



ADVICE FROM
THE HEADTEACHERS' ADVISORY PANEL
HANDLING GRIEVANCE IN SCHOOLS
GUIDELINES FOR HEAD TEACHER MEMBERS

1. INTRODUCTION

In line with the trend apparent in an increasingly litigious society, members of staff are now much less likely to tolerate what they see as unacceptable treatment from colleagues.

Unacceptable treatment can take many forms: a single remark or action, a series, or a perceived failure to take action.

As the principal manager of the school, the Head Teacher has a major role in resolving any such situation, whether he is directly involved in the "lead-up" events or not.

The purpose of the booklet is to provide advice in handling such situation which can fracture working relations and polarise groups of staff to the detriment of the service provided to pupils. The booklet cannot provide a formula for every set of circumstances, but outlines some principles for dealing with what has come to be known as "grievance".

In all cases, the authority's guidelines and procedures should be followed. Advice may be sought from the appropriate Council Officer. The Association may be approached for advice, also.

2. ETHOS

Members of staff may be less precipitate in rushing to formal procedures if they feel they have easy access to a listening ear. Schools which have managed to implement an "open-door" policy, whereby the Head Teacher and Senior Management Team are contactable without appointments being made, have a better chance of defusing situations. Furthermore, if a good relationship has been built up between the Head Teacher and the representatives of the professional organisations, there is further scope for defusing, since formal procedures will be viewed as a last resort, and the exception rather than the norm.

3. THE COMPLAINT

- 3.1** One of the difficulties facing Head Teachers is that complainants very often are not aware of how to complain effectively, and complaints can relate to a general feeling of being treated badly or a general dissatisfaction with the conduct or attitude of a colleague. In these instances, the complainant should be made aware of harassment or/and dignity of work policies which should have been provided by each authority and which should be available in the school. The complainant should also be made aware of the possibility of pursuing the harassment route, which is normally handled externally. It should however be made clear that if the complainant chooses either harassment or grievance to achieve redress, and is dissatisfied with the outcome, it is not possible to try the other option.
- 3.2** Complainants should be encouraged to be as specific as possible when making a complaint. The incident or incidents should be outlined clearly. The effect on the complainant should also be described, accurately and specifically. The complainant's line manager or another senior member of staff if it is the line manager who is the subject of the complaint, may help in this regard.
- 3.3** When the complaint is made, or when it becomes likely that a complaint is to be made, local authority procedure must be checked. Some local authority procedures relating to grievance are more comprehensive than others but the likelihood is that Head Teachers will be more concerned about too little information rather than too much. However, Head Teachers should ensure they do not breach any of the local authority procedure guidelines.

- 3.4** The complaint should be heard by the Head Teacher as soon as possible. The complainant is normally entitled to have a companion (usually the union representative) at this meeting; it is advisable that the Head Teacher is also accompanied, preferably by the Depute, who should take notes of the main points discussed.
- 3.5** At this meeting, it should be ascertained whether the complainant is expecting a formal or informal resolution; this may depend on the nature of the complaint, or on the frame of mind of the complainant. Assuming the level of seriousness is not great, an informal resolution is normally desirable for all concerned.
- 3.6** The Head Teacher should respond orally to the complainant as soon as possible, making it clear the course of action he/she intends to take.
- 3.7** At the earliest possible stage, the subject of the complaint should be informed that a complaint has been lodged against him/her, and advised of his/her right to seek union advice and representation.

4. INFORMAL RESOLUTION

- 4.1** Even though the complainant opts for an informal resolution, it is important that the steps taken by the Head Teacher are as effective and swift as possible, since the complainant has the right to "go formal" at a later stage.
- 4.2** The Head Teacher must decide whether an enquiry is needed to ascertain the facts, as far as possible. If this is deemed necessary or desirable, the fact-finding should be entrusted to, ideally, the Depute, or another member of the Senior Management Team. The fact-finder should adopt a neutral stance and avoid commenting in any way; the information is being gathered solely to allow the Head Teacher to make a decision regarding an appropriate course of action.
- 4.3** While the desired outcome may be achieved without disciplinary action, but each case must be judged on its merits.
- 4.4** The choice of an informal resolution by the complainant suggests that he/she simply wants the current situation to be changed or that certain actions are not repeated. Sometimes this can be achieved by a round the table discussion or by a quiet word to the alleged perpetrator. However, it is necessary, even in the informal scenario, to record the resolution and the actions taken to achieve it. This record should be retained.
- 4.5** The complainant should be advised how to proceed if dissatisfied with the action taken. This would normally mean either moving to the formal route or appealing to the Director of Education or his/her representative.

