



BEDFORD BOROUGH COUNCIL

GRIEVANCE PROCEDURE FOR SCHOOL BASED STAFF

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Chapter 3 ~ Section 9

GRIEVANCE PROCEDURE FOR SCHOOL BASED STAFF

1. Aim

- 1.1. The aim of the procedure is to provide a fair arrangement by which individual employees (or a collective group of employees) may raise grievances in the course of, and connected with, their employment and have the grievances settled promptly and satisfactorily as near to the point of origin as possible.

2. Principles

- 2.1. The procedure applies to all school based staff but does not relate to matters regarding salary and grading, discipline, formal incapability or sickness absence. The pay, disciplinary, capability and absence control procedures are comprehensive and, therefore, provide for employees to state their case fully.
- 2.2. Staff grievances can arise from a variety of sources. They can arise from among members of the staff, with the Head teacher, or with the governing body. Grievances can be of a relatively straightforward nature or can be of fundamental importance and relate, for example, to matters such as unfair discrimination, harassment, bullying and victimisation. This procedure, therefore, includes advice on the definition of such complaints and how they can be handled when they are raised by employees or by prospective employees.
- 2.3. The document sets out a procedure which will enable a grievance to be resolved informally and without recourse to any subsequent stage. Open management, consultation with staff and staff participation should contribute to a positive atmosphere in the school which will avoid the raising of grievances. It is therefore anticipated that it will be rare for recourse to this procedure.
- 2.4. No action will be taken or changes made in relation to the factors causing the grievance until it is resolved or all stages of the procedure are exhausted (ie "status quo" will remain until resolution or the procedure is exhausted). It is recognised that on rare occasions a situation could occur which demands immediate action or changes to be made, for example, where there is a risk to health and safety.
- 2.5. The governing body has responsibility for employment matters at the school. It is, therefore, for the governing body to establish procedures which will help to resolve staff grievances. It is important to bear in mind that governors or members of staff involved at one stage of the procedure should not be involved at the second or third stage. A grievance cannot be referred beyond the governing body on matters involving its responsibilities. Governors will treat all grievances seriously and seek to resolve grievances promptly and satisfactorily. Deliberate abuse of the procedure (either by Head teachers hearing a grievance or by an employee who invokes the grievance procedure) will result in appropriate action being taken under the disciplinary procedures.

If an employee resigns as a direct result of a grievance this could lead to a claim for constructive unfair dismissal. If the procedure has not been exhausted then the matter should not end at that stage. Measures should continue to be taken through the remaining stages of the grievance procedure to determine when a satisfactory resolution can be reached.

- 2.6. Staff have the opportunity to call upon the services of trade union and professional association representatives for advice and guidance. Trade union and professional association representatives (or a work colleague) can support staff throughout the informal and formal stages of the grievance procedure.
- 2.7. If the grievance is not resolved or no reasonable steps have been taken to resolve the grievance within the specified timescales, then the employee has the right to proceed to the next stage of the procedure unless both parties have agreed that the time limit should be extended. Where an employee fails to comply or has not taken any reasonable steps to comply within the specified timescales, the procedure will cease and the grievance will be considered settled unless it has been agreed that the failure was not the fault of the employee or both parties have agreed that the time limit should be extended.
- 2.8. Time limits have been incorporated into the procedure to ensure that grievances are raised, progressed and resolved as quickly as possible. It is recognised, however, that in some circumstances, the time limits set out will not be reasonable. These are most likely to be where the grievance is of a complex nature or where the appropriate members of staff and/or governors are not available for valid reasons to progress the issues within the timescale. In these exceptional circumstances the timescales can be altered and the grievance dealt with within new timescales set.
- 2.9. At paragraph 4.2 there is reference to a standard grievance resolution form which should be completed by the complainant. The procedure recognises that some grievances will be submitted in other forms and should be treated equally seriously. It is not necessary, for example, for the complainant to use the specific word "grievance" in their submission if there is sufficient evidence available for 'a reasonable employer' to conclude that the employee has a legitimate complaint which, at the least, warrants investigation.

