



**FAIRCHILDES
ACADEMY
COMMUNITY
TRUST**

Fairchildes Academy Community Trust (FACT)

**FACT Schools are Fairchildes Primary, Rowdown Primary
and Monks Orchard Primary School**

Employee Complaints & Grievance Policy

January 2022

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1. Purpose

This Policy has been adopted by the Board of trustees and applies to all teachers and support staff employed to work at all schools of **Fairchildes Academy Community Trust**.

Fairchildes Academy Community Trust works to develop good professional relationships between colleagues; however, we understand that sometimes conflicts may arise. Through maintaining open communication, we want our employees to feel able to raise any grievances so that appropriate and effective solutions can be put in place.

This policy should be used for work-related issues such as concerns over working environments or a colleague's behaviour. Grievances relating to discrimination are also covered within this policy.

By implementing and following the procedures in this policy, the school aims to:

- Provide a platform for grievances to be processed and handled fairly and consistently.
- Constructively resolve grievances in a way that avoids damaging professional relationships.
- Enable any employee to have their grievances heard and addressed.

Encourage a harmonious working environment.

This policy aims to enable employees to raise concerns about workplace issues without fear of victimisation and repercussion, and to ensure all grievances are dealt with fairly and objectively.

2. Legislation and guidance

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Employment Act 2002
- Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- Equality Act 2010
- Acas (2015) 'Code of practice on disciplinary and grievance procedures'

This policy operates in conjunction with the following school policies:

- Confidentiality Policy
- Staff Code of Conduct
- Data Protection Policy
- Whistleblowing Policy
- Equality, Equity, Diversity and Inclusion Policy
- Disciplinary Policy and Procedure
- Pay Policy

These procedures also comply with our funding agreement and articles of association.

3. Introduction

A grievance is a concern, problem or complaint raised with the school by an employee. It can be caused by issues such as working conditions, health and safety concerns, bullying or discrimination or work relations. 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

The trust 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 trust's reputation as a fair employer.

The trust is committed to creating a positive and safe working environment for its employees 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.

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.

Grievances can be raised when employees have issues with the following (this list is not exhaustive):

- Terms and conditions of their employment
- Health and safety at the school
- Work relationships
- Bullying or harassment
- Working practices
- Organisational changes
- Discrimination

Staff will be aware of the difference between this policy and the Whistleblowing Policy and will ensure that they report concerns and grievances appropriately.

This policy does not apply to:

- overpayments or pay issues
- evaluation and grading of jobs
- fraud, corruption and malpractice (see “whistleblowing” policy)
- selection for redundancy
- disciplinary and/or capability issues (see disciplinary and/or capability policy)
- Personal disagreements between employees that are not connected with their duties within the school.

Employees are responsible of Good Professional Relationship/Practices

It is the responsibility of all employees to take all reasonable steps to develop and maintain good working relationships with colleagues and to deal with workplace issues in a professional, practical and constructive manner.

Employees should try to resolve any difficulties at the earliest opportunity without having to use a formal process.

This should be done in such a way as to have the minimum impact on the service/school/other work colleagues and to preserve working relationships.

Resolving issues in a sensible and sensitive way will require all parties to recognise their part in the issue/difficulty and how their behaviour may be contributing to the circumstances. Employees should be willing and open to looking at ways of resolving the issues without resorting to formal processes, for example

- an informal setting to discuss the matter with the colleague
- the line manager or an appropriate colleague as a facilitator

Employees should be able to resolve issues professionally and respectfully by agreeing that when discussions take place there should be:

- effective listening - so that each person fully understands the issues at hand and each other's view
- effective understanding so that each person is able to respond, knowing what the issues are
- a calm environment - no raised voices or inappropriate body language
- common ground – identifying and agreeing common understanding
- the taking of responsibility – each person should admit when they are wrong, if appropriate, and take steps to make professional relationships work
- agreed action – offering apologies if appropriate, agreeing the way forward and agreeing to meet again, if appropriate.

Being Accompanied

The Employment Relations Act 1999 determines that an employee has a statutory right to request to be accompanied at any disciplinary or grievance hearing. To invoke that right an employee must make a reasonable request to the employer to be accompanied by a representative of a recognised professional association/trade union, or a workplace colleague, at all formal meetings under this procedure

Friends/family members are not permitted unless they fall under the above criteria and it is agreed as appropriate.

If an employee's chosen representative is not available on the day proposed for the meeting, the employee can propose an alternative date within the following five days of the original proposed date.

Non Attendance

If an employee fails to attend a meeting through circumstances beyond their control, such as certified illness, an alternative time and date may be offered. Alternatively they may submit a written statement or nominate a representative to attend on their behalf.

Where an employee is persistently unable or unwilling to attend the meeting without good cause, it will proceed in their absence and a decision based on the evidence available will be made

Time Limits

The time limits included in this policy may be varied by mutual agreement. The policy makes reference to a number of 'days' within which certain actions/events are to occur. A 'day' is defined as any Monday to Friday excluding public holidays as defined by ACAS.

