

# **LEWISHAM LEA MODEL GRIEVANCE CODE FOR SCHOOL BASED EMPLOYEES**

## **1. INTRODUCTION**

1.1 All our employees share the responsibilities for delivering services effectively, with sensitivity and responsiveness, in accordance with the School's values and overall objectives. In addition the school management team have special responsibilities for service planning, for managing resources and for the equitable management of staff to harness their talent and commitment for the benefit of our pupils.

1.2 Most of the time, these responsibilities are undertaken effectively and with clear commitment to the school's values. There are occasions, however, when during normal working relationships a problem or complaint against a manager/supervisor may be raised. Even more rarely there may be instances where a manager behaves in a manner that abuses the authority their position confers. It is important, when this happens, that staff have access to a process by which the problem or issue can be addressed and resolved.

1.3 The Grievance Code is intended to be the recognised way for an employee who is personally aggrieved to raise such matters and have them dealt with fairly, consistently and promptly.

## **2. AIMS**

### **2.1 The aims of this procedure are to:**

- ◆ Provide a recognised means of investigating thoroughly any grievance, including a serious and/or complex complaint or problem and, where necessary, recommending ways in which it may be redressed.
- ◆ Be one way in which this school implements its Equal Opportunities Policy, which seeks to create a safe working environment, free from harassment and discrimination, for all employees.
- ◆ Encourage the resolution of a grievance as close as possible to the point of origin.

Most problems or complaints are minor and resolved informally at the point of origin without anyone else needing to be involved. Where such early resolution is not possible, the procedure provides for further informal processes. These, particularly mediation, should allow the majority of cases to be resolved. Full advantage should therefore be taken of the opportunities they offer to resolve matters before taking them further to the formal stages of the procedure. In addition, attempts to resolve matters through informal means can continue if the formal stages have been entered.

- ◆ Encourage the parties involved to communicate clearly with each other about the nature of the problem, where possible face to face.

Problems or complaints may often arise as a result of misunderstandings. Discussions or correspondence on the issue should be open and constructive throughout the process.

- ◆ Encourage the parties involved to focus on the issue or problem and its resolution.

It can often be the case that neither party to an issue is either wholly “right” or wholly “wrong”. Rather than necessarily maintaining positions from which movement is difficult, the parties should make every effort to arrive at a full understanding of the problem and the range of possible solutions, before decisions are made.

- ◆ Encourage the parties, wherever possible, to arrive at a solution, which is mutually acceptable – using the mediation process, described below if preferred.

### **3. PRINCIPLES AND APPLICATION**

#### **3.1 Definition of a grievance within the Code**

3.1.1 The Grievance Code is used as a means of resolving employee issues or responding to employee complaints arising from their employment. For the purposes of the procedure, this covers grievances which arise as a result of a management decision or a lack of management action which an employee considers to be to his/her detriment and where the concerns raised are not covered by any other School procedure.

3.1.2 A grievance, which concerns an issue between one employee and another, will not be dealt with under this Code

3.1.3 It is recognised that there are many different types of grievance, covering a wide range of employment matters. However, it is important to distinguish two main categories within the overall code:

##### **Category 1**

Grievances relating to general employment matters, including complaints about the conduct/behaviour of managers/supervisors to employees.

##### **Category 2**

Grievances which relate to harassment or discrimination, as defined within the School's Equal Opportunities Policy, i.e. complaints relating to race, sex, sexuality, disability, age or religious beliefs.

#### **3.2 Scope of the Code**

3.2.1 The code applies to all employees within the school except DIRECTeam and contractors.

#### **3.3 Exclusions**

3.3.1 The Code applies to all matters within the normal employer/employee relationship except:

- ◆ Matters subject to the collective bargaining machinery
- ◆ Matters for which there are alternative and specific appeals mechanisms, e.g. issues covered by reorganisation and redeployment policies, results of job evaluation appeals and matters relating to the non-confirmation of employment of employees on probation.
- ◆ Complaints about whether the school should carry out statutory responsibilities and complaints about School/LEA policy/conditions of service, other than as they relate to the implementation of such policy/terms and conditions.
- ◆ Matters covered by the Disciplinary process
- ◆ Matters covered by the Capability guidelines
- ◆ Recruitment and selection matters

##### Matters Other than Personal Grievances

3.3.2 Occasionally there may be circumstances where an employee has concerns about the conduct of their manager which they feel, warrant formal investigation. Examples include alleged financial irregularities by the line manager, allegations of

abuse, misconduct or discriminatory behaviour towards service users or other employees, or other action(s) by the line manager which cause concern.