- 4.6 If a complainant expresses satisfaction at the outcome, it is still incumbent on the Head Teacher to monitor the situation for a period of time.
- 4.7 The Head Teacher should keep in regular contact with the appropriate officer at authority level, checking each stage of the process and seeking clarification on any issues which may arise.

5. FORMAL RESOLUTION

- 5.1 If the grievance is against the Head Teacher, then it should be referred immediately to the Director of Education.
- 5.2 A member of staff may seek a formal resolution as the first stage.
- 5.3 Depending upon the agreed local procedures, an enquiry will be needed to ascertain the facts as far as possible, since the formal route means that potentially much more is at stake. Again, the fact-finding should be entrusted to, ideally, the Depute, or another member of the Senior Management Team. Statements should be taken from all parties, including witnesses, and all statements should be signed. Any member of staff submitting a statement must be given the opportunity of being accompanied. It may also be wise to have the investigating officer accompanied while taking statements.

- 5.4** On receiving the signed statements, the Head Teacher should then move to the convening of a hearing, at which both parties have the right to representation. Local guidelines must be checked in relation to hearings, but normally the Head Teacher chairs the hearing, outlining the procedure, maintaining the order of events and summing up at the end. Witnesses may be called by either side. It is important that sufficient time is allowed in order that the hearing can be conducted with due thoroughness; the Head Teacher should be prepared to re-convene if proceedings go beyond the school day. Only what has been stated in the grievance can be discussed at the hearing; additional issues should be ruled out of order. [N.B. Witnesses do not normally have a right to be accompanied to/represented at the hearing].
- 5.5** In some authorities, the matter goes straight to a hearing at which the complainant, or a union representative, outlines the grievance, and the other side responds. In this event, no prior investigation is necessary.
- 5.6** After the hearing, at which all parties should be given the opportunity to speak, and to call witnesses, the Head Teacher, using signed statements and the information gleaned during the hearing, should provide a written judgement on each element of the grievance. This judgement should state whether each relevant element of the grievance is upheld, and clearly give the reasons for the decision. At the close of the judgement, the action to be taken as a result should be stated. All parties should receive a copy of the judgement, and a complainant should be advised of his/her right of appeal to the Director of Education if dissatisfied.

5.7 As with an Informal Resolution, the Head Teacher should keep in regular contact with the appropriate officer at authority level, checking each stage of the process and seeking clarification on any issues which may arise.

6. CONFIDENTIALITY

In all cases, strict confidentiality regarding grievance should be maintained. However, in the interests of natural justice, any member of staff who is the subject of complaint or grievance must be informed as soon as possible. Any requests for a copy of a written complaint or grievance should be met. It must be stressed to all parties, including witnesses at any hearing, that it is in everyone's interests that only those who need to know, should know. The last thing a school needs is staff ranging up on different sides. The Head Teacher has been asked to achieve resolution and should be permitted to do so.

7. CONCLUSION

Grievance can be a messy business, and creates stress for all parties. Head Teachers also find it time-consuming, and there is pressure to achieve a resolution without alienating staff. However, a fair and reasoned judgement can turn a negative situation into a positive one. For this reason, it is essential that Head Teachers remain impartial at all time and do not pre-judge.

Particular care must be taken on the case of the "serial grievee". Malicious complaints can be subject to disciplinary procedures; however, each case must be judged on its own merits and not dismissed out of hand because of its source.

Even in the best run schools, members of staff will have differences of opinion and worse. Head Teachers should not see these happenings as a reflection on themselves, but merely a fact of modern life.

However, grievance procedure, if used appropriately can curb the excesses of a thankfully small number of staff who might damage a pleasant working atmosphere. Used appropriately by staff, and sensibly and sensitively by the Head teacher, it can indirectly but powerfully improve the service school provides.