



Brookfields
Specialist SEN School

Brookfields School Staff Discipline, Conduct and Grievance Policy

Date	Description
19 October 2022	Approved by the Full Governing Board

Review schedule	Annually
Next review	October 2023
Policy holder	Catherine Bernie

Brookfields School Equalities Statement

All pupils at the school are offered a broad, balanced, stimulating and relevant curriculum regardless of their background, culture or ability. Each pupil is valued for who they are and what they bring to the school. We appreciate and celebrate the richness of diversity within the school community as well as the wider community.

Through the work we do across the school on developing Values, we actively promote the importance of tolerance, co-operation, courage, determination, friendship and respect. Through this approach, pupils develop independence, confidence and integrity which prepares them for their future lives.

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1 Introduction

- 1.1 This procedure does not form part of any employee's contractual terms and conditions. Any links within this document to other documents are for ease of use and do not form part of this procedure.
- 1.2 The policy and procedure has been designed for Maintained schools to adopt and takes account of the requirements set out in the ACAS code of practice on disciplinary and grievance procedures as well as The Green Book, the Burgundy Book and the School Teachers Pay and Conditions Document.
- 1.3 It is recommended that academies who have chosen to continue to use the STPCD, Burgundy Book and Green Book also adopt this model policy. Where an academy adopts this policy the word 'school' should be taken to refer to the academy.
- 1.4 The term 'relevant body' has been used throughout this policy. In maintained schools this is the governing body. The differing structures of academies means that the academy trust will need to define the relevant body for the purposes of this policy.

2 Purpose

- 2.1 This formal grievance procedure exists to ensure fair and consistent handling of grievances raised by staff within the school.
- 2.2 The governing board recognises the right of every employee to express a grievance and to be given a fair hearing.
- 2.3 The ACAS Code of Practice defines grievances as “concerns, problems or complaints that employees raise with their employers”. The primary aim of this procedure is to provide a mechanism for employees to raise any concerns, problems or complaints arising from their employment with their employer and for such complaints to be resolved promptly, fairly and consistently.
- 2.4 This procedure provides a process whereby:
 - grievances may be resolved as close as possible to where they arise;
 - issues can be brought “out into the open” so that they can be considered by management;
 - confidence and trust between the employee and employer can be maintained.

3 Applicability

- 3.1 Grievances are concerns, problems or complaints that employees raise with their employers¹. Issues that may cause grievances include:
 - terms and conditions of employment
 - health and safety
 - work relations
 - bullying and harassment
 - new working practices

¹ [Discipline and Grievances at Work – The Acas Guide](#)

- working environment
- organisational change
- discrimination

3.2 This procedure applies to all employees of the school.

3.3 The grievance procedure does not apply when:

3.3.1 The employee wishes to complain about an actual or threatened dismissal

3.3.2 The employee raises a concern as a 'protected disclosure' such as whistle blowing in compliance with the public interest disclosure provisions of the 1996 Act

3.3.3 The employee wishes to complain about action short of dismissal to which the school's disciplinary procedure applies, unless the grievance is that this involves unlawful discrimination or is not genuinely on grounds of conduct.

4 Roles and Responsibilities

4.1 The head teacher has overall responsibility for ensuring that formal grievances are dealt with appropriately in accordance with this procedure.

4.2 Where the grievance raised concerns the head teacher, the chair of governors is responsible for ensuring that this procedure is followed.

5 Application

5.1 The Grievance Procedure is applicable to all employees, including temporary and fixed-term employees.

6 Principles

6.1 All concerns will be examined carefully, whether presented verbally or in writing and will be dealt with as promptly as possible.

6.2 This procedure seeks at all stages to identify possible ways of resolving the employee's concerns. This will be in consultation with the employee and other relevant parties and will be in line with current policy and working practices.

6.3 Concerns relating to financial irregularities, abuse, criminal offences, miscarriages of justice or deliberate concealment of information should be dealt with using the Procedure for protected disclosures (Whistle Blowing Policy).

