allowed to make representations on behalf of the employee, submit papers, ask questions and address a meeting but is not allowed to answer questions on behalf of the employee. It is the employee's responsibility to arrange their own companion and to advise management of who will be representing them.

5.2 The right to be accompanied is by one companion only.

5.3 Where an employee needs additional support because of a disability or communication/language difficulties then all reasonable steps will be taken to provide appropriate support.

6. Exceptions/Exclusions

6.1 If an employee's grievance concerns a decision that has been taken relating to their employment, and there is an alternative appeals procedure against such a decision available to the employee, then action must be taken under the appropriate appeals procedure and not through the grievance procedure.

6.2 For example, if an employee wishes to make representations concerning a disciplinary sanction against them, this should be facilitated through the arrangements for appeals described in the appropriate disciplinary procedure. Similarly, appeals against capability warnings, absence warnings, and pay decisions should be addressed within their separate procedures.

6.3 The Grievance Procedure cannot be used to circumvent the consideration of legitimate management action on matters of indiscipline, attendance, or capability. The employee will not normally be allowed to raise a separate formal grievance related to any action taken, or contemplated under another procedure. Such concerns will usually be managed within the meetings and hearings taking place within these procedures.

6.4 However, there may be exceptional occasions where an employee reasonably holds a genuine sense of grievance about how management is handling, for example, a disciplinary or capability investigation, prior to any formal meeting or hearing, where it may still be relevant to consider the matter under the formal grievance procedure.

6.5 If an employee raises concerns during another formal procedure (e.g. absence, capability, discipline) these will normally be addressed within the hearing or appeal process detailed within the relevant procedure. Where the concerns are not related to the other formal procedure, that procedure may, in exceptional circumstances, be temporarily suspended to deal with the grievance.

7. Reporting a concern of bullying and harassment

7.1 Grievances involving allegations of bullying, harassment, discrimination or protected disclosures require sensitivity and particular consideration in the way they are handled. It is essential that all allegations of this nature are treated seriously and thoroughly investigated. Any complaints by a school's employees of a bullying or harassment nature should, with the agreement of the aggrieved member of staff, be pursued initially through the Guidelines for dealing with allegations of Bullying and Harassment. Following an initial investigation, the relevant manager will need to determine whether the alleged behaviour may constitute misconduct. In such cases it would be appropriate to conduct a disciplinary investigation rather than pursuing the matter via the grievance procedure.

7.2 Employees who consider that they may be the victim of bullying or harassment should normally take the following steps prior to submitting a written complaint;

- discuss their concerns with their line manager (or a more senior manager if their concerns are about their immediate line manager), a professional association or trade union representative, or a work colleague;

- keep a record of any incidents that occur, noting dates, times, circumstances and witnesses (if any);
- ask the person(s) involved to stop whatever they are doing which is upsetting or unpleasant, as they may be unaware of their actions. Individuals may want to do this with the support of a colleague or professional association/trade union representative;
- advise their line manager (or a more senior manager if their concerns are about their immediate line manager) as soon as it becomes apparent that the unacceptable behaviour is continuing.

7.3 Where the above steps prove ineffective or where the employee wishes to submit their complaint in writing, the written complaint should be sent to their line manager, or a more senior manager if their concerns are about their immediate line manager, as promptly as possible and should include sufficient detail to assist with resolution as detailed in section 10 below.

8. Investigations

8.1 When an employee raises a grievance, either under the Informal Step or formally under Stage 1 of this procedure, the relevant manager may consider that further investigation is required. It is for the relevant manager to determine how such investigations should be conducted. Where necessary, an investigating officer (IO) can be assigned to undertake the investigation or the relevant manager may conduct the investigation themselves. In exceptional circumstances, it may be deemed appropriate to use an external IO (e.g. an officer from the Local Authority). Normally this would be approved by the Chair of Governors or Chair of the Personnel or Finance (or equivalent) committee.

8.2 For example, it may require the relevant manager or IO to:

- gather any further information they feel is relevant in as confidential a manner as possible;
- request written responses from any other party they consider appropriate;
- meet with the other relevant parties to discuss the grievance and obtain relevant information;
- produce an investigation report to capture the key issues and findings arising from the investigation and suggested resolution where appropriate;
- to be impartial and unconnected with the grievance.

