

# WINTERBOURNE NURSERY & INFANT SCHOOL



## Staff complaint/grievance procedure

Replaces sexual or racial harassment policy and  
Dignity at work policy

Agreed by governors:  
Next review:

19<sup>th</sup> April 2018  
September 2019

Agreed with recognised trade unions: 13/01/14  
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**1. Scope**

1.1. This Policy has been adopted by the Governing Body and applies to all teachers and support staff employed to work at [ ] School / Academy (hereafter referred to as ‘the school’). It has been consulted on with staff and the recognised trade unions. The governing body is responsible for establishing an Employee Complaints / Grievance Procedure and for making it known to staff in the school.

**2. Introduction**

2.1. This document sets out the procedure for employees to raise complaints related to their employment. This procedure aims:

- For complaints to be settled fairly and promptly, as close to their point of origin as possible.
- To encourage professional behaviour and a productive working environment. The emphasis is on informal resolution and empowering individuals to effect change without threatening good working relationships between managers and employees.

- To empower individuals to challenge and tackle inappropriate behaviour, including bullying and harassment.
- 2.2. All allegations will be treated seriously and sensitively. They will be investigated thoroughly and a speedy resolution sought.
- 2.3. It is essential that managers and employees approach the process as an objective method of resolving differences and avoiding conflicts rather than “winning or losing”.
- 2.4. The application of this procedure will be in accordance with the ACAS Code of Practice on Disciplinary and Grievance Procedures.

### **3. Confidentiality**

- 3.1. All parties involved in the process must respect confidentiality at all times. Information must not be shared with anyone except those directly involved and as necessary to ensure a fair process.

### **4. Link With Other Procedures**

- 4.1. The submission of a complaint by an employee subject to disciplinary, capability or sickness management proceedings will not prevent or delay the application of that procedure. Where a complaint relates to the application of such procedures it should be raised as part of that process and not pursued through the employee complaints procedure.

### **5. What is a Complaint?**

- 5.1. This procedure is to address complaints by employees that arise from their employment and impact on them personally, including action that the School has taken or is contemplating. Complaints appropriate for consideration under this procedure include those relating to: the application of the School’s employment policies and procedures; the application of terms and conditions of employment; the work environment; and being treated with a lack of respect or dignity, including complaints of harassment or bullying.
- 5.2. Complaints will not be heard under this procedure:
- Where they relate to a procedure or process that contains an appeal or complaint mechanism set up for that particular purpose e.g. disciplinary, recruitment, managing performance, reorganisations and restructuring, capability, managing sickness, job evaluation, industrial injury, pensions.
  - Where they relate to a collective dispute and talks about it are taking place with recognised trade union representatives.
  - To challenge decisions made by the School after consultation procedures with recognised trade union representatives have been completed.

- To challenge decisions made outside the School, such as on tax and national insurance matters or changes in the law.
  - If raised unreasonably outside of the timescales mentioned in paragraph 10.3.
  - If deemed to be raised deliberately to avoid reasonable management instruction as part of the normal supervisory relationship between a manager and his/her staff.
- 5.3. This procedure is designed for the timely and thorough investigation of genuine complaints. Please note - where there is no evidence of a tangible detriment to the complainant, a lengthy investigation may not be necessary.
- 5.4. A complaint which is considered to be malicious or vexatious will not be progressed under this procedure and may be regarded as a disciplinary offence.

## **6. Dignity at Work**

- 6.1 The School is determined to drive up standards of service delivery through a high performing, high quality and motivated workforce.

Bullying and harassment negatively impacts on the productivity, well-being, morale and creativity of individuals and their teams and damages the school's reputation as a fair employer.

The school is committed to creating a positive and safe working environment for its workers in line with its core values.

Everyone has the right to be treated with respect and dignity in the workplace, irrespective of their level, status or position within the organisation. Bullying and Harassment, whether perpetrated by colleagues, visitors or service users, will not be tolerated

- 6.2. Clear standards of behaviour are set out in the School's Code of Conduct, which has been brought to the attention of all employees. Any employee who believes that they are not being treated with respect in accordance with the Code of Conduct has the right to challenge such behaviour and/or to raise a complaint using this procedure. Individuals are encouraged to challenge unacceptable behaviour and will be protected from victimisation after seeking resolution of a genuine complaint, whatever the outcome. However, in the case of malicious complaints, see paragraph 5.4.
- 6.3. Everyone has a role in promoting dignity at work and eliminating all forms of bullying and harassment. In particular:
- 6.3.1. Management are responsible for:
- Ensuring that all those in the workplace are aware of the School's policies, procedures and the standards of behaviour expected.

