



St Luke's School: **Grievance & Workplace Conflict (staff) Policy** 2023

Key points

- The principle features of this policy have been defined in accordance with the UK ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice.
- Informal routes and mediation should always be pursued in the first instance (Appendix A - Resolution Framework).

Definitions and principles

St Luke's School recognises that most issues can and should be resolved informally wherever possible; a quiet word or an honest conversation is often the best solution. Where an employee feels they have genuine cause for complaint they can raise a grievance. This policy sets out the school's approach to handling such grievances, in line with the Government of Jersey's Grievance Policy.

The school has a commitment to using mediation to resolve disputes. Grievances will normally only be escalated to a formal hearing if mediation has been fully explored. Details about the Government of Jersey's Workplace Mediation Service can be accessed via the school's HR business partner.

Typical areas which may give rise to a grievance include (note that this list is not exhaustive):

- concerns about Health and Safety or the working environment;
- bullying or harassment;
- discrimination on the grounds of a protected characteristic (as defined in the UK Equality Act 2010).

Complainants should not be discriminated against or victimised for having brought a complaint and confidentiality should be maintained at all times, including after any procedures have concluded.

Collective grievances This policy applies equally to collective grievances. Larger groups will normally be expected to nominate or identify representatives to speak for the group. These may or may not be official Union representatives. None of the parties involved in the dispute will take action to implement decisions relating to the dispute until this procedure has been completed.

Recurrent grievances: If a chairperson considers that an issue has already been addressed by an earlier grievance procedure, they are entitled to decide not to hear it again.

Support and the right to representation

Employees may wish to access the staff counselling service offered as part of AXA. Details are available from the Headteacher. Unions may also provide advice and support to their members.



Employees have a right to be accompanied at all hearings by a union representative or by a work place colleague not acting in a professional capacity. It is the responsibility of each employee to arrange their own companion.

The companion will be allowed to address a hearing to put forward and sum up the employee's response to the allegation(s) and confer with the employee during a hearing. They do not, however, have the right to answer questions on the employee's behalf, address a hearing if the employee does not wish it or prevent the employer from explaining their case.

Raising a grievance

Although every situation will be different, an overview of a model grievance process can be found at Appendix B.

Employees should discuss any concerns with their line manager informally in the first instance. If the employee's grievance is about their line manager then they should discuss their concerns with a more senior leader/Headteacher.

The manager should consider holding an informal discussion to explore and resolve the concerns raised.

Formal grievances should be raised in writing and must address all of the following:

- a summary of the issues from the employee's perspective;
- evidence supporting their view (if any is available);
- details of the steps they have already taken to address the situation;
- what they consider will rectify the situation and the role that both parties will play in that.

Any grievance submission that does not satisfy all of the above points cannot be taken forward.

Note that language which may be considered insulting or abusive should not be used unless it is a quotation.

Where an employee wishes to provide additional written evidence in support of their case prior to it being considered at a hearing, this should be provided at least 5 working days before the hearing. Any evidence from the employer will also be provided at least 5 working days in advance.

Advice to managers in responding

Managers should contact the Headteacher in the first instance who will liaise with the school HR Business Partner. It is important that records are kept of all grievances, including those dealt with informally. Managers can also seek advice about holding difficult conversations, managing stress and confidential counselling (for them or their employees).



Resolving a grievance

The school's default approach to resolving grievances is to use mediation. All formal grievance submissions will be reviewed by the Government of Jersey's HR Team to determine whether mediation should be explored. If so, the mediator will look to make the appropriate arrangements as soon as possible.

Mediation works by encouraging the parties to speak to each other and reach a mutually acceptable agreement. It gives them a chance to talk about the situation, express their concerns to each other and come up with some practical ideas about how things could change for the better. Further details about the mediation process can be found on Gov.je

If it is decided not to use mediation then a formal hearing will be convened.

At a hearing, the onus will be on the employee to evidence their case that they have been treated unfairly.

The timescales for convening hearings (including appeal hearings) are not precise but all parties should make every effort not to unduly delay the process.

Where an employee or their companion is unable to attend a hearing, it will normally be rescheduled on one occasion within 5 working days of the original date. If they are still unable to attend, the chairperson may decide it is appropriate for the employee to provide a written submission instead or for the case to be heard in their absence.