8.3 Investigations should be undertaken in a timely manner and should avoid unnecessary delay. A reasonable timescale would normally be not more than 15 working days except in respect of exceptional or complex cases. The employee should be advised of the likely timescale for the completion of the investigation.

9. Informal Step

9.1 An employee with a grievance should normally first raise the issue(s) informally with their line manager. This can be submitted verbally, via email or in writing. The employee should make it clear in any correspondence that the grievance is being raised at an informal level. Line managers are expected to deal with all informal grievances raised, taking into consideration the exceptions listed within section 6 of this procedure. If the grievance relates directly to the employee's line manager, the employee should raise the issue informally with their second line manager (the line manager's manager). If a number of employees are raising similar concerns, the Collective Grievance Procedure contained in Appendix 1 of this document should be followed.

9.2 The employee has no statutory right to be accompanied at the informal meeting. However, the employee may seek advice from their professional association or trade union representative.

9.3 The relevant manager should arrange to meet with the employee as soon as practicable after the complaint is raised but normally within **7 working days**. At this meeting the nature of the grievance should be discussed and any other relevant information that may allow the grievance to be resolved at this informal stage. The manager may need to undertake further investigation in order to resolve the grievance at this informal stage.

9.4 All parties are expected to make use of the informal stage of this procedure. However, in exceptional circumstances an employee is entitled to lodge a formal grievance without utilising the informal stage.

9.5 Outcome of informal step

9.5.1 The outcome of the informal meeting should be shared verbally with the employee concerned. This should include details of the next stage of the procedure if the employee feels that the informal stage has not satisfactorily resolved their grievance.

9.5.2 Possible outcomes at the informal stage may include, but are not limited to, conciliation, informal discussion with all parties, identified training or supervisory needs. The manager should keep a written record of the discussions and outcome at the informal stage.

10. Lodging a formal grievance

10.1 Employees are encouraged wherever possible to discuss issues with their line manager at the earliest possibility. It is envisaged that most grievances can be dealt with outside of a formal procedure or by using the informal step of this procedure and can be resolved through informal discussion and conciliation without the need to invoke the formal stages.

10.2 Where informal processes do not resolve the problem and/or where the informal step within this grievance procedure has been exhausted or the employee is unwilling to resolve the matter informally, a formal grievance should be submitted in writing, normally within **7 working days** of the relevant event or outcome of the informal stage. The letter should include as much detail as possible to assist with resolution of the grievance including:

- the facts of the complaint (reason(s), dates, who is involved);
- how the issue(s) have arisen;
- what resolution(s) the employee is seeking;
- how the employee thinks a resolution can best be achieved;
- any other relevant information.

NB. Avoid language which may be considered insulting or abusive.

10.3 If a number of staff are raising a grievance, the Collective Grievance Procedure contained in Appendix 1 of this document should be followed.

10.4 If the grievance being raised is related to the employee's line manager, the written grievance should be addressed to the manager's manager (the employee's second line manager).

10.5 It is important to note that an employee who raises a grievance has a responsibility, with the line manager (or other relevant manager) for resolving the issue(s) in the most effective way, including cooperation with all stages of the procedure, availability for meetings in line with the procedural guidelines and clear communication in relation to the issues and outcomes that they are seeking.

10.6 Where the grievance is against the Headteacher, the employee should approach the Headteacher initially, but if this is not appropriate, they should approach the Chair of Governors.

10.7 Where the Headteacher is the aggrieved employee, they should raise their grievance with the Chair of Governors, or if the grievance is against the Chair of Governors, it should be

addressed to the Clerk to Governors who will consult the Vice Chair in order to identify who will manage the grievance. The governor managing the grievance should then seek support from Education Personnel Services and notify Governor Services and the Area Director. Where the Headteacher is not satisfied with an employee's conduct, this would be addressed through the disciplinary procedure, not as a grievance.

10.8 The term 'Headteacher' is used in this procedure, but where the Headteacher's involvement is not appropriate, this role will be conducted by the Chair of Governors with the involvement of the Area Director or EPS as necessary.

