



# WOODS LOKE PRIMARY SCHOOL

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## Staff Discipline, Conduct and Grievance

### 1 Introduction

The School is keen to provide a positive and supportive working environment for all of its employees, and as such will take every step to resolve issues in the workplace quickly and efficiently, at the lowest possible level.

The grievance procedure is not a substitute for good day-to-day communication where employees are encouraged to discuss and resolve daily working issues. Many problems can be resolved informally if channels of communication are kept open and work well. If problems cannot be resolved informally a grievance may be raised and will be investigated as quickly as possible so that it can be resolved within a reasonable timeframe.

The School will deal objectively and constructively with all grievances, and employees who decide to use the procedure may do so with the assurance that the matter will be considered fairly and in confidence. However, it must be recognised that it is not always possible to resolve grievances to everyone's satisfaction.

The School recognizes that formal grievances can have a serious detrimental effect on employees and relationships at work, whether they are upheld or not, and will provide appropriate support to any employee involved in a grievance process from the outset to help minimize any impact.

All employees are expected to adhere to an approach to working with others that combines a desire for the best interests of students with a respect for the individual dignity of colleagues.

### 2. Scope and Purpose

A grievance is defined as 'a concern, problem or complaint that employees raise with their employer'. This may include a complaint from an employee about their treatment by managers or colleagues, changes to working practices, or a failure to fulfill duty of care obligations. This Policy applies to all employees of the School, regardless of their length of service or type of employment contract. It also applies to former employees, provided that the grievance is received in writing within four weeks of the end of their employment.

The purpose of the Grievance Policy is to resolve issues in the workplace in the most effective manner and at the lowest level possible. It provides a framework within which to deal with complaints, and allows for complaints to be resolved informally where possible, or through a formal grievance procedure where necessary.



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Exceptionally, this Grievance Policy may be used where employees believe that School policies and procedures have not been complied with and there is no appropriate appeal mechanism through which they can make their complaint. Appeals against more formal school decisions for example a decision that an employee will not pass through a pay threshold should be made to the appeals committee of the Governing Body.

The procedure outlined below should be used where individual employees, or groups of employees, have a concern they wish to address. It is not for use in situations covered by a collective bargaining process.

### **3. Principles of the Policy**

The School will observe the following principles in all grievance related matters:

- The School will make every effort to deal with grievances as quickly as possible, at the appropriate management level
- No decisions on the outcome of a formal grievance will be made before the case has been investigated
- Employees raising a grievance may only do so on their own behalf; they cannot raise a grievance on behalf of a colleague
- Where working relationships are a factor in any grievance, support will be given where employees wish to take part in mediation to resolve a difficulty
- At all stages of the grievance process, all parties have the right to be accompanied by a Trade Union representative or workplace colleague
- Formal grievances must normally be submitted in writing; if complaint is made verbally which is to be taken forward as a formal grievance, the details must be recorded in writing before proceeding
- During the formal Grievance Procedure, the complainant, and any person against whom a grievance has been submitted, will have the opportunity to state their case before any decision is made.

### **4. The Informal Procedure**

If employees have a concern, problem or complaint, they should try and resolve it informally first. Employees do not have to submit an informal grievance in writing and it will not be recorded on official files.

The following steps should be followed in order to find a resolution:

- The employee should request a meeting with their manager or, if this is not appropriate because their manager is involved, either a Deputy Headteacher or the Headteacher
- During this informal meeting, the employee should explain the nature of their complaint to the manager and their desired outcomes
- The manager and employee should explore how the issue could be resolved informally
- Both parties will seek to reach agreement on how to take any actions forward. These could involve arranging further meetings with relevant third parties
- An informal record should be kept of the steps taken and any agreement reached, e.g. an email or note to file. The employee and manager will arrange to meet as regularly as necessary to monitor progress throughout the informal procedure, and should meet once

all agreed actions have been taken to assess if the matter has been resolved. If the complainant feels unable to tackle their complaint informally, or they have not reached a satisfactory conclusion through the informal process, then they may pursue a formal grievance. If this is the case, the procedure outlined below should be followed

- In all cases, all parties are asked to scrutinize their own behaviour as well as that of the person against who a grievance has been raised.

