



New Direction School



Staff Allegations and Grievance Procedures Policy

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1. Introduction

In order to ensure that fair and effective arrangements exist for dealing with all staff grievances relating to their employment at the school, the following procedure provides for full and speedy consideration of all the relevant facts in order that grievances may be resolved as efficiently, fairly, and promptly as possible.

The procedure is designed to deal with individual grievances. It is not intended that the procedure should be applied to collective disputes or to grievances relating to matters for which specific redress is otherwise available e.g., a case of alleged harassment or bullying, an appeal against dismissal (in both these cases, separate procedures exist).

Staff grievances can arise from a variety of sources. They can arise among members of the staff or with immediate line managers or the Proprietor. They can be of a relatively simple nature or of fundamental importance. To meet this situation the procedure provides:

- (1) An informal stage which may enable a grievance to be resolved without recourse to any subsequent stage;
- (2) A completely formal stage where the first /informal part of the procedure is inappropriate or has failed.

2. Scope and Purpose

This procedure is intended to help resolve concerns, problems, or complaints which employees wish to raise in a prompt and fair manner. The overall aim is to ensure that employers and employees attempt to resolve difficulties themselves by using their organisation's internal dispute resolution machinery rather than the employee resorting immediately to an Employment Tribunal. This procedure complies with the ACAS Code of Practice on Disciplinary and Grievance procedures. This procedure applies to all employees at New Direction School. The grievance procedure should not be used for an appeal against disciplinary decisions as that is the purpose of the disciplinary appeals procedure. However, if the complaint is against the behaviour of a manager during the course of a disciplinary case it may be raised as a grievance with a senior manager.

It is the school's policy to encourage employees with grievances relating to their employment to resolve them informally through discussion with those concerned and their manager. However, if the employee is not satisfied with the result of these discussions s/he should use the formal procedure to seek a satisfactory solution.

The school will endeavour to resolve grievances as quickly as possible to the satisfaction of the individual(s) concerned. Where this is not possible every effort will be made to explain the reasons for the decision and where employees are not satisfied with the outcome, they have the right to pursue their grievance in accordance with the formal steps contained in the procedure.

Employees who raise grievances will be treated fairly at all times throughout this procedure. However, if a grievance is found to be malicious the employee concerned may be subject to the Disciplinary Procedure.

3. Aims and Definitions

The aim of a grievance procedure is to enable any member of staff to have her/his grievance heard and to seek to resolve a situation or seek redress. The intention is that grievances should be settled quickly and fairly and first be discussed informally with the immediate manager or supervisor or other appropriate person. The grievance procedures and recommended advice are applicable to all employees at the school, full and part-time, permanent, and temporary, in support and teaching posts including leadership.

Most grievances will involve other members of staff or relate to terms of employment for which the Proprietor is responsible and will therefore be capable of resolution at school level using these procedures. Examples of grievance issues which are within the remit of the delegated powers of managers and governors include failure to be appointed/promoted, allocation of work, pay policy matters, job descriptions or duties.

If an employee is uncertain about the nature of their grievance or to whom it should be addressed, advice should be sought from their trade union.

4. The use of the grievance procedure – general principles

If a grievance contains allegations which may amount to misconduct against a named employee, it should be referred for investigation under the Disciplinary Procedure before further consideration is given to the grievance. An individual grievance should not be used to challenge a general policy of the school. However, a grievance may relate to the application of the policy to an individual, or a small group of individuals.

It is fundamental to any grievance procedure agreement that normal working should be maintained until all stages of the procedure have been exhausted. Where the grievance under discussion is concerned with proposed changes in working hours or other customary arrangements, the status quo should not normally be disturbed whilst the matter is under consideration. Status quo is a discretionary element and is not something which must be followed in all circumstances. If the grievance relates to pay, the status quo will not be maintained. This shall be on the understanding that the parties involved in the grievance procedure and their representatives make themselves available to meet the timescales within the procedure and that the commencement of statutory and contractual notice periods will not normally be postponed. A grievance procedure is intended to provide a speedy method of resolving grievances and so far, as is practicable, the prescribed time limits should be observed.

For the purposes of this procedure, it is suggested that a working day shall be a day that the school is open to pupils. However, there may arise on either side substantial reasons (e.g., a school vacation, sickness), why exceptionally it would be desirable to extend the time limits. Any such extension should be agreed as reasonable by all parties.

Formal grievances involving complaints of discriminatory acts on grounds of sex, sexuality, age, marital status, race, colour, religion, nationality, ethnic or national origins, or of racial or sexual harassment, if when investigated are found to be true will form the basis of disciplinary proceedings. Such acts, if upheld are contrary to disciplinary rules and could be construed to be unlawful.

The aggrieved employee can only be accompanied or represented either by a workplace colleague or trade union official at any meeting relating to her/his grievance. The employee who the grievance is against can be accompanied or represented by a workplace colleague or trade union official in the same way. Any other employee attending such meetings may be accompanied, but not represented, by a colleague or trade union official.

Nothing in the procedure should preclude the right of an official of a recognised trade union officer to raise independently with the Proprietor any employee relations matter affecting the school.

