

# Staff Discipline, Conduct & Grievance Policy

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## Introduction

It is a statutory requirement that every employer has a grievance procedure in place. The regulations define grievances as 'concerns, problems or complaints that employees raise with their employers'. A grievance may not always be called a grievance when it is raised. Any complaint or comment made by an employee can be construed as a grievance. So, for instance, a comment in a resignation letter about the employee being given no choice but to resign due to some perceived difficult issue at work should not be ignored. An employee can be asked if they wish their 'complaint' to be treated as a grievance, if there is some doubt about their intentions.

**This model grievance procedure is in line with the principles of the ACAS Code of Practice on disciplinary and grievance procedures effective from 6th April 2009. The Employment Act 2008 has repealed the Employment Act (Dispute Resolution) Regulations 2004** and removed certain provisions, including the requirement for an employee to raise a grievance before making a claim to an Employment Tribunal and the requirement for an employer to deal with a grievance raised by a former employee. Given that an employee could have recourse through the Employment Tribunal system, it is important that any grievance is dealt with appropriately and promptly within the timescales specified.

The following procedure is intended to deal with individual grievances or disputes. There are separate procedures which apply to collective disputes.

This procedure relates to school-based grievances and to matters that are the responsibility of the Headteacher. Where an employee has a grievance against the school, or a parent has a complaint about an employee or any other matter, the school's complaints procedure will apply.

The procedure is designed to try to resolve a grievance at the earliest possible opportunity through discussion with the parties concerned (see section 1.0 for the Informal process). Every effort should be made to resolve a grievance at this level. Where this is not possible, a formal hearing stage allows for an independent review of the case and for a recommendation for resolution to be made to the Headteacher. Employers and Employees should raise and deal with the issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.

This procedure applies to grievances raised by any employee in a school, including teachers. 'The Board' shall assume the responsibilities of the Headteacher if the Headteacher's grievance is with the Board.

The procedure provides for full discussion of all issues surrounding the grievance, including breaches of defined working practices and codes of behaviour. In all cases, due regard will be paid to establish customs and practices affecting the work pattern of the employee and also to any codes of ethics or conduct pertaining to the type of employment. The procedure does not preclude the following:

- A direct approach by both employee and professional association or trade union representative to the employee's supervisor or line manager.
- The right of an employee to elect to be represented or not by his/her professional association or trade union

Reference in this document to 'The Board' shall be taken to refer to a Board member nominated by the Headteacher.

### • Informal process

- Where a member of staff feels aggrieved about an aspect of their working life, they should discuss the matter informally with their line manager. If the grievance involves any other members of staff, they should first of all endeavour to resolve the matter by direct approach to the member of staff or in a discussion facilitated by the line manager or other appropriate senior member of staff.
- Where a member of staff requests a personal interview with their line manager or other appropriate senior member of staff, it should be granted as soon as possible.
- The Headteacher should seek to resolve the problem at this stage, in consultation with other members of staff if appropriate.
- Although there is no right to be accompanied at an informal meeting, it is good practice to allow an employee to be accompanied by a trade union representative, friend or fellow employee, if they so wish.
- In the interests of good employee relations, the Headteacher should seek to resolve any issues which arise between members of staff, even if such issues are not raised by a direct approach or as a grievance. The Headteacher can facilitate good working relationships by encouraging staff to work in a co-operative and professional manner and by discussing any difficulties as soon as they arise with individuals, or in open meetings with a view to resolving the issue and maintaining good working relationships.

### • Formal process

#### Step 1 – inform the employer of their grievance in writing

2.1 Where the matter has not been resolved at the informal level by the line manager as outlined above, the employee should submit a formal written notice of the grievance to the Headteacher.

This written notice should set out the facts of their grievance, avoiding language which may be considered insulting or abusive, and specify how the grievance might best be resolved.

## Investigation

2.2 At this stage, the Headteacher or the Board should consider conducting an investigation and the extent of such an investigation, depending on the content and complexity of the grievance. The purpose of an investigation is to collect relevant information to enable a grievance to be resolved and it needs to be carried out in a timely fashion.

2.3 The investigation could be as simple as meeting the employee who has raised the grievance to ascertain their version of the events, gathering any relevant paperwork and interviewing the Headteacher. It is, therefore, unlikely that it would be necessary to appoint an investigating officer.

2.4 If it is clear from the statement of the grievance, or it becomes clear during the meeting with the employee to ascertain their version of events that there is depth to the grievance, witnesses and evidence to collect, it may be useful to appoint an investigating officer (see Appendix 2 for information about who this could be). An investigating officer would be the Headteacher or 'The Board'. The investigating officer should be delegated responsibility for dealing with the investigation of the grievance in its entirety, and for presenting their findings to the Headteacher. Appendix 4 gives information on how to decide the extent of an investigation and how to conduct it.