3.3.3 These would not normally be processed through the grievance procedure, as they would not be situations where the employee is personally affected. They should be brought to the attention of the Headteacher in order to be dealt with in the appropriate manner. Where the matter involves the Headteacher, the employee should refer it to the Chair of Governors.

### **3.4 General Principles**

3.4.1 Any reference to the Headteacher means the Headteacher or senior nominated representative.

3.4.2 The Grievance Code will be made readily accessible in all work places, to all employees, for reference purposes,

3.4.3 Employees raising a grievance have a right to be represented at any stage in the formal process by a trade union representative, colleague or friend.

3.4.4 In the interests of efficient management and of the employee concerned, all stages of the grievance procedure will be effected as speedily as possible and within the timescales prescribed. Timescales shown within the code may be varied by mutual agreement. Where there is a failure by management to deal with a grievance within the required timescale, the issue may be progressed to the next stage.

3.4.5 The formal grievance process (i.e. from registration of the formal grievance to the outcome of any appeal) should be concluded within a period of three months, as reflected by the timescales set out within the Code.

3.4.6 No member of staff will be victimised as a result of taking out a formal grievance. All forms of discrimination, including harassment and discrimination on the grounds of race, sex, sexuality, disability, age or religious beliefs are unacceptable and contravene the School's Equal Opportunities Policy.

3.4.7 Where a member of staff has registered a grievance, but leaves the School's service, the grievance proceedings will cease as soon as the member of staff leaves. However, in exceptional circumstances, the Chair of Governors may decide grievance proceedings should continue where other employees may be affected by the outcome. A member of staff who has left the Authority's service can not register a grievance under the Code.

3.4.8 Where a member of staff registers a grievance in response to an action or proposed action by management, the status quo will continue until the grievance process is concluded, other than in exceptional circumstances and provided that there are no unreasonable delays on either side in the grievance being heard.

Where managers consider that there are exceptional circumstances such that their action/proposed action should apply, they may refer the matter to the Chair of Governors for a decision. The decision of the Chair of Governors will be final.

Grievance hearings must be arranged within the timescales set out in the code and employees must attend the hearing on the date given. If the grievance is not heard within the timescales set out in the code the status quo will be removed, unless there

are exceptional circumstances which may be referred by the employee/representative to the Chair of Governors, whose decision will be final.

3.4.9 A grievance can be brought against a manager who is undertaking disciplinary or capability proceedings (whether formal or informal) in relation to an employee only where the subject of the grievance is unrelated to the disciplinary or capability matter.

3.4.10 Where an employee wishes to challenge such proceedings (i.e. capability or disciplinary action), they should use the appropriate mechanism referred to in the relevant procedure.

3.4.11 Similarly, a manager may not take disciplinary or capability action against an employee who has a grievance which is being processed until the grievance process is concluded, unless the two issues are unrelated or unless there are exceptional circumstances, for example, the employee has allegedly committed an act of gross misconduct.

3.4.12 Registration of a grievance under this code shall not prevent a manager/supervisor from subsequently taking appropriate management action against a member of staff.

3.4.13 Grievances must be against named individuals.

3.4.14 Grievances must be registered as soon as possible after the decision which causes the employee to be aggrieved. Grievances which are registered more than three months after the decision will not be heard, other than in exceptional circumstances and where the employee provides a satisfactory reason as to why it was not possible to register their grievance within this timescale. Any disagreement may be referred to the Chair of Governors whose decision will be final.

3.4.15 Nothing in the procedure shall affect any entitlement which the member of staff may have under his/her conditions of service enabling him/her to pursue a grievance as a dispute through the appropriate negotiating machinery at provincial or national level.

3.4.16 Working days refers to days on which employees would normally be required to work, i.e. term time for teachers and other school based employees on term time only contracts.