The outcome of a formal hearing will be confirmed in writing to the employee, normally within 5 working days.

Appeals

If an employee is not satisfied that their grievance has been resolved after a hearing at Stage One they have a right of appeal. There is no further right of appeal after Stage Two.

Appeals must be submitted in writing within 5 working days of the original hearing. Details of how to appeal will be provided to the employee as part of the written outcome of the original hearing.

The written appeal must:

- include the original submission;
- describe in what way the issues have not been resolved;
- what the employee considers will resolve the situation;
- what role they will play in that resolution.

The exact format of the appeal hearing will be determined by the chairperson.

Where an employee or their companion is unable to attend an appeal hearing, it will normally be rescheduled on one occasion within 5 working days of the original date. If they are still unable to attend, the chairperson may decide it is appropriate for the



employee to provide a written submission instead or for the case to be heard in their absence.

Employees have the same right to be accompanied at an appeal hearing as described in Section 2.

The outcome of an appeal hearing will be confirmed in writing to the employee, normally within 5 working days.

The relationship between grievances and other procedures

Where an employee raises a grievance during the course of a procedure under another policy (such as the Disciplinary Policy), that other process may or may not be temporarily suspended to deal with the grievance. Where the two are related, it may be more appropriate to deal with them together. Each case will be considered on its merits to ensure that the Government of Jersey is acting reasonably.



Appendix A – St Luke's Resolution Framework

Every member of St Luke's school deserves to be treated with dignity and respect in our workplace. We have designed this simple framework to help us have the conversations we need and resolve any issues in a timely and respectful manner. If something or someone is bothering you, don't let it eat away at you – use this framework to have that conversation.

- * Arrange a suitable time and allow enough time.
- * Find a quiet, private space and sit down together.
- * Explain the situation and how it makes you feel.
- * Be professional, open and transparent. Be calm and take time to listen to each other's point of view.
- * The conversation should remain private and confidential.
- * This style of quick engagement, ordinarily resolves over 95% of issues in a positive way.

*If you are unable to resolve an issue on your own, you can always ask a peer to support you with the conversation.

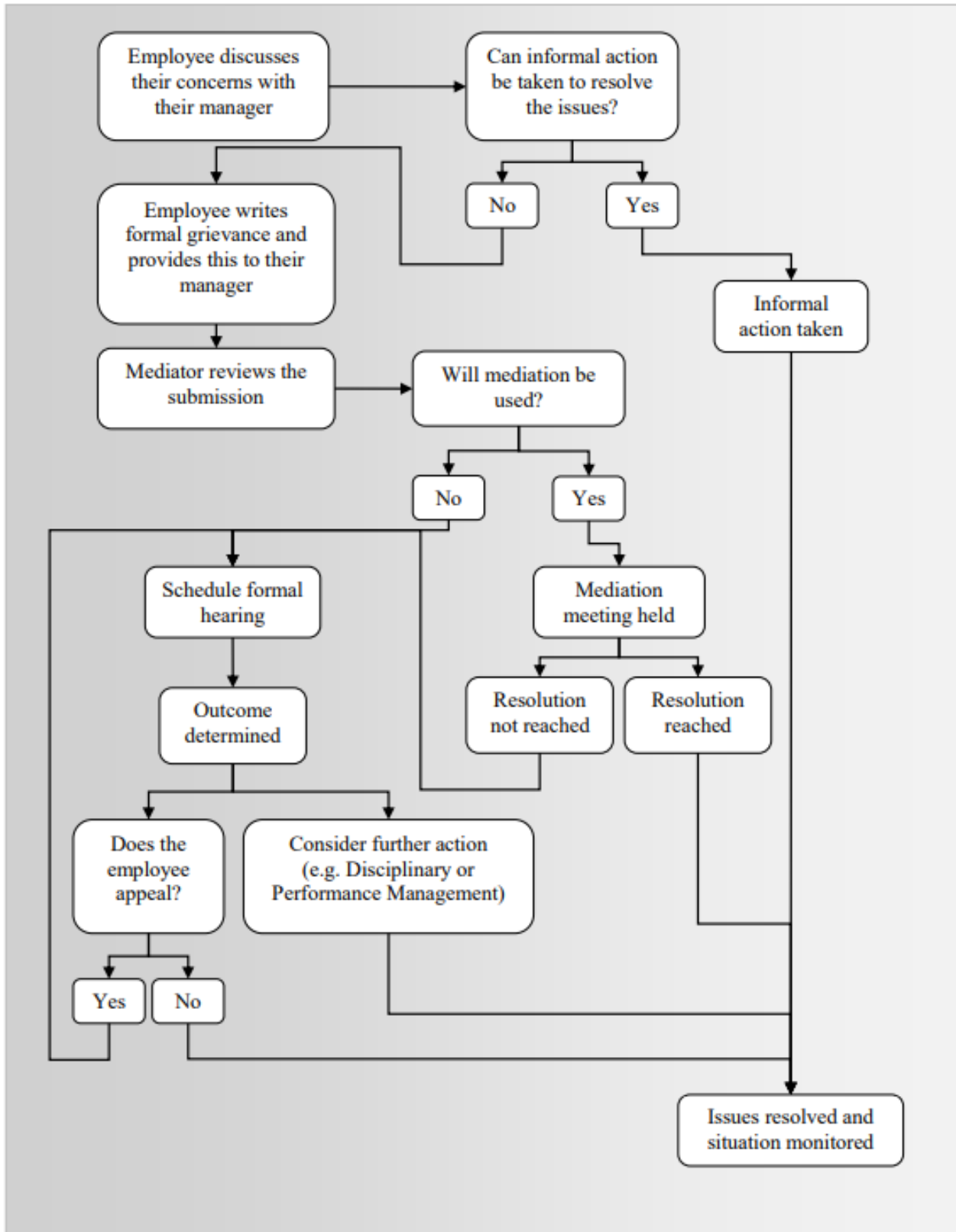
*If you don't want to ask one of your peers, you can always ask your Line Manager to support you with the conversation.