11. Formal Procedure stages

11.1 There are 2 key stages within the formal grievance procedure:

- Stage 1 Formal grievance
- Stage 2 Appeal

11.2 The employee has the right, upon reasonable request, to be accompanied at a formal meeting by a Trade Union/Professional Association representative, or a work colleague.

11.3 If the employee, or their representative, is unable, for good reason, to attend a formal meeting under this procedure, an alternative date will be re-arranged, once only, normally within five working days. If the employee fails to attend without notice, consideration can be given to proceeding and making a decision in their absence.

11.4 Any necessary investigation process will need to be concluded prior to the Stage 1 outcome meeting being held (see section 8).

12. Stage 1Formal Grievance

12.1 <u>Stage 1 Initial Meeting</u>

12.1.1 **If the individual has lodged a formal grievance without using the informal stage of this procedure, an initial meeting will normally take place prior to the Stage 1 outcome meeting**

between the relevant manager and the employee, to establish the facts of the case, to determine how the grievance will be investigated and to provide timescales for the investigation prior to the Stage 1 outcome meeting being scheduled. The relevant manager may use the initial meeting to gather information and evidence, rather than holding a separate investigation meeting with the employee. The individual dealing with the formal grievance will normally be a different manager (or governor) to the individual who dealt with the informal stage.

12.1.2 The manager must set out in a letter to the employee, the details of the initial meeting. The invitation letter should include the following detail:

- inform the employee of the stage of the procedure being followed;
- provide the employee with a minimum of **7 working days'** notice of the meeting;
- inform the employee of who will be attending the meeting;
- inform the employee of the right to be accompanied at the meeting;
- inform the employee of the requirement to confirm before the meeting whether they intend to be accompanied at the meeting, and if so, by whom;
- inform the employee that, if they wish to refer to any written information at the meeting that has not previously been provided, this should be submitted to arrive **3 working days** before the meeting;
- explain that if the employee needs special support or assistance during the meeting, for example – a signer, an induction loop system, etc, they should notify the manager in advance of the meeting;
- include details of the school's counselling provider where available;
- enclose a copy of this procedure (where this has not already been provided to the employee).

12.13 If the employee initially raised the grievance under the Informal Step prior to raising the grievance formally, the relevant manager, in conjunction with the aggrieved employee, will need to determine whether it is appropriate to hold an initial meeting under Stage 1 or whether there is enough information to proceed with any necessary investigation (see Section 8).

12.1.4 The format for the Stage 1 initial meeting will normally be as follows:

- the relevant manager will introduce all parties and explain the format for the meeting;
- the employee will be given the opportunity to summarise their grievance;
- the employee will be given the opportunity to tell the manager how they feel it could be resolved;
- the relevant manager will ask any questions they need to in order to further explore the grievance or events surrounding the issue;
- summary notes should be taken by those present throughout the meeting to capture an accurate summary of salient points. These points should be recorded in such a way as to be

useful within any subsequent meetings and the summary notes should be provided to the employee who has raised the grievance. Note takers can be arranged where necessary for highly complex grievance cases;
- next steps and timescales will be confirmed including any necessary investigation.

12.1.5 Following the Stage 1 initial meeting, the relevant manager should write to the employee, normally within 5 working days. The letter should include a summary of the grievance, any potential resolutions identified, next steps and timescales including any necessary investigation, as well as a copy of the notes taken at the initial meeting.

12.2 Stage 1 Outcome Meeting

12.2.1 Once the Stage 1 initial meeting has been held (or where the relevant manager and the aggrieved employee have agreed that no initial meeting was needed), and any necessary investigation has taken place, the relevant manager should write to the employee to arrange the Stage 1 outcome meeting, normally within **7 working days** of completion of the investigation, unless otherwise mutually agreed by both parties.

12.2.2 The manager must set out in a letter to the employee, the details of the outcome meeting. The invitation letter should include the following detail:

- inform the employee of the stage of the procedure being followed;
- provide the employee with a minimum of **7 working days'** notice of the meeting;
- inform the employee of who will be attending the meeting;
- inform the employee of the right to be accompanied at the meeting;
- inform the employee of the requirement to confirm before the meeting whether they intend to be accompanied at the meeting, and if so, by whom;
- inform the employee that, if they wish to refer to any written information at the meeting that has not previously been provided, this should be submitted to arrive **3 working days** before the meeting;
- explain that if the employee needs special support or assistance during the meeting, for example – a signer, an induction loop system, etc, they should notify the manager in advance of the meeting;
- include details of the school's counselling provider where available;
- enclose a copy of this procedure.