In all cases, it is recommended that the person or panel hearing a grievance consult informally with the proprietor, the Deputy Headteachers, and staff representatives, as appropriate, to assist in resolving the grievance.

In cases where the person or panel hearing the grievance needs to obtain further information, or to enquire about policy or other issues, it is open to them to defer the matter for a period of time agreed with the member of staff and her/his representative to enable such enquiries to be made.

The time limits specified in the procedure may be modified by mutual agreement and every effort should be made to deal with grievances as speedily as possible. If the time limits at Stage 1 or 2 are unreasonably exceeded, the employee will be entitled to request that it proceeds to the next stage of the grievance procedure. Hearings should take place during an employee's normal working hours wherever possible, although it is appreciated that this may cause some difficulties for governing bodies.

5. Complaints and Grievances

These are often confused, but the essential difference is that:

A complaint is an allegation that a named employee has behaved in an unacceptable way, connected with their employment, which might justify disciplinary action being taken against her/him. If the complaint is upheld, it could result in that employee being disciplined, but it would not necessarily provide the complainant with any redress.

A grievance is a concern, problem, or complaint that employees have raised with their employers. A grievance enables individuals to raise issues:

- With management about their work, or about their employers, or their fellow workers' actions that affect them

It is impossible to provide an exhaustive list of all the issues that might give rise to a grievance but some of the more common include:

- Terms and conditions of employment
- Health and Safety
- Equal opportunities
- Relationships at work
- New working practices/organisational change

6. General Advice

It is recognised that many matters that may become the subject of a formal grievance stem from simple misunderstandings. At New Direction School, our SLT will always strive to make their actions, instructions and requirements clear and to act in such a way that all employees shall have confidence that they will be treated reasonably. Our Proprietor and SLT will always respond to questions and explain the reasons for their actions. Similarly, it is incumbent upon employees not to pursue frivolous matters or malicious grievances using this procedure.

The following matters cannot be raised under this grievance procedure:

- i) Disciplinary matters for which there is a separate disciplinary/dismissal procedure which makes provision for the hearing of appeals;
- ii) Amounts deducted for income tax, national insurance, and other statutory deductions from pay;
- iii) Matters where separate procedures apply e.g., Harassment or Bullying, Whistleblowing.

PROCEDURE:

7. Informal stage

Where a member of staff has a grievance which involves other members of the staff, he or she shall first of all endeavour to resolve the matter by direct approach to the member of staff involved or in discussion with an appropriate SLT person, or, if necessary, in discussion with the Deputy Headteachers. Where a member of staff requests a personal interview with the appropriate senior member of staff or Deputy Headteachers, it must be granted within five working days of the request being made. The appropriate SLT member of staff or a Deputy Headteacher shall seek to resolve the problem personally or by mutual agreement, in consultation with other member(s) of the staff. The Deputy Headteacher may also, by mutual agreement, seek consultation with trade unions as may be considered appropriate.

Many complaints or minor grievances are best resolved informally. If, however, the matter is not resolved as a result of the informal approach, the formal grievance procedure should be invoked.

8. Formal stage

Where the grievance has not been resolved under the informal procedures described above, the member of staff concerned should submit a formal written notice of their concerns, problems, or complaint to the Deputy Head, together with any relevant documents without unreasonable delay. The employee should clearly state both why s/he is raising a formal grievance (and the nature of the grievance) and the outcome/resolution s/he is seeking.

The Deputy Head will immediately write to acknowledge receipt, promptly consider the contents and response to the grievance, and make a formal written report to the Proprietor. The report shall comprise a response to the grievance and shall be accompanied by any supporting documents. If the grievance is against some other person, the report shall outline any steps taken under the informal stage of this procedure. The Deputy Head shall ask the person with whom the grievance has been raised to make available within ten working days to the aggrieved employee a written response to the notice of grievance, accompanied by any supporting documents.

A meeting of the SLT and the parties concerned shall be arranged without undue delay and normally within twenty working days following receipt of the formal written notice of the grievance in order to seek to settle the problem. The procedure to be followed is set out in Appendix 1.

All relevant documents will be submitted to the Committee and the parties concerned at least five working days in advance of the hearing. All parties shall have the right to be accompanied by a trade union representative or a colleague employed at the school. The decision of the Committee shall be notified to the parties concerned in writing within five working days of the meeting and shall indicate any right of appeal.

There shall be a right of appeal against the decision of the Committee on the part of the aggrieved employee only. The appeal shall be made by the employee in writing to the Proprietor within ten working days of receipt of the decision of the Committee. The employee or her/his representative should state the reason why s/he considers that the matter has not been resolved to her/his satisfaction and what outcome/resolution is sought. The appeal shall be heard by an independent panel (The Appeals Committee) comprised of a minimum of 3 people with no direct relationship to the school or Proprietor. The procedure to be followed is set out in Appendix 1.