3.4.17 On receiving a formal grievance the Headteacher should notify the Chair of Governors for information. Details of the grievance should not be shared, as this would exclude the Chair of Governors from hearing any subsequent appeal.

## **4. THE PROCEDURE**

There is an informal and formal process. The informal process must be followed before the formal process can be used. The informal process may be replaced by mediation, with the agreement of both parties to the grievance.

### **4.1 Informal Process**

4.1.1 Any member of staff with a grievance covered by this procedure should raise it with their immediate line manager, verbally and/or in writing. The line manager will, wherever possible, respond to the grievance at the time it is raised. If this is not possible, the line manager will respond verbally and/or in writing (in accordance with the way the grievance has been raised with them) as soon as possible, having regard to the circumstances of the case, or in any event within 10 working days.

4.1.2 In instances of harassment or discrimination it may be appropriate for the aggrieved member of staff first to inform the alleged harasser that their behaviour is offensive or their attentions unwelcome. This may stop the harassment or discrimination at an early stage. It is recognised, however, that in many instances this course of action will be too difficult or embarrassing for the member of staff raising the concern. If they do not consider that the direct approach is appropriate, or if this is tried and is unsuccessful, then they should pursue their grievance with their line manager as described above.

4.1.3 Where the alleged harasser is the member of staff's line manager, the member of staff should raise the matter with another appropriate manager, who could be the manager's own line manager. If the member of staff does not consider this appropriate they should seek advice about whom the matter should be referred (see below). If, having sought advice, the grievance is raised with the appropriate manager, this manager will be responsible for responding to the member of staff on the matter. If this manager is unable to resolve the matter, the employee may proceed to the formal process. The formal grievance will be against the individual originally complained of.

### **4.2 Advice**

4.2.1 If concerned about how to progress their grievance or in doubt about whether to take formal action, advice should be sought from:

- ◆ Their line manager or other appropriate manager (e.g. Headteacher) and/or
- ◆ The educational personnel section and/or
- ◆ A trade union representative.

All of these people will listen sympathetically to the problem and will advise the member of staff, in confidence, on the best way of taking the grievance forward.

4.2.2 An approach to the member of staff's Headteacher to explain the substance of their grievance is appropriate only if the grievance falls into category 2 and its nature is so sensitive that it would not be appropriate to discuss it with another manager. Where the grievance is directly against a Headteacher, the employee should refer the matter to the Chair of Governor's.

## **5. MEDIATION**

5.1 As an alternative to the informal process outlined above, a mediation meeting can be arranged with a view to facilitating resolution of the grievance.

5.2 Mediation would take the form of a relatively informal meeting, or series of meetings involving:

- ◆ The aggrieved member of staff
- ◆ The manager/supervisor grieved against
- ◆ The mediator

### **5.3 Arrangements for the mediation meeting**

5.3.1 As the grievance is still informal at this stage, the aggrieved member of staff should contact the Education Personnel section to explain that they have a grievance and wish to take advantage of the mediation facility. Alternatively, if the personnel section is already aware of the grievance they should contact the aggrieved member of staff and offer mediation.

5.3.2 The role of the mediator will be to facilitate the parties in dispute to come to an agreement. The mediator will be neutral to the dispute and there to facilitate the parties to reach an agreement which is acceptable to both of them.

5.3.3 The mediator will be selected by the Education Directorate Personnel Manager from a corporate pool of trained mediators (see Conditions of Mediation). The mediator will have had no previous involvement in the matter which is the subject of the grievance. Where the Education Directorate Personnel Manager is involved in the grievance the decision on the selection of the mediator will be referred to the Director of Personnel and Administration.

5.3.4 In some cases, particularly those relating to categories two type grievances, it may be appropriate for two mediators to be nominated.