12.2.3 The format for the Stage 1 outcome meeting will normally be as follows:

- the relevant manager will introduce all parties and explain the format for the meeting;
- the manager will summarise the grievance and the process followed so far including any possible resolutions;
- the relevant manager will ask any questions they need to in order to further explore the grievance or events surrounding the issue;
- any relevant information or report from any investigation carried out will be shared with the employee, reviewed and discussed, including any relevant witness accounts;
- summary notes should be taken by those present throughout the meeting to capture an accurate summary of salient points. These points should be recorded in such a way as to be useful within any subsequent meetings and the summary notes should be provided to the employee who has raised the grievance. Note takers can be arranged where necessary for highly complex grievance cases.

12.2.4 The outcome of Stage 1 should be shared with the employee concerned, ideally face to face at the outcome meeting in the first instance. The outcome should normally be confirmed to the employee in writing within 5 working days. If it is necessary to vary this timescale, the employee should be notified at the conclusion of the meeting. The letter should include details of the next stage of the procedure if the employee feels that the formal stage has not satisfactorily resolved their grievance. In the event of non resolution at formal stage 1, the employee has the option to invoke a stage 2 appeal. The employee subject to the grievance will be notified in writing of the outcome of Stage 1, normally within 5 working days.

12.2.5 Possible outcomes at the formal stage may include, but are not limited to, conciliation, informal discussion with all parties, identified training or supervisory needs. The manager will keep a written record of the discussions and outcome at the formal stage and place a copy on the employee's personal file.

12.2.6 If an outcome from Stage 1 is a recommendation that other means of resolving the issue should be explored e.g. conciliation, a clear and reasonable timescale should be agreed and defined for this to take place. At the end of the agreed timescale the employee should receive a letter to confirm the agreed actions have taken place, and to provide them with the opportunity to submit a Stage 2 Appeal if they are not satisfied that their grievance has been resolved. Further guidance should be sought from Education Personnel Services in such cases.

13. Stage 2 – Appeal

13.1 If, following the outcome of Stage 1, the employee's grievance is not resolved, an employee may appeal using Stage 2 of this procedure. The appeal should be submitted within 10 working days of receipt of the outcome letter of the Stage 1 outcome meeting, and should be sent to the Clerk of the Governing Body. The employee must state in full the reasons for their appeal.

13.2 At appeal stage the panel of governors should have had no previous significant involvement in the case.

13.3 The purpose of an appeal is to enable an impartial review to be carried out as to the 'reasonableness' of the outcome of the grievance at Stage 1. The appeal should not normally become a re-hearing but should focus on the specific points of appeal, reviewing the process followed, and the reasonableness of the decision that was taken.

13.4 At this stage it is important for the governors hearing the grievance to continue to focus on remedies and solutions. There may be instances in which the governors hearing the grievance consider it appropriate to uphold or reject the grievance and this should apply on a case by case basis. It would be acceptable to advise on whether the previously suggested solutions were appropriate or whether there are further actions that could help to resolve the original issue.

13.5 If the employee lodges an appeal in line with the procedure, they shall be invited to an appeal hearing and given at least **7 working days** notice of the meeting date. The letter inviting the employee to the appeal meeting must include the detail provided in relation to the invitation letter set out in section 12 of this procedure.

13.6 The date of the appeal meeting shall normally be within **2 weeks** of the date of receipt of the appeal against the decision at Stage 1.

13.7 Both parties will provide papers relating to the appeal to arrive at least **3 working days** in advance of the meeting to allow time for the information to be considered. Copies of all relevant correspondence relating to the grievance will be circulated to both parties and to the managers hearing the appeal in advance of the hearing.

13.8 Conduct of Appeal Meeting

13.8.1 The appeal panel will consider the information presented by all parties. The format for the appeal meeting is detailed in Appendix 2 of this procedure "Procedure for a Governors' Appeal Committee Hearing – Grievance".