3. **Standards in the Application of this Procedure**

- 3.1. Head teachers applying this procedure should:-
 - Contact the school's HR adviser for support as required and seek HR involvement in the formal stages of the procedure;
 - Ensure the grievance is fully investigated, promptly and with sensitivity to the concerns of the aggrieved parties having regard to the individual circumstances of the case and any mitigating circumstances and/or any relevant medical evidence;

- Provide an opportunity for all parties affected by the grievance to present their perceptions of the issues raised;
- Seek to resolve the grievance at the lowest possible level through support, problem solving and active employee involvement;
- Provide an opportunity for the aggrieved parties to progress his/her grievance at any stage of the procedure;
- Make arrangements for the release of witnesses (at stage 3) and arrange a note taker for any formal grievance hearing or appeal hearing;
- Make the appropriate administrative arrangements for such meetings (for example arranging the date, time, venue and note taker); ensure that the timescale set out within the procedure are observed, as far as is reasonably possible, and notify the employee where the timescales are unlikely to be met;
- Maintain appropriate records and have regard to such issues as confidentiality and the Data Protection Act.
- The assumption underpinning the Grievance Procedure is that staff employed at the school are ultimately responsible to the Head teacher and that the Head teacher is responsible to the Chair of Governors.

4. **The Grievance Procedure**

Informal Grievance Resolution

- 4.1. If an employee has a grievance relating to his/her work, working conditions, working hours, treatment by fellow workers, health and safety requirements or any other issue affecting his/her employment they should in the first instance talk the matter over with the Head teacher on an informal basis. Head teachers will discuss these concerns in confidence and make discreet investigations and attempt to resolve the matter speedily and fairly. Should this stage conclude the grievance then the Head teacher will respond in writing to the complainant summarising the agreed resolution. Where the complaint is against the Head teacher, the employee should raise the matter with the Chair of Governors. The Chair of Governors may carry out the informal stage of the procedure (taking on the role of the Head teacher) or move to Stage 2. If the procedure moves directly to Stage 2 both the employee and the Chair of Governors must agree that the investigation outlined at Stage 1 must take place and, in the event that the matter cannot be resolved, will move to Stage 3.

Formal Grievance Resolution – Stage 1

- 4.2. Depending on the nature of the grievance, however, employees may prefer to put the grievance on a more formal footing. Formal grievance resolution will be conducted in the following manner:-

- The employee submits his/her grievance to his/her Head teacher in writing where appropriate using the grievance resolution form attached at Appendix A. (It is recognised that some grievances will be submitted in other forms and these should be treated equally seriously). All questions on the form should be answered and it should be dated and signed before being passed to the Head teacher. Any formal grievance must normally be lodged by the employee within 10 working days of the alleged incident unless it is an accumulation of alleged incidents over a period of time in which case it should be lodged within 10 working days of the latest incident. Where this is not possible the employee should provide an explanation as to the reasons.
- Where the grievance is against the employee's Head teacher or a member of the governing body, the completed grievance resolution form (or letter) should be passed to the Chair of the Governing Body and the process moves to Stage 2 of grievance resolution.
- Where the grievance is against the Chair of Governors, the completed grievance resolution form (or letter) should be passed to the Head teacher and will move to Stage 2 of the grievance resolution procedure. If the Head teacher is unable to resolve the problem consideration should be given to the identification of a Head teacher and/or a governor from another school who will be willing to assist in seeing through the grievance resolution procedure.
- The Head teacher will formally register the grievance by acknowledging it within 5 working days of its receipt by writing to the aggrieved employee.

Investigation

- 4.3. The Head teacher will appoint an investigator (either a senior member of staff or a governor) to meet with the employee and his/her representative as appropriate to review the grievance resolution form (or letter) to clarify the facts and discuss potential solutions. The investigator may also need to hold separate discussions with any witnesses or other relevant people that are related to the grievance. In circumstances where it is necessary for the Head teacher to conduct the investigation (for example, in small rural lower schools) then the procedure will move to Stage 2 on completion of the investigation.
- 4.4. Any required investigation must be completed as speedily as possible but within a maximum of 15 working days. Where this is not possible the investigator must advise the employee and inform them when it is expected that the investigation will be completed.