2.5 The Headteacher or 'The Board' should tell the employee which member of staff will be investigating the grievance and set timescales for the investigation.

## Step 2- Arrange a meeting

2.6 The Headteacher or 'The Board' should seek a resolution to the grievance. They should invite the employee to a meeting to discuss the grievance. The employee may, if they wish, be accompanied by a trade union representative, friend or fellow employee.

2.7 The meeting should be held within a reasonable timeframe, if possible within 14 calendar days of receiving the grievance or, if they have determined that the matter needs investigation, within 14 calendar days of receiving the findings of the investigating officer.

2.8 At the meeting the Headteacher or The Board should consider all the facts available and decide how to resolve the grievance. Their decision can be given verbally at the meeting. Equally if they wish to adjourn to consider their decision, they should tell the employee when they expect to make their decision, they should tell the employee when they expect to make their decision and how they will convey it to the employee.

2.9 The details of the grievance are confidential and must not be discussed with any party not involved in the grievance.

2.10 The Headteacher or 'The Board' should confirm their decision in writing to the employee within three days of the meeting, unless they have agreed a different timescale. They should inform the employee that they can appeal against the decision.

## Step 3- Appeals procedure

2.11 If the employee is dissatisfied with the outcome or the process used in investigating the grievance or where the matter remains unresolved, they can have the grievance heard by 'The Board'. The appeal should be submitted in writing within ten working days of receiving the original decision, giving the grounds of the appeal and how they think the grievance should be settled.

2.12 After a request for an appeal has been received, the employee should be given at least 14 calendar days' notice of the date, time and place of the appeal hearing advising that they are entitled to be accompanied by a trade union representative, friend or fellow employee.

2.13 Copies of all the relevant documentation should be circulated to all parties at least three days before the hearing. Relevant documents will include details of the grievance originally submitted, any documentation submitted at the earlier stage (including notes of any meetings and the investigation report) and details of any previous attempts at resolving the grievance.

2.14 The hearing shall take place before Board members appointed for that purpose. The appeals panel will consist of Board members who have not been involved in the original decision. The details of the grievance are confidential and must not be discussed by the appeals panel with any party not involved in the appeal.

### 2:15 The appeal hearing shall be conducted as follows:

1. The employee may put forward their case giving grounds for the appeal and call witnesses. The employee and the witnesses may be questioned by the other party.
  2. The other party to the grievance should be allowed to make their submission and be questioned by the employee and the appeals panel.
  3. The parties shall withdraw while the appeals panel, with the clerk to the hearing present, decide on the resolution of the grievance.
  4. When a decision has been reached the parties shall be recalled and informed of the decision and the reason/s for it.
- 2.16 All proceedings shall be confidential until the decision of the appeals panel has been made and there after any publication shall be restricted to the operative decision. The clerk at the hearing shall notify the employee in writing of the Headteacher's decision and the reason/s for it, within three working days of the meeting.

2.17 There is no further right of appeal. The matter will end at this level.

### 3.0 Employees who have left

An employee, who has left can raise grievance by writing to the headteacher within 14 days of receiving their letter, or as soon as possible, after if this is not practicable.

## Appendix 1- Roles and Responsibilities

### Headteacher

- To seek to resolve any matters causing concern to employees in their working life, whether raised formally, informally or through other avenues, such as through performance reviews or by other staff.
- To ensure that the Headteacher is empowered to resolve concerns raised by staff through informal channels as they arise and at an early stage.
- To foster an ethos of open communication.
- To receive grievances from employees.
- To appoint and delegate responsibility to an investigating officer, if appropriate.

### Employee

- To raise concerns as they arise and at an early stage.
- To be reasonable in their expectations in finding a resolution to their grievances.
- To assist in resolving the grievance.

### Investigating officer

- To investigate a grievance referred to him/her in its entirety.
- As part of the investigation:
  - To consider and determine the evidence which needs to be collected
  - To decide who to interview
  - To carry out interviews with aggrieved employee and others, as appropriate
  - To collect and collate any written documentation and obtain records of any physical evidence.
  - To advise as to the findings and define the exact nature of the grievance.
  - To prepare a summary report of evidence and findings in writing for the Headteacher.
  - To present those findings at a hearing, as appropriate, on behalf of the Headteacher.

Appendix 2

Who deals with a grievance?

	Employee raising grievance	Informal process	Formal process	Who should investigate?(if necessary)	Appeal
	Employee	Intermediate Line Manager	Headteacher	A senior Manager	The Board
	Employee Employee*	Headteacher	Board	A senior Manager	The Board
	Employee**	Board	Board	A different board member	Different Board members
	Headteacher	Board	Board	A different board member or external investigator	Different Board members
	Ex-employee	N/A	Headteacher	Whoever received the grievance	No right of appeal