



**National
Autistic
Society**



**Vanguard
School**

GRIEVANCE PROCEDURE

Version	Date	Distribution
2.0	28 th May 2019	NASAT Vanguard Project Group
2.1	17 th June 2019	NASAT Vanguard Project Group

1. Introduction

The Governing Body of NAS Vanguard School is required to set out a grievance procedure. The aim of this procedure is to achieve fair and equitable treatment for all employees of the school.

The grievance procedure is designed to help the school Governing Body, Executive Principal and staff resolve individual grievances by:

- affording the employee the opportunity of putting his/her case
- fostering good relationships between school leadership and staff by encouraging the speedy and effective resolution of grievances
- settling grievances as near as possible to their point of origin in an atmosphere of trust and confidentiality

This procedure is freely accessible to all staff, and a copy will be given to all relevant parties at the outset of the formal stages.

The procedure applies to all employees of the school, including the Principal, and all aspects remain confidential to the parties.

2. Application

The procedure may be used for grievances:

- between colleagues where there is no line management relationship
- between an employee and his/her manager(s) - this includes not just the immediate line manager but may include the manager's manager and so on
- an employee, including the Principal, and a Governor

The procedure may not be used for grievances about:

- disciplinary action
- termination of employment
- National Insurance, Income Tax or pensions
- harassment

At all stages, either party has the right to be accompanied and/or represented by his/her trade union or professional association representative or by a work colleague and by no one else.

The time limits in the procedure should be adhered to, though they may be altered to meet particular circumstances by full prior agreement between all parties.

All parties need to understand that the outcomes of a grievance procedure may need to be justified before an employment tribunal or court.

The governing body, Executive Principal and school staff also need to understand that access to the grievance procedure does not require the completion and submission of a formal notice of grievance. Decisions in the public courts have determined that a written complaint that falls within the scope of a grievance procedure should be dealt with using the grievance procedure, even where the complaint is not presented as a matter relating to the Grievance Procedure.

The procedure does not apply to employees of external contractors, placements, volunteers and providers of services. Such staff will be covered by the relevant procedures of their employing body.

3. Roles and Responsibilities

By their nature, grievances are internal matters and may involve a number of people. It is not really possible – nor desirable, given the emphasis upon dealing informally with grievances – to prescribe specific roles. However, the following broad guidelines may be helpful.

4. The Principal

The Principal, who may or may not be the subject of the grievance, has a crucial role to play, together with line-managers where appropriate, in achieving a resolution of the grievance at the informal stage.

If a Governor or Governors are approached about a grievance, they should refer it without detailed discussion to the Chair of Governors, who will either arrange a Stage 1 interview through the Principal, or a hearing under Stage 2, if it appears that all opportunities have been exhausted under Stage 1.

Where the Executive Principal is the subject of the grievance, the Chair of Governors assumes the responsibilities of the Executive Principal in arranging for the grievance to be considered.

5. Other Governors

It is not appropriate for other Governors to be involved in discussion of the substance of a grievance (unless they are themselves a party to the grievance), because they may be needed for a hearing at Stage 2 or Stage 3.

6. Expert Advice

The Executive Principal or Chair of Governors may seek expert advice, either at the initial stage or at formal hearings.

7. Stages

Informal Stage

If an employee has a grievance that involves another member(s) of staff, he/she should first of all endeavour to resolve the matter amicably by direct approach to the person(s) involved and, where helpful, in discussion with the appropriate manager, who may be the Principal.

Formal Stage Pre-hearing Review Meeting

In some cases, particularly where the hearing is likely to be complex, it may be useful to hold a pre-hearing review meeting. The purpose of the meeting is to clear up any procedural matters before a formal hearing at Stage 2 or 3.

The Executive Principal will decide whether such a meeting is appropriate and will, if agreed by all parties, meet with his/her expert adviser and the representatives of the parties. A pre-hearing review meeting cannot take place unless both sides are present or represented.