The Grievance Resolution Meeting – Stage 1

- 4.5. The Head teacher will arrange a grievance resolution meeting to take place within 5 working days of the conclusion of the investigation. The employee is allowed one change to the grievance resolution meeting date if either they or his/her representative is unable to attend. The reconvened meeting must take account of the availability of all parties and be within 5 working days of the

original date (or by mutual agreement). (Sickness will only be treated as a reason for non attendance where there is medical evidence to demonstrate that the employee would be unable to attend the hearing or to follow the proceedings taking account of any reasonable adjustments required by the Disability Discrimination Act).

- 4.6. At the grievance resolution meeting the Head teacher will obtain the views of the employee on the findings of the investigation and discuss any recommendations made in accordance with the procedure at Appendix C. Where possible the Head teacher should communicate his/her decision on the day of the grievance resolution meeting and the reasons for it, orally to the employee. The outcome must be confirmed in writing to the employee within 5 working days, together with information about their right of appeal. Any appeal should be made to the clerk to the governing body.

Grievance Resolution – Stage 2

- 4.7. If the employee remains dissatisfied with the outcome they must lodge an appeal in writing within 5 working days of the date of the written confirmation of the Head teacher's decision. The employee will be required to submit the completed original grievance resolution form (or letter) as well as a written statement which sets out:-
- Why they remain dissatisfied
 - How the grievance affects them
 - What they propose as a resolution
 - Any other supporting evidence.
- 4.8. Stage 2 of grievance resolution will be undertaken by a member of the governing body (but not the Head teacher). On receipt of the employee's appeal the clerk to the governing body will arrange a further meeting to take place within 20 days to discuss the grounds of the appeal in accordance with the procedure at Appendix C. The decision must be confirmed with the employee in writing within 5 days.
- 4.9. Where the formal procedure has commenced at Stage 2 (for example, because the complaint is against the Head teacher or because the Head teacher has been obliged to carry out the investigation in the absence of other senior staff) then the investigation described at Stage 1 must take place and be reported to the grievance resolution meeting.

Grievance Resolution – Stage 3

- 4.10. Where an employee continues to be dissatisfied with the outcome after a Stage 2 grievance resolution meeting they can appeal to the Governing Body's Appeal Committee consisting of two or three governors who have so far not been involved in the case within 5 working days of the date of written confirmation by the governor dealing with the matter at Stage 2. On this occasion the procedure at Appendix D will be followed.

- 4.11. On receipt of the employee's appeal letter the clerk to the governing body will arrange for a further meeting within 20 working days to take place to discuss the grounds of the appeal in accordance with the procedures set out above and identified at Appendix D. The decision of the Appeal Committee will be confirmed to the employee in writing within 5 working days. The decision of the Appeal Committee is final.

Special Considerations

- 4.12. Where it is recognised that the matter is a collective dispute, the grievance may, at any stage, be transferred to appropriate local negotiation procedures including representatives of the school's HR provider and the Borough Council.
- 4.13. There may be circumstances in which the investigation of a grievance runs in parallel to disciplinary matters covering the same (or similar) set of facts. In these circumstances it will be necessary for the investigator to determine whether one investigatory meeting with each witness will suffice or whether separate interviews will be necessary to cover the grievance and disciplinary matters.

Post Employment Grievances

- 4.14. Wherever possible a grievance should be dealt with before an employee leaves the employment of the school. Where a grievance is initiated before an employee leaves all reasonable efforts will be made to continue to apply the grievance procedure until a point where the grievance is either resolved or the internal processes are exhausted.
- 4.15. Where an employee has already left the employment of the school and the grievance procedure has not been commenced all reasonable efforts will be made to continue to apply the procedure but it may be agreed in writing between the parties that a modified procedure is used. Under the modified procedure the employee should write to the Head teacher setting out the grievance as soon as possible after leaving employment and the Head teacher will respond within 10 working days setting out the response.