## **5. The Formal Process**

If employees wish to raise a formal grievance, they should put their complaint in writing and address it to their manager. Where the grievance relates to the employee's manager, they should send it to the Headteacher. In the case of a grievance relating to the Headteacher this should be forwarded to the Chair of Governors.

When submitting a formal grievance, the employee should include a concise summary of the issue, specify the outcome they are seeking and what, if any, actions they have taken to resolve the issue informally.

Upon receipt of a formal grievance, the manager may initially arrange a meeting with the employee to ascertain whether it could be resolved through an informal route, if attempts have not been made already for informal resolution.

Following an investigation into the facts of the case, the manager may give consideration at this stage as to whether the case should be progressed as a disciplinary matter in conjunction with the Headteacher.

## **6. Appointing an Investigating Officer**

The Headteacher who will Chair the grievance hearing will appoint an Investigating Officer, taking into account the need to avoid any potential conflict of interest. The Investigating Officer will:

- Not be part of the management structure of the person being complained about
- Normally be at least at a grade equal to that of the complainant's manager
- Will have had no prior involvement in the case
- Normally be at least one grade higher than the person being complained about. In addition, their appointment should give no rise to any potential conflict of interest. If the grievance is made against a member of the School's leadership team the matter should be discussed with the Chair of Governors before agreeing an appropriate response

## **7. The Investigation**

The Investigating Officer will initially invite the complainant to a meeting to discuss their grievance and this will take place as soon as reasonably possible. The Investigating Officer may wish to interview others in connection with the grievance, and this will be done through separate meetings.

If the grievance is against another employee ('the respondent'), the Investigating Officer must also write to the respondent letting them know that a grievance has been submitted, enclosing either a copy of the written grievance or a concise summary of the main issues, and outlining the stages involved in the process, so that the respondent is fully informed of the case against them. The Investigating Officer must recognize the potential distress that a formal grievance can cause for a respondent, and therefore must act with sensitivity when letting them know about the case made against them for the first time. A conversation with the respondent before they see the formal grievance is advisable where possible.

The respondent should also be made aware of their right to seek support from their Trade Union or from the school's appointed human resources support worker.

At all stages of a grievance, those involved in the investigation must bear in mind the need for confidentiality in order to preserve the integrity of the process and out of respect for any other colleagues involved. Any breach of this may lead to disciplinary action for the employee concerned. However, this does not preclude employees from discussing the matter with their representative.

## **8. The Right to be Accompanied**

All employees (whether complainant, respondent or witness) have the right to be accompanied to meetings forming part of the formal grievance process (including investigation meetings and appeals) by either a Trade Union representative or workplace colleague, whose role is to act as the employee's witness and support person at the meeting. They will be permitted to address the meeting and confer with the employee during the meeting, but will not be entitled to answer questions on behalf of the person they are supporting.

## **9. Confirming the Outcome of an Investigation**

Once the Investigating Officer has completed their investigation, they must summarise their findings in a written report, with any recommendations, and should forward their report to the manager who appointed them, with a copy being made available to the complainant. This report will normally be made available within one week of the last investigation meeting. If it is not possible to respond within this time period, an explanation for the delay will be given by the investigating officer, along with a revised timescale.

On receipt of the report and supporting documentation the Headteacher will arrange the hearing, ensuring that the complainant is given one weeks' notice. The investigating officer will attend in order to present the report, and the employee will have the right to representation.