All relevant documents relating to the informal stage and formal stage of the grievance procedure, along with the appeal itself shall be submitted at least five days in advance of the hearing (to allow time for receipt) to the Appeals Committee and all parties concerned, and the appeal hearing shall normally meet within fifteen working days of receipt of the appeal, or as soon as reasonably practicable thereafter. All parties shall have the right to be accompanied by a trade union representative or a colleague employed at the school. The decision of the Appeals Committee shall be notified to the parties concerned in writing within five working days of the appeal hearing and no further right of appeal shall exist.

GRIEVANCE PROCEDURE GUIDELINES

Additional Information

The Disciplinary Procedure and Grievances

A grievance raised during the course of the disciplinary procedure (including a claim of harassment) will be referred to the SLT or Proprietor, who will decide whether the grievance should be considered separately, or as part of the disciplinary process. Where the employee's grievance relates to the disciplinary case it will be investigated as part of the disciplinary process and will not suspend the disciplinary procedure. If an employee raises a complaint that the disciplinary action taken (or contemplated) amounts to unlawful discrimination, or the disciplinary action taken (or contemplated) is not the ground on which the employer asserted it would be taken, a member of the SLT will decide whether the grievance should be considered separately, or as part of the disciplinary process. It may be considered necessary to bring in another manager to deal with the disciplinary case in certain circumstances.

If an employee raises a grievance, in writing, about the way in which a manager handled a disciplinary case or conducted the investigation before the appeal stage of the Disciplinary Procedure it may be discussed at the appeal hearing. If an employee raises a grievance relating to the disciplinary process after the process has been completed and after any appeal arising from it has been heard, it will be dealt with under the Grievance Procedure.

Accusations involving Misappropriation of Funds: Financial Irregularities, Allegations of Sexual Misconduct, and Child Protection will be handled in conjunction with the Disciplinary Procedure.

9. Investigations

The school is committed to ensuring that all grievances where necessary are fully investigated. This entails carrying out interviews with the employee concerned and any third parties such as witnesses, colleagues, and managers, as well as analysing written records and information. The investigation report will be made available to all the parties concerned. Where necessary the identity of witnesses will be kept confidential.

10. Witnesses

It is not normally expected that witnesses will be called to grievance meetings. The grievance meeting provides a vehicle for an employee and their manager to resolve issues of concern to the employee where informal means have not been sufficient to do so. It is a meeting not a “Hearing” and should be kept as simple as possible whilst ensuring that all relevant issues are fully explored. Statements can have been obtained beforehand if this is relevant. In exceptional cases if there is a need to involve any other employee, then both the employee and the manager will have the opportunity to ask questions. In some cases, witnesses may wish to remain anonymous.

11. Former Employees

The Acas Disciplinary and Grievance Code of Practice states that if it is not possible to resolve a grievance informally, employees should raise the matter formally and without unreasonable delay. Where an employee has left the school’s employment, the grievance procedure will only apply if they raise their grievance without unreasonable delay. If the Proprietor receives a grievance from a former employee, she will contact the school’s Legal Services Provider before any action is taken.

A letter of resignation or exit interview may constitute a grievance if it contains details of the reasons for the resignation.

12. Equalities Issues

Under the Equalities Act 2010 employers are required to make reasonable adjustments which may include assisting employees to formulate a written grievance if they are unable to do so themselves because of a disability. If an employee has difficulty setting out their grievance in writing (e.g., because of a disability or because English is not their first language or they have difficulty expressing themselves on paper), they should seek help from their manager, trade union or a colleague. Managers should be aware of their personal responsibility in ensuring that discrimination in any form does not impact on their handling of a grievance.

13. Records

Detailed notes will be taken of all issues raised at the grievance meetings and appeals. This information may be required at an Employment Tribunal. Records must be kept on the individual’s personal file of the nature of any grievance raised, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records are to be kept confidential and retained in accordance with this procedure and the Data Protection Act 1998. Records should be for 6 years after the termination of the employee’s employment.

GRIEVANCE PROCEDURE FOR EMPLOYEES

APPENDIX ONE

AGENDA FOR A GRIEVANCE HEARING AND APPEAL

ALL RELEVANT DOCUMENTS INCLUDING THE INVESTIGATION REPORT MUST BE SUBMITTED TO ALL PARTIES FIVE WORKING DAYS PRIOR TO ANY HEARING

INTRODUCTIONS

EXPLANATION OF PURPOSE OF MEETING "TO SEEK TO SETTLE THE PROBLEM"

SUBMISSIONS:

Employee raising the grievance

Union representative/ colleague

QUESTIONS:

Manager/person against whom the grievance has been raised.

Union representative/colleague

Committee

HR Adviser

SUBMISSION/RESPONSE:

Manager/person against whom the grievance has been raised.

Union Representative/colleague

QUESTIONS

Employee raising the grievance

Union representative/colleague

Committee

HR Adviser

RIGHT OF REPLY/SUMMING UP:

Employee raising the grievance

Union representative/ colleague

CLOSING SUBMISSION:

Manager/person against whom the grievance has been raised.

Union Representative/colleague

ADJOURNMENT**DECISION:**

Given to both parties (in writing within five working days)

APPEAL PROVISIONS:

Aggrieved employee has the right of appeal

Appeal to be lodged within ten working days on receipt of the written decision.

CONFIRMATION IN WRITING WILL FOLLOW