6.4 Grievances should, as far as possible, be resolved through informal discussion and mediation without the need to invoke the formal stages of the procedure. The formal stages of the grievance procedure are not necessarily the best way of resolving concerns and complaints. **However, if an employee wishes to raise a formal grievance then the procedure will be complied with.**

- 6.5 Employees are encouraged to seek support from their professional association or trade union representative prior to raising a formal grievance.
- 6.6 Grievances often evoke strong feelings and emotions therefore it is recognised that any grievance is unlikely to be “resolved” by any process that simply determines whether the aggrieved is right or wrong. It will be important for the process to address the specific grievance, provide an opportunity for that individual to express their feelings, be listened to and have their feelings acknowledged. It is unlikely that any compromise solution will be achieved until these feelings have been expressed.
- 6.7 Some grievances will be of a sensitive nature, and confidentiality should be preserved at all times by the parties involved.
- 6.8 A grievance raised under the formal grievance procedure should be initiated by the employee ideally in writing. An employee raising a grievance informally will be required to set out the grievance in writing if the procedure becomes formal.
- 6.9 The procedure should not be used for raising issues which are outside the responsibility or control of the school, neither can it be used where separate mechanisms exist for employee “grievances” or appeals to be dealt with (see section 6 “Exceptions/Exclusions”).
- 6.10 A grievance should be instigated by direct contact from the employee to their Line Manager or Headteacher. If the grievance relates to the Headteacher and the person feels unable to discuss the matter with another senior member of the school’s staff (e.g.: Deputy Head teacher, head of department etc:) the employee may raise their grievance with the Chair of Governors.
- 6.11 References in this procedure to “relevant manager” refer to the person within the school who is best placed to manage the grievance process. This could be, for example, the line manager, the Head teacher, a governor or Chair of Governors.
- 6.12 If a grievance is raised by an individual who is no longer employed by the school, the former employee should write to the school setting out the grievance no later than 3 weeks after their employment has ended. At the discretion of the Headteacher or governing body, the grievance may be investigated and a written response to the grievance provided to the former employee. In exceptional circumstances, if all parties agree, a grievance hearing could be convened.
- 6.13 Where a grievance has been received more than 3 weeks after the employment has ended, the school, with support from the school’s HR provider, will determine whether and how to respond. Schools may wish to provide employees who are leaving with the opportunity to have an exit interview, as this may address any outstanding concerns that an employee may have and avoid a grievance being raised by a former employee.
- 4.15 Former employees will not normally have a right of appeal.

7 Right to be accompanied

- 7.1 All employees have a statutory right to be accompanied at both grievance and appeal

hearings. Employees may also be accompanied at formal investigation meetings.

7.2 This representative may be:

- a work colleague;
- a Trade Union representative

7.3 If the employees chosen representative is unable, for good reason, to attend a meeting, an alternative date will be arranged to take place normally within 5 working days of the original meeting. If the employee fails to attend the rearranged meeting, this will normally go ahead in the employee's absence.

7.4 An employee who has agreed to accompany a colleague employed by the same employer is entitled to take a reasonable amount of paid time off to fulfil that responsibility.

8 The representative's roles

8.1 The employees chosen representative will be allowed to address the hearing, to put and sum up the employee's grievance, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

8.2 Where an employee needs additional support because of a disability or communication/language difficulties then all reasonable steps will be taken to provide appropriate support.

9 Exceptions/Exclusions

9.1 If an employee's grievance concerns a decision that has been taken relating to their employment, and there is an alternative appeals procedure against such a decision available to the employee, then action must be taken under the appropriate appeals procedure and not through the grievance procedure.

9.2 For example, if an employee wishes to make representations concerning a disciplinary sanction against them, this should be facilitated through the arrangements for appeals described in the appropriate disciplinary procedure. Similarly, appeals against capability warnings, absence warnings, and pay decisions should be addressed within their separate procedures.