The outcomes associated with this hearing could be:

- That the grievance is not upheld, and no further formal action will be taken
- That the grievance is partially upheld, and appropriate action will be taken. (This could be where a number of complaints were made within the grievance, but not all were upheld)
- That the grievance is upheld, and that further action will be taken as a result of it. The specific action will be discussed only where the grievance is not against a specific

individual. The complainant will be informed of the outcome in writing, by the Headteacher. They will also be notified of their right of appeal against the outcome if they are not satisfied with it. Where the grievance has been submitted against another School employee, and it is found that the grievance is not upheld, the person against whom the grievance was raised will be written to advising them of this. Furthermore, the Investigating Officer must make recommendations to the Headteacher to minimize damage to working relationships, and to ensure that employees are able to work together effectively. Specifically, any available support must be offered to any respondents involved in the case, whether a grievance has been upheld or not. In all circumstances where a grievance is not upheld, managers should ensure that all employees involved in the process are aware that it has been brought to an end. If a grievance made against another employee has been upheld, then the Headteacher must write to the manager of the respondent to confirm the decision. The respondent's manager will then arrange to let the respondent know, and will consider whether there is the need for further action to be taken, as appropriate. Further action in these circumstances may include:

- Informal counseling / mediation
- Individual development activities
- Informal or formal disciplinary action Where necessary, managers may refer to the Disciplinary or Capability Policies if further formal action is considered necessary.

## 10. Appeals

In the event that the complainant feels that their grievance has not been satisfactorily resolved, they may appeal in writing, stating the grounds of their appeal to the Chair of Governors. The appeal will be heard as soon as practicable, normally not later than four weeks after the appeal has been lodged. If necessary, this time limit may be extended through mutual agreement, or where there are issues with availability.

Prior to any appeal meeting the employee will be reminded of their right to be accompanied by a Trade Union representative or workplace colleague.

### 10.1 Grounds of Appeal

Grounds of appeal will normally come under one of the headings set out below.

**Further evidence not previously considered:** This is where the employee can demonstrate that relevant evidence was not available for the original investigation.

**Process or procedural aspects:** This is where the employee identifies areas of the procedure which were not operated correctly or appropriately and this could have influenced the final outcome.

**If they feel:** the grievance has not been satisfactorily resolved: If an appeal is received which does not set out grounds of appeal, the Headteacher will contact the employee and ask them to clarify their grounds of appeal. These must be submitted in writing within the original three-week timescale. The appeal will not be heard if no relevant grounds are provided.

## **10.2 Appointment of an Appeals Governor**

On receipt of the appeal letter, the Chair of Governors will make arrangements for an Appeals Governor who will have the relevant experience and expertise to be able to deal with the case. The person appointed will have had no previous involvement in the case, and their involvement will not give rise to any potential conflict of interest.

The Appeal Governor will be given access to all paperwork generated from the original grievance, and will meet with the Complainant. They may also decide to carry out further investigation, including further meetings with the parties involved, before they are able to confirm a decision. Human Resources may provide support for the Appeal Governor throughout the process, and may attend the appeal meeting where necessary.

## **10.3 Hearing the Appeal**

Once any further investigation has taken place, and the complainant has attended a meeting with the Appeal Governor, a response to the appeal will be issued as soon as possible, but normally within one month of the appeal meeting.

The possible outcomes of the appeal are as follows:

- Appeal upheld - where substantial relevant new evidence has come to light since the Investigating Officer made their recommendations, and the case will be referred back to them
- Appeal upheld - where the grievance process has not been followed correctly, and the matter will be referred back to the manager involved, who may arrange for a further investigation
- Appeal upheld - where recommendations for action made by the Investigating Officer are to be changed
- Appeal not upheld. This is the final stage of the Grievance Procedure and the decision taken at this stage will be final within the School procedure.

## **11. Timescales**

Although it is in everyone's best interests to conclude the Grievance process as quickly as possible, in some circumstances an extension to the timescales associated with this Policy may be required. Where an extension is required, the Headteacher will contact those involved to advise them of the reasons for the extension and likely timescales.

## **12. Vexatious Grievances**

The purpose of the grievance procedure is to ensure that the appropriate channels are available through which employees can raise genuine concerns.

Where, after an investigation, a grievance is found to be vexatious or malicious, or where there is a continued pattern of unfounded complaints by the same employee, the complainant may be subject to disciplinary action.

This policy was adopted by *Governors* on .....(date) Item ..... (minutes)

Signed:

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Head teacher

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Chair of *Governors*

Date of next review: December 2024