If a complaint is raised during a period of service/school closure, the timeframes indicated in the policy will commence from the first day of the service/school being open. Where a complaint is raised immediately prior to a period of service/school closure, the availability of any person(s) who may need to be interviewed as part of any investigation will be taken into consideration by both parties when mutually agreeing any required extension to the timeframes.

4. Grievance procedures

This policy should be used to manage a complaint from an employee about their work and/or working conditions and/or a work colleague, fairly and without delay. The trust is committed to dealing with grievances fairly and objectively. Employees will be protected from discrimination or victimisation after raising a work-related grievance.

4.1 Informal stage

In the first instance, we will aim to resolve an employee's grievance informally with their line manager. If the member of staff's concerns relate to their line manager they should discuss the issue with the line manager's manager.

Employees will first submit their grievances to their line managers so that the grievance can go through the informal stage. Line managers will inform the Head of school that an informal grievance has been made.

The purpose of the informal stage is to resolve the issue in an open, honest and positive manner, to avoid formal escalation.

The informal meeting will take place within five working days of the grievance being raised. The line manager will arrange a time for the informal meeting – the employee will be informed of this in writing. If the employee is unable to attend, the line manager will arrange another suitable time.

In the informal meeting, the employee's line manager will determine:

- What the employee is concerned about.
- What outcome the employee is seeking.
- Whether further meetings and escalation to the formal stage are required.

The line manager will keep notes during the informal meeting and the employee will be provided with a copy of these immediately. At the end of the informal meeting, the line manager will agree what action will be taken to achieve the appropriate outcome and by when, e.g. escalation to the formal stage. The line manager will provide the employee with a written outcome letter within five days of the meeting.

If the grievance relates to another employee, that employee will be informed in writing within five days and the line manager will hold a meeting with them to explain. The identity of the person raising the grievance will not be provided to any other employee.

If the working relationship between the employees for which the grievance is concerned is breaking down, the line manager will consider whether seeking assistance from the Head of school.

If a resolution cannot be found during the informal stage, the employee raising the grievance may be advised to escalate the matter to a formal

4.2 Formal stage

If it is not possible to resolve the matter informally, employees should set out their grievance in writing to their line manager. If the subject of the grievance is the line manager, the employee should submit the written grievance to an alternative, Head of school or the Head of HR (Finance & Business Director). If the Head of School, Finance & Business Director or the Executive Head is the specific subject of the complaint it should be forwarded to the Chair of the trustees.

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
- State the name of the complainant's companion if they wish to be accompanied at the complaint hearing.
- Be signed and dated.

5. Hearing a Complaint

Depending on the circumstances of the complaint, the manager may decide that an investigation is necessary. The manager can either undertake an investigation themselves or arrange for an appropriate person ('the investigator') to carry this out on their behalf and report back to them. The manager will confirm with the investigator the extent to which they should gather information.

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.

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.

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.

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.

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.

HR can provide advice and support to any manager/trustee/investigator involved in the application of this policy at any stage. This includes attendance at meetings/hearings where required.

Desired outcomes may include:

Disciplinary action will be proportionate and may include, but not be limited to, the following actions:

- An apology
- Verbal warning
- Written warning
- Re-training
- An undertaking to amend behaviour and monitor progress
- A decision to advise appropriate individuals to meet certain standards
- Suspension with pay
- Termination of employment

Gross misconduct will result in the employee's contract of employment being terminated. If an employee has already received a written warning, suspension with pay may be considered.

Where a grievance is raised against an employee during a disciplinary process, the disciplinary process may be temporarily suspended to deal with the grievance. Where the grievance and disciplinary cases are related, both issues will be dealt concurrently

6. Appeal

If an employee wishes to appeal against the decision, they must do so in writing, stating the grounds for their appeal, within 10 days of receiving the written response.

The appeal should be sent to the Head of HR (Finance and Business Director). The Finance & Business Director will then arrange for the appeal to take place.

Appeals will be heard by a panel consisting of three members of the Board of trustees.

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. Trustees 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.

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.

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.

The decision of the appeal panel is final.

Confidentiality

Any parties affected by or involved in the application of this policy will be expected to maintain an appropriate level of confidentiality. Breaches of confidentiality will be taken seriously, especially if they hinder the application of the policy or the resolution of an issue. Failure to maintain confidentiality may result in action being taken under the Disciplinary Policy.

Disclosure of information may also be a breach of the GDPR and may lead to action being taken under the provisions of this legislation in addition to action being taken under the Disciplinary Policy.

Recording of Information

A written record must be made of all interviews and meetings held during the application of this policy. Those involved in each meeting will be provided with a copy of any records made. The manager will ensure there is a record of the process which should include all statements, records and evidence. All records will be retained confidentially, securely and in accordance with the Data Protection Act

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.”