9.3 If an employee raises concerns during another formal procedure (e.g. absence, capability, discipline) these will normally be addressed within the hearing or appeal process detailed within the relevant procedure. Where the concerns are not related to the other formal procedure, that procedure may, in exceptional circumstances, be temporarily suspended to deal with the grievance.

10 Concerns of bullying and harassment

- 10.1 Any complaint by a school employee of a bullying or harassment nature will be investigated. Following investigation, the relevant manager will determine whether the alleged behaviour may constitute misconduct. In such cases it may be appropriate to instigate disciplinary proceedings.
- 10.2 Employees who consider that they may be the victim of bullying or harassment should normally take the following steps prior to submitting a written complaint;
- discuss their concerns with their line manager (or a more senior manager if their concerns are about their immediate line manager), a professional association or trade union representative, or a work colleague;
 - keep a record of any incidents that occur, noting dates, times, circumstances and witnesses (if any);
 - ask the person(s) involved to stop whatever they are doing which is upsetting or unpleasant, as they may be unaware of their actions. Individuals may want to do this with the support of a colleague or professional association/trade union representative;
 - advise their line manager (or a more senior manager if their concerns are about their immediate line manager) as soon as it becomes apparent that the unacceptable behaviour is continuing.
- 10.3 Where the above steps prove ineffective or where the employee wishes to submit their complaint in writing, the written complaint should be sent to their line manager, or a more senior manager if their concerns are about their immediate line manager, as promptly as possible and should include sufficient detail to assist with resolution as detailed in section 10 below.

11 Investigations

- 11.1 When an employee raises a grievance, either under the Informal Step or formally under Stage 1 of this procedure, the relevant manager may consider that further investigation is required. It is for the relevant manager to determine how such investigations should be conducted. Where necessary, an investigating officer can be assigned to undertake the investigation or the relevant manager may conduct the investigation themselves. It may be deemed appropriate to use an external investigating officer.
- 11.2 For example, it may require the relevant manager or Investigating Officer to:
- gather any further information they feel is relevant in as confidential a manner as possible;
 - request written responses from any other parties they consider appropriate;
 - meet with the other relevant parties to discuss the grievance and obtain relevant information;
 - produce an investigation report to capture the key issues and findings arising from the investigation and suggested resolution where appropriate;
 - to be impartial and unconnected with the grievance.

12 Informal Step

12.1 An employee with a grievance should normally raise the issue(s) informally in the first instance with their line manager. This can be submitted verbally, via email or in writing. The employee should make it clear in any correspondence that the grievance is being raised at an informal level. Line managers are expected to deal with all informal grievances raised, taking into consideration the exceptions listed within section 6 of this procedure. If the grievance relates directly to the employee's line manager, the employee should raise the issue informally with their second line manager (the line manager's manager).

13 Raising a formal grievance

13.1 Employees are encouraged wherever possible to discuss issues with their line manager at the earliest possibility. Most grievances can be dealt with and resolved informally through discussion and cooperation.

13.2 Where informal processes do not resolve the problem or the employee is unwilling to resolve the matter informally, a formal grievance should be submitted in writing. The letter should include as much detail as possible to assist with resolution of the grievance including:

- the facts of the complaint (reason(s), dates, who is involved);
- how the issue(s) have arisen;
- what resolution(s) the employee is seeking;
- how the employee thinks a resolution can best be achieved;
- any other relevant information.

13.3 If the grievance being raised is related to the employee's line manager, the written grievance should be addressed to the manager's manager (the employee's second line manager).

13.4 It is important to note that an employee who raises a grievance has a responsibility, with the line manager (or other relevant manager) for resolving the issue(s) in the most effective way, including cooperation with all stages of the procedure, availability for meetings in line with the procedural guidelines and clear communication in relation to the issues and outcomes that they are seeking.