### **5.4 Conditions of the Mediation**

- ◆ Mediation is voluntary and will only take place with the agreement of both parties
- ◆ Both parties will agree on the choice of the mediator, who will be drawn from a corporate pool of Lewisham staff trained in mediation
- ◆ Confidentiality will apply throughout the process and the mediator will not divulge any information to one party without the express consent of the other
- ◆ Mediation will not replace or supersede the right to register a formal grievance
- ◆ Mediation will not play a role in any subsequent grievance hearing
- ◆ Mediation is voluntary – if either party refuses to take part in the mediation this will have no bearing on the formal process and will not be referred to during the formal process
- ◆ Either company may be accompanied at the mediation meeting by a trade union representative/colleague or friend
- ◆ Either party may withdraw from the mediation at any stage
- ◆ The outcome of the mediation would not be confirmed in writing unless the grievance is satisfactorily resolved.

## **5.5 mediation Process**

5.5.1 Mediation will take place within 10 working days of the agreement of both parties to the grievance. Depending on the nature of the grievance, the mediation will take on one (or any combination) of the following forms:

- ◆ An initial, opening meeting may be held at which both parties will be present; the aggrieved member of staff would explain the basis of the grievance and the manager would outline his/her position. The parties may then separate for the remainder of the mediation; or
- ◆ Both parties may remain present throughout the whole course of the mediation; or
- ◆ Separate meetings will take place with the two parties, who will remain apart for the whole of the mediation.

5.5.2 Where the parties have been separate during the course of the mediation, they may be brought together at the end where the agreement is confirmed.

5.5.3 The mediator will take an initial view on the most appropriate format for the mediation, which will then be discussed and agreed with both parties. The mediator will set a time scale for the mediation, which would normally take place over the course of half a day.

5.5.4 Discussions will take place with the two parties with a view to facilitating a mutually acceptable way forward. In the event that the mediator considers that common ground has been established and that there could be a positive outcome, the mediator will facilitate the two parties to come to an agreement and each party will be invited to confirm their consent to "the agreement".

5.5.5 If the grievance is resolved through this process, the mediator will assist the parties to formulate a written agreement which they will both sign. No further action will be taken.

5.5.6 If a formal grievance has already been submitted and the grievance has now been resolved, the aggrieved member of staff will, in writing, withdraw their formal grievance. This may happen at the conclusion of the mediation meeting, or within two working days of this.

5.5.7 If the grievance is not resolved, the aggrieved member of staff may progress the matter through the formal process.

## **6. FORMAL PROCESS**

### **6.1 Formal Written Grievance to the Head Teacher**

6.1.1 The aggrieved member of staff may register a formal, written grievance if:

- ◆ The grievance has not been resolved through the informal process (including mediation)
- ◆ The manager with whom the grievance was raised has not responded within 10 working days (i.e. or other agreed time scale)



6.1.2 Staff should, in confidence, inform their Headteacher (or Chair of Governors where appropriate) of the nature of their grievance using the Grievance Form (appendix 2) within 5 working days of the supervisor/manager's response to their informal grievance, (i.e. the verbal or written response).

6.1.3 Staff registering grievances need to specify clearly and comprehensively the nature of their grievance, for example if the claim is one of harassment, details of the harassment need to be specified in the original notification of grievance. If the scope/content of the grievance is not clear, the aggrieved member of staff will be asked to provide clarification before arrangements are made for the grievance to be heard.

## **6.2 Action on Grievance Being Received**

6.2.1 Where the grievance is directly against the Headteacher, it should be referred to the Chair of the Governors and be dealt with in accordance with para 6.5 of the code.

6.2.2 The Headteacher (or nominated representative/panel) will, within 10 working days of receipt of the formal grievance, arrange a hearing with the interested parties to try to resolve the grievance. A grievance panel will be appointed where the nature of the grievance is considered by the Headteacher to be of such a nature that it is not appropriate to be dealt with by a single nominated manager for example, where the grievance relates to an alleged breach of the school's equal opportunities policy.

6.2.3 The Headteacher will acknowledge the grievance within 5 working days of its receipt. The person grieved against will be notified by the Headteacher that a grievance has been logged and will be given a copy of the written grievance.

6.2.4 The Headteacher, in the letters to the parties involved, will offer the facility of mediation to the member of staff and the person grieved against to attempt to resolve the matter informally. If no response is received it will be assumed that the parties do not wish to take up mediation. It is recognised that the nature of a particular grievance may be such, however, that mediation would not be appropriate.