Stage 1

- (i) Where an employee has a grievance, he/she should request a personal interview with the line-manager or the Executive Principal or, if the Head is the subject of the grievance, the Chair of Governors. It should take place within five working days. The manager should seek to resolve the problem personally or by mutual agreement, in

consultation with other members of staff including, if necessary, the Principal. The Executive Principal may,

as appropriate, seek advice and/or consult with representatives of trade unions and/or professional associations.

- (ii) Where an employee has a grievance with the governing body that does not involve any other member of staff within the school, he/she should advise or consult with the Executive Principal before making an approach to the Chair of Governors.

Stage 2

- (i) If any grievance involving a member of staff or the governing body is not resolved, the employee should submit a Notice of Grievance in writing to the Executive Principal and the Chair of Governors. The Chair of Governors will arrange for the grievance to be considered at a panel meeting of at least three Governors, not previously involved in the case, selected in advance by the governing body. The Chair of Governors should not normally be part of this panel.
- (ii) The meeting of the panel of Governors should take place within fifteen working days of the Chair's receipt of a written Notice of Grievance. All relevant documents, including the identity of any witnesses, must be exchanged and submitted to the panel at least three working days in advance of the meeting. All parties involved will be allowed to attend and make representations at the meeting. By agreement of all parties, there may be a change in the time limits.
- (ii) The members of the panel, in seeking to resolve the grievance, may adjourn the meeting or defer their decision until they are satisfied they have had the opportunity to take account of all relevant factors. The decision of the panel and the reasons for that decision will be communicated to all parties and confirmed in writing within three working days.

Stage 3

Either party may appeal in writing to the Chair of Governors within fifteen working days of receiving the panel's written decision. The minimum arrangements are that the Chair will arrange for the members of the governing body (at least the same number of Governors as at the previous hearing) not previously involved, to hear the appeal. Such an appeal is a re-hearing of the grievance. Whilst new evidence on the same grievance may be permitted any new grievance(s) cannot be added to the proceedings.

The hearing will take place within fifteen working days of the Chair receiving the written notice of Appeal and follow the arrangements set out in Stage 2 above. The decision reached at this hearing is final.

8. Ex-employees

A grievance may be identified in a resignation letter or in an exit interview or questionnaire or in a separate written submission after the employment has ended. Employees must raise their grievance within 30 calendar days of their final contractual working day.

In each case, the employee or ex-employee must be asked, by letter, whether he or she wishes to pursue the grievance and must be given the choice of following the 3-step procedure below or the modified 2-step procedure as also set out below.

It is for the ex-employee to decide whether to follow the 3-step procedure or to accept the modified 2-step procedure.

The 3-step procedure is:

- | | |
|--------|--|
| STEP 1 | The ex-employee sets out the grievance in writing to the Executive Principal or Chair of Governors within 30 calendar days of their final contractual working day. |
| STEP 2 | A meeting is arranged with the ex-employee, who may be accompanied by his/her trade union or professional association representative or former work colleague and no |

one else to consider the grievance. The decision of this meeting and the right of appeal is notified in writing to the ex-employee within 5 working days.

STEP 3 If required, an appeal to a panel of governors is arranged, the decision of which is communicated in writing to the ex-employee. There is no further right of appeal.

If the ex-employee accepts the modified 2-step procedure, the sequence is:

STEP 1 The ex-employee sets out the grievance in writing to the Executive Principal or Chair of Governors within 30 calendar days of their final contractual working day for recent leavers.

STEP 2 The Executive Principal or Chair of Governors responds in writing within 28 calendar days of the receipt of the grievance notification.

If an employee leaves employment whilst his/her grievance is in progress, the Executive Principal must write to the employee (or, by now, ex-employee) to ask whether he/she wishes to continue with consideration of the grievance. The options to be presented to the employee are:

- a) to complete the procedure that has already started, provided that the procedure has passed Stage 2, or
- b) to follow the 3-step procedure, if the grievance has not yet reached the formal Stage 1, or
- b) to follow the modified 2-step procedure if the grievance has not yet reached the formal Stage 1.

9. Review

The procedure in this document will be reviewed bi-annually by the Executive Principal and Governors.