GRIEVANCE RESOLUTION FORM

Name of employee:

Job title:

School:

1. Please outline the nature of your grievance. Give examples and background details such as names of witnesses, dates and places and other relevant information which may be helpful.

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2. Have you previously discussed your grievance informally with your Head teacher/line manager?

YES/NO

3. If yes, please state when you did this and why you remain dissatisfied with the outcome

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4. Please state how and why the grievance affected you

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5. What would you like to happen now as a result of your grievance and what is your proposed resolution?

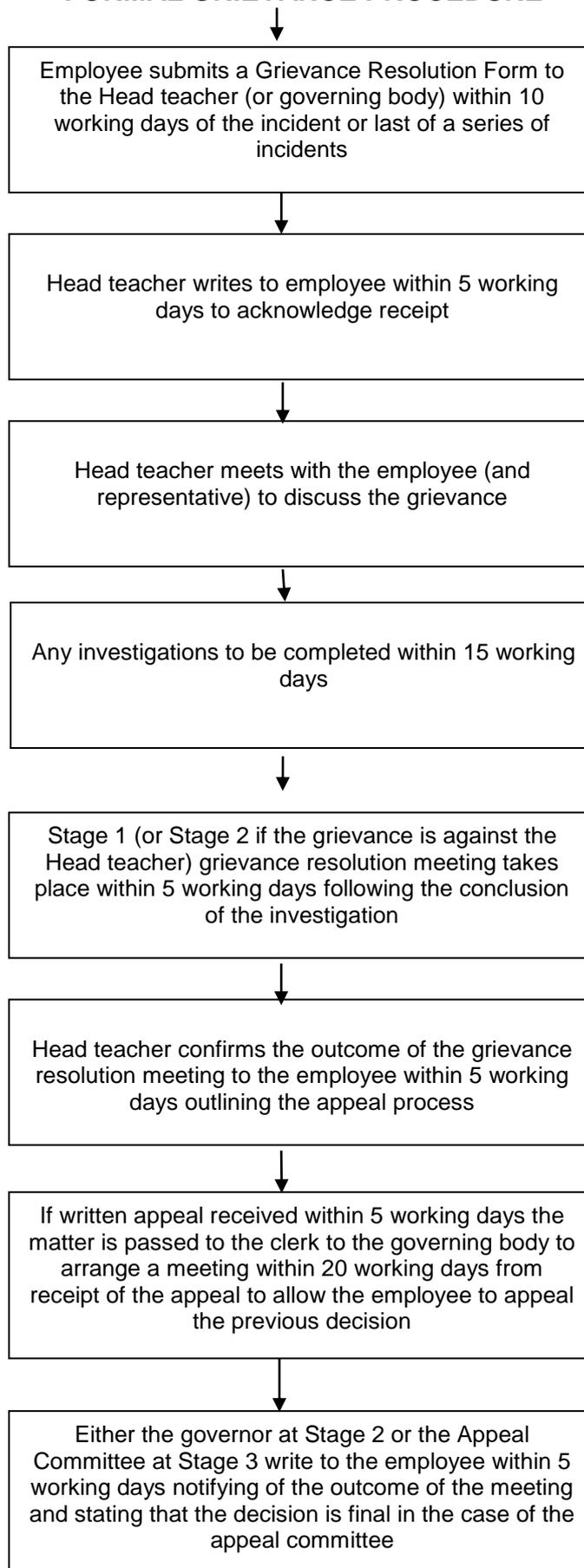
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Signed:

Date:

Note: Continue on additional sheets if required

FORMAL GRIEVANCE PROCEDURE



GRIEVANCE RESOLUTION MEETINGS AT STAGE 1 AND STAGE 2

1. Grievance resolution meetings at Stage 1 and Stage 2 will involve the following parties:-
 - The Head teacher (or appropriate governor at Stage 2)
 - The aggrieved member of staff and their trade union representative or work colleague
 - The investigator
2. The procedure to be adopted will be as follows:-
 - (i) The aggrieved party will be invited to state the nature of the grievance with reference to the grievance notification form or letter.
 - (ii) The investigating officer will be invited to present the outcome of the investigation into the grievance.
 - (iii) The Head teacher or the relevant governor can ask questions of the aggrieved party or the investigating officer.
 - (iv) There will be no witnesses at stages 1 and 2 of the proceedings. Once the Head teacher or the appropriate governor is satisfied they have all the information required to make a decision the parties withdraw and the Head teacher (supported by a representative of the school's HR provider) will make a decision.
 - (v) The parties are recalled and informed of the decision orally.
 - (vi) The Head teacher or the relevant governor confirms the decision in writing within 5 days.
3. If the matter is being dealt with at Stage 1 it is possible for the aggrieved party to request that the matter moves immediately to Stage 3 if they remain dissatisfied with the outcome.

PROCEDURE AT APPEAL COMMITTEE – GRIEVANCE

- The purpose of this procedure is to ensure that fair hearings are conducted with regard to grievances reaching Stage 3 of the procedure.
- The Chair of the Appeal Committee (which will consist of a minimum of two members of the governing body) will make the introductions and explain the sequence of presentations and questioning and ensure that all persons understand the procedure.
- Documents must be exchanged at least 5 working days before the grievance hearing and it will be important that all members of the Appeal Committee, the aggrieved party and the investigating officer have a copy of the investigation report.
- At the Appeal Committee the last person to hear the grievance before it went to appeal (either the Head teacher at Stage 1 or a member of the governing body at Stage 2) will present the case for supporting the decision while the employee will state why the outcome has been unsatisfactory.

Presentation of the Employee's Grievance

- The employee, or their representative will put forward their grievance and call each witness (if any) to present their evidence in turn. The employee or their representative may question each witness (witnesses will not be in the room before presenting their evidence and will withdraw immediately they have presented it).
- The Head teacher, or governor, may question each witness in turn.
- The employee or their representative may ask any supplementary questions to each witness.
- The Appeal Committee may question each witness.

Presentation of the Response

- The Head teacher or governor will outline the reason for the decision and call each witness (if any) to present their evidence in turn. The Head teacher or governor may question each witness (witness should not be in the room before presenting their evidence and will withdraw immediately they have given their evidence).
- The aggrieved employee may question each witness in turn.
- The Head teacher or governor may ask any supplementary questions to each witness.
- The Appeal Committee may question each witness.

Summing Up

- The Head teacher or governor summarises the main points to support the original decision regarding the grievance.
- The employee or their representative summarises the main points of the grievance and indicates why the decision to date has been unsatisfactory and the preferred resolution.
- The aggrieved employee and the Head teacher or governor withdraws.

The Decision

- The Appeals Committee and their adviser will then consider the matter in private. If further clarification or information is required before a decision is reached both parties will be recalled or the appeal can be adjourned until the information is provided.
- The Appeals Committee will normally report the decision to the parties orally and confirm the decision in writing within 5 working days.
- The decision of the Appeals Committee is final.

GUIDANCE FOR INVESTIGATORS

1. The following guidance sets out the process for investigation of grievances which will be dealt with under the formal procedures adopted by the governing body.
2. Where it becomes apparent that the matters concerned constitute misconduct the matter should be moved to the Disciplinary Procedures (see Chapter 4, Section 1 of the Personnel Handbook).
3. The purpose of the investigation is to ascertain the facts and assemble the evidence to support them. The investigator will not participate in the decision at the formal stages of the procedure and the purpose of the investigation is to ensure that the process is fair to all parties.
4. With a grievance investigation the starting point must be the aggrieved employee and the Grievance Notification Form (or letter). The investigator should establish the grounds for the grievance and identify any witnesses.
5. Potential witnesses should be given the opportunity to be accompanied by a trade union representative or work colleague to provide advice and observe. All witnesses must understand that if the grievance proceeds to Stage 3 they may be required to give evidence at a meeting of the Appeal Committee.
6. Each witness should be provided with a copy of the record of the meeting with the investigator and this should form part of the investigation report.
7. Some grievances may be particularly complex and it may be necessary for the investigator to seek specialist advice, help and support (for example, where matters relate to financial issues, health and safety or technical issues.)
8. Investigatory interviews can be stressful and employees may experience distress, confusion and anger. The investigator should prepare carefully for the interviews and ensure that the interview is structured and controlled effectively and handled sensitively. Ideally, employees should be put at their ease where possible and the atmosphere of the meeting should be calm and deliberate and recognise the seriousness or sensitivity of the issues concerned.
9. The investigator should ensure that the arrangements for the interview are sufficient to allow for privacy and freedom from outside interruption. Sufficient time for the interview should be allowed and, if necessary, arrangements, for the continuation of the interview should be made without delay. Employees should not be disadvantaged by time constraints and should be given every opportunity to offer a full explanation of events.