- Challenging unacceptable behaviour and taking all reasonable steps to resolve conflict in the workplace when they become aware of it, whether or not they have received complaints.
- Dealing effectively, speedily and sensitively with any incidence of bullying and harassment brought to their attention and not underestimating the effect that such behaviour may have on individuals.
- Considering the needs of employees with disabilities and making reasonable adjustments to this procedure where it is appropriate to do so to ensure that workers with disabilities are treated fairly.

6.3.2. Employees are responsible for:

- Familiarising themselves with the School's Code of Conduct and ensuring that their own behaviour is in accordance with the standards it sets out.
- Discouraging offending behaviour and supporting colleagues who are experiencing bullying and harassment. Employees are encouraged to challenge such behaviour if they feel able to do so.
- Considering the needs of those with disabilities.
- Co-operating with the operation of this procedure as required, in particular, providing statements in a timely manner and making themselves available to attend meetings in order to facilitate the timescales set out in this procedure.

6.4. Appropriate action, which may include disciplinary action, will be taken where an allegation of bullying and harassment is upheld.

6.5. [Appendix A](#) provides commonly acceptable definitions of bullying and harassment and sources of further reference.

## 7. Initial Process

7.1. Complaints can often be resolved informally and doing so will generally be more beneficial for all concerned. Unless it is unreasonable or inappropriate to do so, employees should seek an informal resolution by raising the matter directly with those concerned. In the first instance this could be done verbally through an informal conversation. If an informal conversation does not have the desired effect, the matter could be put in writing direct to those concerned. If the employee feels unable to do this, they should raise the matter with their line manager (or another manager / governor if their complaint is against their line manager) or seek advice from their trade union.

7.2. In resolving complaints, both managers and employees are expected to explore the alternatives to a formal procedural approach. Informal measures may include re-establishing standards of behaviour, training, additional supervision, mediation and facilitated discussions.

- 7.3. It is unlikely that serious incidents, such as verbal or physical abuse, are appropriate for informal resolution. These should be reported in writing to the employee's line manager and addressed formally.

## **8. Right To Be Accompanied**

- 8.1. Employees have the right to be represented by a representative of a recognised professional association/trade union, or a workplace colleague, at all formal meetings under this procedure. It is the responsibility of the employee to arrange for their representation. Legal representation is not allowed. If the employee's chosen companion is not available at the time fixed for the meeting, it must be rescheduled to accommodate the availability of the companion, as long as a reasonable alternative date is offered which is within 5 working days of the originally proposed date. If the meeting is postponed twice at any one stage, the case may proceed to be considered on the basis of the information available.

## **9. Timescales and Definition of a Working day**

For the purposes of the operation of this Procedure, timescales are expressed in working days. In the case of teachers or other staff that work a term time pattern, a working day should be regarded as a day that the school is open for pupils. For staff that work all year round, a working day should be regarded as a weekday, excluding Public and Bank holidays. Where a disciplinary case arises just before a school holiday, arrangements to resolve the matter speedily should be discussed between the parties. An intervening school holiday should not of itself be a cause for an undue delay in resolving the case.

## **10. Raising A Formal Complaint**

- 10.1. An employee wishing to have a complaint considered formally under this procedure must submit their complaint in writing to their Headteacher. If the Headteacher is the specific subject of the complaint it should be forwarded to the Chair of Governors.

- 10.2. The written complaint must provide as much information as possible and:

- Explain the event(s) giving rise to the complaint, including where possible, the date and times of events and the names of other parties/witnesses involved
- Outline any informal measures taken to resolve the matter and explain why these have been unsatisfactory.
- Explain, as fully as possible, the outcome wanted by the employee (see 10.3).
- State the name of the complainant's companion if they wish to be accompanied at the complaint hearing.
- Be signed and dated.

- 10.3. Desired outcomes may include:

- An apology
  - An undertaking to amend behaviour and monitor progress
  - A decision to advise appropriate individuals to meet certain standards
  - An acknowledgement that a policy or procedure had been incorrectly applied and suggested remedies
  - A referral to a correct procedure where an inappropriate one had been followed
  - An offer of fresh application of a procedure which had been incorrectly implemented
  - A requirement or entitlement to undertake appropriate training and development activity
  - The reversing of a decision previously made
- 10.4. Complaints should be raised as soon as possible after the occurrence to which the complaint relates. Unless there is good reason for a delay, complaints should be submitted within 20 working days of:
- The failure to reach a satisfactory outcome informally, or
  - The event or behaviour giving rise to the complaint, or
  - The last event in a series of linked events giving rise to the complaint.
- 10.5. Individual employees or groups of employees can raise a complaint under this procedure. A group complaint must identify each of the individual complainants. The group must choose one or two people to represent the group; however the outcome of the complaint will apply to the whole group.
- 10.6. Complaints by employees about the behaviour of a worker not employed by the school should be referred to the relevant employer for consideration under their policies and procedures. Management will liaise closely with the employer, to ensure that there is an effective resolution of the complaint.