6.2.5 If a positive response to this offer is received in both parties, a mediation meeting will be arranged as described above. If either of the parties rejects the offer of mediation, the following procedure will apply.

6.2.6 The Headteacher (or nominated representative/panel) will, within 10 working days of receipt of the formal grievance, arrange a hearing with the interested parties to try to resolve the grievance. A grievance panel will be appointed where the nature of the grievance is considered by the Headteacher to be of such a nature that it is not appropriate to be dealt with by a single nominated manager for example, where the grievance relates to an alleged breach of the school's equal opportunities policy.

6.2.7 An Education personnel officer may attend the hearing to provide advice to the Headteacher/panel.

6.2.8 Prior to the hearing, both parties will submit the names of any witnesses and copies of any documentation which they wish to be taken into consideration. The Headteacher/panel will have the discretion to call for additional witnesses and documentation, as they consider appropriate. It is expected that any witnesses expected to attend the hearing will do so.

6.2.9 Dependant on the nature of the complaint or allegation, the letter calling the person grieved against to the hearing must advise them that, if at the end of the hearing the complaints made against them are considered to be proven, a possible outcome of the hearing could be recommendation for disciplinary action.

6.2.10 All witness names and documentation will be given to both parties 5 working days prior to the hearing.

#### 6.2.11 Appointments to Grievance Panels

Where a panel is appointed to hear the grievance it will consist of three people. The panel composition will, as far as possible, reflect the background of both parties. This would normally include the Headteacher (who would act as chair), together with two other school employees. However, the Headteacher may if she/he wishes request the Director of Education and Community Services to nominate officers to sit on the panel. In selecting the panel, due consideration must be given to the authority of the panel, once they have arrived at a decision, to advise such action to be taken as they see fit, including recommending disciplinary action against the person grieved against.

Both parties will be advised of the panel composition. Any objections to any of the panel members should be made at this stage, stating the reasons. If the Headteacher accepts the reasons, a replacement panel member may be nominated. The Headteacher's decision will be final.

### **6.3 The Hearing**

6.3.1 At the formal hearing the function of the Headteacher/panel will be to investigate the complaint through a process of interviewing both parties and the witnesses who may be relevant to the decision making, also considering any documentary evidence, in order to resolve the grievance and/or come to a decision on the outcome.

6.3.2 Arrangements for the hearing of the grievance will be as follows:

- ◆ The arrangements for the hearing will be made by the school or the departmental personnel unit
- ◆ The hearing should take place within 20 working days of registration of the grievance
- ◆ An advisor from Educational Personnel may attend to advise the Headteacher/panel
- ◆ Both parties will be present during the hearing
- ◆ Where the person grieved against has been informed that disciplinary action may be an outcome if allegations made against them are found proven, they may be accompanied at the hearing by a trade union representative, friend or colleague
- ◆ Any witnesses who attend may be accompanied by a trade union representative, friend or colleague.
- ◆ Both parties will have an opportunity to question the other party and any witnesses that may be called
- ◆ Additional evidence from either party will not normally be accepted at the hearing, other than in exceptional circumstances or where the Headteacher/panel consider that certain documentation and witnesses may be relevant

- ◆ The Headteacher/panel can request any additional witnesses they consider to be relevant and may adjourn the hearing at any point in order to obtain such further information as they consider to be relevant
- ◆ The procedure to follow at the hearing is set out in appendix 2

## **6.4 Outcome**

6.4.1 If a decision is made immediately on the conclusion of the hearing, the Headteacher/panel will inform the two parties and representative(s) and confirm the decision to them in writing within 5 working days. If an immediate decision is not made, it will nevertheless be communicated to both parties as soon as possible, either verbally, or in writing, or both, as soon as possible and confirmed in writing no later than 10 working days after the end of the hearing.

6.4.2 Possible outcomes of the hearing may be:

- ◆ The grievance is not upheld
- ◆ The grievance is partly upheld
- ◆ The grievance is upheld

If the grievance is upheld, a recommendation may be that:

- (i) disciplinary action should be taken. In this event the Headteacher will convene a disciplinary hearing in line with the disciplinary code. If a disciplinary hearing is convened, the grievance investigation will be treated as constituting a fact-finding exercise and the Headteacher/Chair of the panel, having concluded that there is a case to answer, will present the management case to the Governors disciplinary panel.
- (ii) some other courses of action are appropriate, including training, team-building, etc.