13.8.2 The employee will be notified of the decision wherever possible at the end of the meeting.

13.9 Outcome of Stage 2 Appeal

13.9.1 The employee will be informed of the outcome and any suggested resolution of the appeal, ideally face to face if possible. The outcome should normally be confirmed to the employee in writing within **5 working days of the hearing**. If it is necessary to vary this timescale the employee should be notified at the conclusion of the hearing. The employee subject to the grievance will be notified in writing of the outcome of Stage 2, normally within 5 working days of the hearing.

13.9.2 The Stage 2 appeal represents the final stage of the internal grievance procedure.

14. Recurrent Grievances

14.1 If an issue has already been fully and properly addressed through the grievance procedure, and any agreed resolutions have been actioned, it is not open to the employee to restart the procedure in respect of the same issue. However, care must be taken to ensure that new issues that have emerged since the original procedure was initiated are properly addressed. The Headteacher/Senior Manager and the governing body appeals committee are entitled, in appropriate circumstances, to reach a decision that they will not hear a grievance which has already been properly addressed.

15. Unacceptable Conduct

15.1 Given that grievances often affect the feelings and emotions of an individual, the employees involved may display an element of frustration or unhappiness. However, if at any stage of this process the dissatisfaction of any employee involved in the grievance manifests itself in unacceptable conduct, appropriate action may be taken under the disciplinary procedure.

16. Support

16.1 Many schools can access Hampshire County Council's Employee Assistance Programme which offers counselling and support services. More information can be found at https://extra.hants.gov.uk/employee/policy-guidance/occupational-health/employee-support, or via telephone on 0800 030 5182.

Grievance Procedure 2026

Appendix 1 - Collective Grievance Procedure (excluding formal disputes).

In order to progress the handling of a collective grievance, which is a grievance submitted by a group of employees, individual(s) will be identified by the employees, from the group of employees who have raised the grievance, to act as a spokesperson at any formal meeting held. A representative of a recognised professional association/trade union may raise a grievance on behalf of two or more members.

The collective grievance procedure will mirror that of an individual grievance as follows;

- **Informal Stage** informal grievance raised with line manager

- **Stage 1 Formal Grievance** formal grievance raised with line manager or second line manager

- **Stage 2 Appeal** appeal raised with governor appeals committee

The employee(s) have the right to be accompanied at all formal stages of the grievance procedure. Where the spokespeople are members of different professional associations or trade unions, it may be appropriate to allow more than one representative to accompany these individuals at the formal stages of the procedure.

Those arranging the hearing of the grievance will ensure that the nominated spokesperson(s) are accepted by the larger aggrieved group and that the group has access to any information concerning formal meetings, as well as the outcomes.

Appendix 2 Procedure for a Governors' Appeal Committee Hearing – Grievance

The following procedure will apply to a meeting of the Governing Body Appeals Committee hearing an employee's formal grievance. Any variation to this procedure will be agreed by the parties to the hearing, including the employee/their representative. This procedure should be read in conjunction with the Terms of Reference – Governors' Appeal Committee http://documents.hants.gov.uk/mopp/terms-of-reference-governors-appeal-committee-appeal.doc

This procedure applies to all Hampshire maintained schools and commended to all non-HCC maintained schools. The procedure is also commended to academy Schools for their use, although membership of the committee may differ from maintained schools, depending on the delegation arrangements within the Academy.

In any setting, a Governors' Appeal Committee, where they have a full SLA with EPS, is entitled to have an Adviser from Education Personnel Services to support the Governors in ensuring a fair, appropriate and legally compliant process.

As a matter of good practice, and in order to ensure that natural justice is observed, prior to hearings the two parties, together with their respective representatives/witnesses, should wait in separate rooms to be summoned by the clerk or the adviser to the committee. At the commencement of the hearing, the clerk or the adviser will summon the parties and their representatives to the hearing. Witnesses will be required to wait in their respective waiting rooms until called to give evidence.