## **11. Hearing A Complaint**

- 11.1. The Headteacher or Chair of Governors receiving the complaint will appoint a person to hear the complaint.
- 11.2. The person hearing the complaint will arrange a meeting where the employee is expected to provide full details of the basis of their complaint and say how they think it should be settled. If the employee is unable to provide sufficient details the complaint cannot be progressed.
- 11.3. The person hearing the complaint should aim to meet the employee or at least suggest a date for a meeting which is within 15 working days of receiving the grievance.
- 11.4. Historical issues are often difficult to investigate and reach robust decisions on. Where a complaint relates to a series of events, the person hearing the complaint will decide, following advice from their HR provider, whether it is practicable or necessary to investigate past events.

- 11.5. With the variety of issues and circumstances that can give rise to complaints there are many different methods of resolving them. It is for the person hearing the complaint to decide the approach after meeting the complainant and considering all relevant circumstances.
- 11.6. Depending on the nature of the complaint and all relevant circumstances, the person hearing the complaint may decide to:
- Explore the options for informal resolution, in agreement with all necessary parties.
  - Respond to the complaint after conducting any further investigation deemed necessary.
  - Refer the matter for consideration under another School procedure, for example the disciplinary procedure, where there is substance to a serious allegation of bullying and harassment.
- 11.7. As this is an internal procedure it would not be appropriate to award any financial compensation (e.g. for hurt feelings).
- 11.8. The manager will confirm the outcome to the employee in writing as soon as possible and in any event should aim to do this within 20 working days of the meeting. If the outcome cannot reasonably be provided within 20 working days, the manager will explain this in writing and provide the employee with a new timescale.

## **12. Appeal**

- 12.1. If the complainant is not satisfied with the outcome and wishes to appeal the decision they must write to the Chair of Governors within 10 working days of receiving the decision letter stating:
- The grounds for their appeal i.e. why the outcome at the earlier stage was incorrect and
  - Their suggested remedies for resolving their complaint.
- 12.2. Where the matter has been referred for informal resolution, the 10 working day period for lodging an appeal commences on completion of the breakdown of that process.
- 12.3. Appeals will be heard by a panel consisting of three members of the Governing Body.
- 12.4. The appeal panel will meet with the employee as soon as possible after undertaking a preliminary review of the complainant's appeal statement and any other documentation provided. Governors should aim to hold an appeal meeting or at least provide the employee with a date for a meeting, within 15 working days of receiving the employee's appeal.



12.5. The appeal panel will:

- Clarify with the complainant why they remain dissatisfied and the outcome they are seeking.
- Consider the outcomes from the original hearing of the complaint, including any investigation and the grounds for that decision.
- See all parties separately or together, as considered appropriate.
- Request further information or conduct further investigation as they consider necessary.
- Make a final decision based on all reasonably available information.

12.6. The Chair of the appeal panel will confirm the outcome to the employee in writing as soon as possible and in any event should aim to do this within 20 working days of the meeting. If the outcome cannot reasonably be provided within 20 working days, the Chair will explain this in writing and provide the employee with a new timescale.

12.7. The decision of the appeal panel is final.

### **13. Modified Procedure**

13.1. A modified procedure is a “bare-bones” procedure which may be followed in certain circumstances. The School is advised to seek advice from its HR provider, and the employee is advised to seek advice from his trade union/professional association, before embarking on a modified procedure.

13.2. A modified procedure may be followed, so long as both parties give their express agreement in writing:

- if a grievance is raised after employment has ended, or
- if the employment has ended and the School’s normal Grievance procedure has not been completed, or
- if the employment has ended and the manager was unaware of the grievance before it ended, or was aware but the School’s normal Grievance procedure was not started before the last day of employment

13.3. In such a case the ex-employee must write a letter stating the basis for the grievance to the relevant manager, who will send a written statement within 20 working days in response. If one party objects to the modified procedure being used, the School’s normal Grievance procedure must be followed.

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End

## Appendix A: Bullying and Harassment

### What is bullying or harassment?

The recognised definitions of bullying and harassment are as follows:

Bullying is:

“offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.”

Harassment, in general terms, is

“unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, sexual orientation, race, disability, religion or belief, national or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.”

Examples of bullying and harassment and other offensive behaviour are provided in the the Standards of Behaviour section of the [Code of Conduct for School Staff](#).

Appendix B – Flowchart