6.4.3 It will be responsibility of the Headteacher/panel to decide on an appropriate action to be taken by the relevant people.

6.4.4 The feasibility and process by which proposed courses of action are implemented must be investigated, as appropriate, prior to the determination of the final decision.

6.4.5 Any decisions must fall within current school policy and procedures and the advice of the Education personnel advisor may be sought.

6.4.6 The notification of the Headteacher/panel's decision will include an explanation of the findings, the reasons for these findings, the conclusions and associated decisions.

## **6.5 Appeal to the Grievance Appeals Panel**

6.5.1 If an employee is not satisfied with the decision following the hearing, the matter can be referred to the Grievance Appeal Panel. This panel will consist of 3 members of the Governing Body appointed by them to take decisions on their behalf. Any such appeals must be registered with the Chair of the Grievance Panel within 10 working days of receipt of the outcome letter. The appeal letter must clearly state the reasons why the employee remains aggrieved and the redress being sought.

6.5.2 The person grieved against does not have a right of appeal against the outcome of the grievance hearing.

6.5.3 The Headteacher (or Chair of Governors where the grievance is directly against the Headteacher) will, within 15 working days of receipt of the employee's letter of appeal, arrange an appeal hearing with the parties to try to resolve the matter. The procedure to be followed at the hearing is attached as Appendix 3. All evidence and witness names must be exchanged at least 3 working days prior to the date of the hearing.

6.5.4 The appeal hearing will address only the issues raised within the original complaint; the employee may not add new issues at this stage.

6.5.5 Additional evidence or witnesses may not be introduced, other than in exceptional circumstances and with the agreement of the Chair of the Grievance Appeals Panel.

6.5.6 The management's case will be presented by the Headteacher/Chair of the grievance panel.

6.5.7 The role of the Grievance Appeal Panel will be to hear all evidence on the grievance, arrive at a decision and to direct that particular actions be taken. The Grievance Appeal Panel may confirm or vary the findings of the hearing, or may refer any matters covered back to the Headteacher/panel for them to review their findings or vary their decision(s).

6.5.8 The decision of the Grievance Appeal Panel will be confirmed to the parties in writing within 5 working days of the hearing if a decision is made immediately on conclusion of the hearing or within 10 working days of the appeal hearing if a decision has not been made immediately.

6.5.9 The decision of the Grievance Appeal Panel will be final and there will be no further right of appeal under the Schools or Council's procedures. The Union Side of the Works Council or the Local Joint Committees are entitled to raise through the appropriate consultative machinery any matter of principle which may arise from the operation of this scheme, but not to raise individual cases.

## Grievance Notification

To raise a formal grievance, please complete this form and send it, in an envelope marked confidential, to your Headteacher (or the Chair of the Governing Body where appropriate)

Name: (please print) ..... Date: .....

School: .....

I wish to register a grievance against: .....  
(name of manager)

My Grievance is (brief summary):

.....

.....

.....

.....

Details of Grievance (Please set out the incident(s) leading to the grievance with dates and any other relevant information. Use additional pages if necessary).  
(Note: grievances must be registered as soon as possible after the decision which has caused you to be aggrieved. If this was more than three months ago, please explain why your grievance could not be registered earlier).

This image shows a full page of white paper with horizontal dotted lines. The lines are evenly spaced and run across the width of the page, providing a guide for handwriting practice. There are no margins, text, or other markings on the page.

I have discussed this grievance with: .....

Th eoutcome of this discussion was:

.....  
.....  
.....  
.....

I remain aggrieved because:

.....  
.....  
.....

I wish to exercise my right to raise my grievance with you. The redress I am seeking is:

.....  
.....  
.....  
.....  
.....

My representative is: .....

Address: .....  
.....  
.....

Telephone: .....

My contact address: .....  
.....  
.....

Telephone: .....

Signed: .....