10. Investigators must listen carefully to the employees and ensure that they gain a full understanding of what the employee is saying. If an employee's explanation is vague, evasive, incomplete or inconsistent with the facts the investigator should probe the employee with additional questions in order to establish if further clarification is possible. It is good practice for investigators to summarise the employee's statements intermittently in order to ensure that there is no misunderstanding. Where possible, investigators should identify any means of corroborating the information given by the employee and pursue these as appropriate.

Investigations with regard to Unfair Treatment (see Appendix F)

11. The investigator should agree with the complainant the terms of reference for the investigation and report the outcomes and findings in writing to the complainant and the Head teacher or appropriate governor.
12. The terms of reference are likely to include:-
 - Identification of the complainant(s), the alleged perpetrator(s) and the investigator
 - A list of the grievances under consideration
 - Agreement as to how the outcome will be reported and to whom
 - The timescales
 - Agreement of the witnesses to be interviewed (and the interview arrangements)
 - Agreement of the documents to be scrutinised.
13. The investigator in unfair treatment cases will need to give particular consideration to the sensitivities of dealing with cases of unfair treatment and should take reasonable steps to ensure that the complainants are as comfortable as possible in providing the information. This may include, for example, consideration of where interviews will take place and who should be allowed to be present. The same sensitivity should, of course, apply to interviewing the alleged perpetrators and any witnesses.
14. In preparing a grievance interview the investigator should, therefore:-
 - Check the stage the grievance is at and the time limits within the procedure.
 - Ensure that there is privacy.
 - Listen carefully to the grievance, do not interrupt, defend or counter complain or criticise.
 - Check the facts carefully (for example, names, dates, times, locations etc).

- Recognise the possibility of some emotion and offer adjournment where appropriate.
- Thank the employee for raising the issue.
- Set out an interpretation of the grievance point by point to ensure there is a clear understanding and to gain agreement.
- Ask the employee to suggest solutions and discuss and consider possibilities.
- Explain the next stage of the process, including timescales.
- Explain the individual's right to appeal if they remain dissatisfied.

CODE OF PRACTICE

Complaints of Unfair Discrimination, Harassment, Bullying and Victimisation

1. This Code of Practice is complimentary to the equal opportunities policy statement adopted by the governing body. The aim is to make clear what is considered appropriate and inappropriate behaviour and conduct at work. It provides guidance for Head teachers and senior staff and other employees on the procedures to be used to deal with inappropriate behaviour and conduct and to prevent recurrence. The code of practice, therefore, seeks to encourage and develop an equality culture which respects the human rights and dignity of women and men from diverse backgrounds at work and, where appropriate, outside of work.

The Code of Practice

2. Unfair discrimination/harassment, victimisation and bullying (hereafter referred to as 'unfair treatment') may not only be unlawful but is morally wrong and bad practice. Unfair treatment can have devastating affects on the health, confidence, morale, and motivation of those subjected to it. The anxiety and stress caused by unfair treatment can lead to increased absenteeism, reduced efficiency and productivity, higher rates of staff turnover, costly and time consuming litigation, a hostile working environment, poor relations with users of the service and recruitment difficulties resulting from a poor public image.
3. The governing body, therefore, undertakes to treat all complaints of unfair treatment seriously and without victimisation. Where formal investigation establishes that conduct or behaviour has amounted to intentional direct or indirect unfair treatment this will be viewed as a serious disciplinary matter in accordance with the disciplinary procedures adopted by the governing body. Conduct or behaviour amounting to unintentional direct unfair treated will be treated as a capability matter in accordance with the procedures adopted by the governing body. Conduct or behaviour involving unintentional, indirect, unfair treatment will result in a thorough review of and, where appropriate, change to the policies, practices and procedures of the school.