13.5 Where the grievance is against the Head teacher, the employee should approach the Head teacher initially, but if this is not appropriate, they should approach the Chair of Governors.

10.6 Where the Head teacher is the aggrieved employee, they should raise their grievance with the Chair of Governors, or if the grievance is against the Chair of Governors, it should be addressed to the Clerk to Governors who will consult the Vice Chair in order to identify who will manage the grievance. The governor managing the grievance should then seek support from your HR provider.

13.6 The term 'Head teacher' is used in this procedure, but where the Head teacher's involvement is not appropriate, this role will be conducted by the Chair of Governors.

14 Formal Procedure stages

14.1 There are 2 key stages within the formal grievance procedure:

- Stage 1 Formal grievance
- Stage 2 Appeal

14.2 Any necessary investigation process will need to be concluded prior to the Stage 1 outcome hearing being held.

15 Stage 1 - Formal Grievance Hearing

15.1 The person identified to consider the grievance will arrange a Grievance Hearing to discuss the matter with the aggrieved employee. The Hearing will take place no later than 20 working days after receipt of the written grievance by the Head teacher/Chair of Governors. The employee will be informed by the person hearing the grievance of their right to be accompanied and/or represented by a Trade Union Representative or work colleague.

15.2 The employee will be allowed to state his/her grievance at the meeting, and will be asked to indicate his/her resolution.

15.3 Where appropriate the person hearing the grievance may adjourn the Hearing in order to investigate the matter further.

15.4 Where appropriate the person hearing the grievance may appoint an Investigating Officer, not connected to the issue, to carry out the investigation.

15.5 The person hearing the grievance will respond to the employee's grievance in writing, within 10 working days of the Hearing or the reconvened Hearing where there has been an adjournment. The response will inform the employee of his/her right to appeal if the resolution sought by the employee has not been granted.

16 Stage 2 - Appeal

16.1 Where the employee is dissatisfied with the outcome of the Grievance Hearing he/she may appeal. The employee must register his/her appeal in writing to the Clerk to Governors within 5 working days of receiving the written outcome of the Grievance Hearing (or reconvened Hearing where there has been an adjournment.)

16.2 The Chair of Governors, will arrange for the appeal to be heard by a panel of 3 governors who have not previously been involved in the grievance.

16.3 The Chair of Governors will arrange an Appeal Hearing and will inform the employee of his/her right to be accompanied and/or represented by a Trade Union Representative or work colleague.

16.4 At the Appeal the employee will be able to explain why he/she remains aggrieved and how he/she believes the grievance should be resolved.

- 16.5 The person who heard the Grievance Hearing at Stage Two will normally attend the Appeal to explain his/her decision to the Governor Appeal Panel.
- 16.6 Where appropriate the Governor Appeal Panel may adjourn to investigate the matter further.
- 16.7 The chair of the appeal panel will notify the employee of the decision in writing, within 5 working days of the Appeal or the reconvened Appeal where there has been an adjournment. This decision will be final.

17 Retaining records

- 17.1 Records of formal disciplinary records should be retained, should be treated as confidential and kept no longer than necessary in accordance with the data protection principles set out in the Data Protection Act 2018. This Act also gives individuals the right to request and have access to certain personal data stored about them.

Copies of records kept should include:

- The nature of the grievance
- What was decided and actions taken
- The reasons for actions taken
- Whether an appeal was lodged and the outcome of any appeal
- Notes of formal meetings

Suggested Format for Registering a Grievance

To: The Head teacher/Chair of Governors

I wish to register a grievance under the Grievance Procedure.

The cause of my grievance is: (This should set out clearly the nature and extent of the problem and include any relevant details e.g dates, witnesses, documentation)

I have taken the following informal steps to resolve the problem or grievance before invoking the formal grievance procedure:

I believe that my grievance could be resolved in the following way:

Signed

Print Name:.....

Job Title:.....