A grievance may be against an action or decision by a colleague, a manager within the school, a governor or the Headteacher. Where the grievance is against an individual other than the Headteacher, the individual supported by his/her representative, will give the formal responses to the grievance under this procedure. In this situation, the Headteacher or relevant manager would normally be called to attend the hearing as a witness by the Governors' Appeal Committee where the Headteacher/relevant manager heard the original grievance at Stage 1 of the formal procedure and/or conducted the original investigation. Where the grievance is against the Headteacher, the Headteacher supported by their representative, will give the formal responses to the grievance under this procedure. In other cases where the Headteacher is not the subject of the grievance or been previously involved, the Headteacher may be invited to attend the hearing but will not play an active role in the proceedings, or may be involved in facilitating an agreed resolution of the grievance.

Where an investigation has been undertaken, the Investigating Officer (IO) will be expected to provide a written copy of their report to the hearing, and may additionally be called as a witness. The panel may also decide in some cases that the IO should be present throughout the hearing (e.g. if the grounds of appeal are about the investigation process).

At any stage prior to or during the hearing, the adviser to the committee and/or the Chair of the committee may meet separately or jointly with the parties to explore the potential for mutual resolution of the grievance.

During a hearing

The employee raising the grievance and their representative, the employee subject to the grievance and their representative, the committee members, the committee adviser and the clerk to the committee will assemble together.

1a. The employee or his/her representative will be asked to state the grounds of appeal by setting out the ways in which he or she believes that the conclusions reached at Stage 1 were flawed. The employee and/or the employee's representative will explain the details of their appeal and may call any relevant witnesses. A reasonable request for witnesses would not normally be refused.

1b. The employee subject to the original grievance or the employee's representative may question the employee who has raised the appeal and any relevant witnesses about the detail of the case.

1c. The Committee members may question the employee/representative who has raised the appeal and their witnesses.

1d. Following questioning under 1b and c, the employee/representative/witnesses presented by the employee raising the appeal may be re-examined on the matters covered during that questioning.

2a. The employee subject to the original grievance and/or their representative may respond to the points of appeal, explain the employee's views on the case and may call any relevant witnesses.

2b. The employee who has raised the appeal and/or their representative may question the employee subject to the grievance and any witnesses about the detail of the points of appeal.

2c. The Committee members may question the employee/representative subject to the original grievance and any of their witnesses.

2d. Following questioning under 2b and c, the employee/representative/witnesses presented by the employee subject to the original grievance may be re-examined on matters covered during that questioning.

3. The committee members may also question the employee raising the appeal/their representative, the employee subject to the original grievance/their representative and any witnesses about the detail of the case at any stage of the process.

4. The employee raising the appeal and/or their representative will be invited to sum up his/her case.

5. The employee subject to the original grievance or his/her representative will be invited to sum up their case.

6. Both the employee raising the appeal and the employee subject to the original grievance, their representatives and any witnesses will withdraw to another room.

7. The committee, together with their adviser, will deliberate in private. The adviser will have no voting rights and will be present to advise on procedural points and matters of employment law/contracts etc. If the committee wishes to clear any points of uncertainty with any of the parties or witnesses, they will recall all of the persons involved, notwithstanding that only one person may be concerned with the point of uncertainty.

8. As part of its deliberation, the committee may ask its adviser to confer with the parties, separately or together, to explore possible resolutions.

9. If an outcome is achieved through 8, the committee will recall the parties and confirm their agreement to that outcome. Otherwise, when the panel has concluded its deliberations, the adviser will recall both parties and their respective representatives, and, prior to announcing their decision, the committee will invite the parties to consider whether there is any scope for a mutually agreed resolution of the grievance, and may adjourn the hearing to facilitate such an agreement. The committee may indicate their views on the way the grievance might be resolved. If no such resolution is achieved, the chair of the committee will announce the committee decision.

<u>Additional notes</u>

- Both the employee raising an appeal and the employee subject to the orginal grievance are advised to seek representation from their professional association or trade union. Neither party can be represented by an officer of EPS or the County Council

- After each witness has given evidence and been questioned by the other party and by the members of the committee, the witness will be informed by the chair of the committee whether or not they will need to wait in case the witness is required to give further information. In the event of the

witness being required to wait, they will return to the room set aside as the waiting room.

- Following the hearing, the committee adviser will write to both parties to confirm the decision.