*If the situation has still not been satisfactorily resolved, then please speak to your Line Manager or if the issue is with your Line Manager then their Line Manager.
*We will then explore the suitability of mediation, either internal or external with you.

If none of the above steps have helped to resolve your issue and you have exhausted all the steps in our resolution framework, you still have the opportunity and right to follow the standard HR policies and procedure.



Appendix B – Overview of grievance process





Appendix C – Model hearing procedure for grievances

1. Introduction

1.1. The chairperson will make introductions and outline the process to be followed to ensure that everyone present understands what is going to happen.

1.2. The chairperson will normally be advised by an advisor from HR who may take notes of the meeting which will then be available to all parties present. Sometimes, a dedicated note-taker may be present.

2. Presentation of the employee's case

2.1. The employee or their companion presents their case, referring to any relevant documents and calling any witnesses as appropriate.

2.2. The manager and their advisor may question the employee or any of the witnesses on their evidence.

2.3. The chairperson and their advisor may also question any person present.

2.4. Each witness will join the hearing to give evidence and leave after doing so, although they may be recalled at any time if necessary.

3. Presentation of the employer's case

3.1. The manager will present their case highlighting key points, referring to any relevant documents and calling any witnesses as appropriate.

3.2. The employee and/or their companion may question the manager or any witnesses on their evidence

3.3. The chairperson and their advisor may also question any person present.

3.4. Each witness will join the hearing to give evidence and leave after doing so, although they may be recalled at any time if necessary.

4. Summing up

4.1. The employee or their companion summarises the main points of their case.

4.2. The manager summarises the main points of their case.

4.3. At this stage no new evidence may be introduced.

4.4. The hearing is then adjourned and both parties leave the meeting.

5. The decision

5.1. The chairperson will consider whether, on the balance of probability, the employee's case was proven in full, in part or not at all.

5.2. The chairperson should take into account any mitigating circumstances and if further clarification or information is required in order to reach a decision, all parties will be recalled and/or the hearing adjourned until the information is provided.

5.3. Once the chairperson has reached a decision, all parties will be recalled to the meeting and the chairperson will read out their decision, including the reasons for it. In complex cases, deliberation may take some time. If this occurs a decision should be made within 2 working days of the conclusion of the hearing, and, in all situations the outcome of the hearing should be confirmed in writing within 5 working days.