**Procedure to be followed at Formal Grievance Hearing**

Attendance

1. Headteacher/panel
2. The aggrieved member of staff and trade union representative, friend or colleague
3. The manager grieved against
4. A personnel advisor (if the Headteacher so wishes)
5. Notetaker

The Procedure

1. The Headteacher/Chair of the Panel will introduce the parties and outline the procedure to be followed.
2. The aggrieved employee or their representative will present their grievance and state the redress being sought
3. Questioning of the aggrieved employee/representative will then take place in the following order:
  - the presenting manager
  - the Headteacher/panel
  - the personnel advisor (if present)
4. If the outline of the case has been presented by the representative, the aggrieved member of staff may then be asked questions relating to the grievance, in the order outlined above, except that the representative will ask questions first.
5. Witnesses on behalf of the aggrieved member of staff will then be called and questioning will take place in the order outlined in (3) above except that the aggrieved employee or representative will ask questions first.
6. The manager aggrieved against will present his/her case.
7. Questioning of the manager will then take place in the following order:
  - aggrieved employee or representative
  - Headteacher or panel
  - personnel advisor (if present)
8. The manager will then call any witnesses he/she may have, who will be questioned in the order outlined in (7) above except that the manager will ask questions first.

9. The Headteacher/panel may request further information if necessary and may adjourn the hearing in order to obtain this. If this happens, any reconvening of the hearing will only take place with all parties present.
10. The Headteacher/Chair of the panel will invite both parties to sum up, firstly the aggrieved member of staff or representative, followed by the manager.
11. The Headteacher/panel and Personnel Advisor (if present) will deliberate in private, recalling the manager and the aggrieved member of staff only to cover any points of uncertainty on evidence already given. Both parties would need to be recalled, in this event.
12. The Headteacher/panel will confirm its decision, in writing, to both parties within 5 working days of the hearing if a decision is made immediately on conclusion of the hearing, or within 10 working days of the hearing if an immediate decision has not been made.



### Procedure to be followed at Appeal Hearing

#### Attendance

1. The Grievance Appeals Panel
2. Aggrieved employee and trade union representative, friend or colleague
3. Headteacher (or Chair of the Panel) who heard the original grievance. If a panel heard the original grievance the headteacher or Chair of the original panel as appropriate attends as the representative of the panel
4. Personnel Advisor (if the Governing Body so wishes)
5. Notetaker

#### The Procedure

1. The Chair of the Panel will introduce all parties and outline the procedure to be followed.
2. The aggrieved member of staff or their representative will outline the content of the grievance, stating why they remain aggrieved and the redress being sought.
3. Questioning of the aggrieved member of staff or representative will then take place in the following order:
  - the Headteacher/Chair of the original Panel
  - the Grievance Appeal Panel
  - Personnel Advisor (if present)
4. If the outline of the case has been presented by the representative, the aggrieved member of staff may then be asked questions relating to the grievance, in the order outlined above, except that the representative will ask questions first.
5. Witnesses on behalf of the aggrieved member of staff will then be called and questioning will take place in the order outlined in (3) above except that the aggrieved employee or representative will ask questions first.
6. The Headteacher/Chair of the original Panel will present the case
7. Questioning of the Headteacher/Chair of the original Panel will then take place in the following order:
  - aggrieved member of staff or representative
  - Grievance Appeal Panel
  - Personnel Advisor (if present)
8. The Headteacher/Chair of the original panel will then call any witnesses he/she may have, who will be questioned in the order outlined in (7) above except that the Headteacher/Chair of the original Panel will ask questions first.
9. The panel may request further information if necessary and may adjourn the hearing in order to obtain this. If this happens, any reconvening of the hearing will only take place with all parties present.
10. The panel will invite both parties to sum up, firstly the aggrieved member of staff or their representative. Followed by the Headteacher/Chair of the original Panel.

11. The Panel will then deliberate in private, recalling the Headteacher/Chair of the original Panel and aggrieved member of staff only to cover any points of uncertainty on evidence already given. Both parties would need to be recalled, in this event.
12. The decision of the Grievance Appeal Panel will be confirmed to both parties in writing, within 5 working days of the hearing if a decision is made immediately on conclusion of the appeal hearing or within 10 working days of the appeal hearing if a decision has not been made immediately.
13. The decision of the Grievance Appeal Panel will be final.