Discrimination

4. The governing body recognises two forms of unfair discrimination:-
 - **Direct Discrimination**: Where a person is treated less favourably than someone else (or would be) on the grounds of their race, sex, marital status, disability, age, sexual orientation, trade union membership and activity, political or religious belief and unrelated criminal convictions.

- Indirect Discrimination: Where a condition or requirement is applied to all individuals equally but has a disproportionate impact on a particular group of people, is a detriment and cannot be justified on objective grounds.
5. Direct and indirect discrimination can be either intentional or unintentional. Unjustified refusal to interview, appoint or offer training or promotion, the unfair allocation of work and unfair disciplinary action would all constitute unfair discrimination.

Harassment

6. Harassment is defined as unwanted and unwelcome actions, behaviour, comments or physical contact which causes offence or is objectionable. Harassment is defined by the impact not the intention of the conduct. Harassment can involve the abuse of legitimate authority or organisational power. As such it is often associated with and may be indistinguishable from, bullying. Examples of harassment might include:-
- Physical contact ranging from touching to violence or threats of violence.
 - Verbal or written abuse ranging from jokes through to offensive language, gestures, gossip, slander and sectarian songs or letters.
 - The display of offensive posters, graffiti or emblems.
 - Isolation or non co-operation at work and exclusion from social activities.
 - Threats or promises affecting work performance or linked to employment prospects.
7. The criminal offence of fear of violence can apply to a situation where a person who is alarmed or distressed is not the individual targeted by the behaviour of the third party so, for example, it is possible that a teacher might be distressed or alarmed by the behaviour of a group at the school gates.

Bullying

8. Bullying occurs where a person uses their superior strength or power to coerce, persecute or oppress others by fear. It may take the form of humiliating or undermining an individual's skills or ability to such an extent that they become fearful, their confidence crumbles and they lose belief in themselves. This does not always arise from a supervisor, subordinate relationship and may result from unacceptable peer pressure.

Victimisation

9. Victimisation is treating a person less favourably because he or she has made or has supported someone else to make, a complaint of unfair treatment. In adopting this code of practice the governing body will treat victimisation in a similar way to harassment.

Responsibility

10. Responsibility for the prevention and elimination of unfair treatment rests with all employees. Management, including Head teachers and senior managers, do have a particular duty to ensure that unfair treatment does not occur in work areas for which they are responsible. This responsibility can be discharged by:-
- Explaining and positively promoting the code of practice to employees.
 - Responding to and supporting any employee, student or job applicant complaining about unfair treatment.
 - Providing full and clear advice on the procedure to be followed.
 - Maintaining confidentiality.
 - Ensuring that no repetition or victimisation occurs after the complaint has been resolved.
11. Employees have a role to play in helping to eliminate unfair treatment and in developing an equality culture. Employees can contribute by preventing unfair treatment through an awareness of and sensitivity to, equality issues and by ensuring appropriate standards of conduct for themselves and others. Unfair treatment can be discouraged by:-
- Employees being sensitive to the potential impact of their own behaviour on colleagues, students and job applicants.
 - Making it clear to colleagues that they find such behaviour unacceptable.
 - Supporting colleagues and others who suffer such treatment and are considering making a complaint.

Trade Unions

12. Unfair treatment is clearly an issue for trade unions and professional associations as well as an issue for Head teachers and the senior management of schools. Trade unions will assist in the elimination of unfair treatment and in developing an equality culture by:-
- Clearly stating their commitment to equal opportunities.
 - Supporting, advising and offering representation to members of staff who are the recipients of unfair treatment.
 - Co-operating with management on initiatives and action to prevent and eliminate unfair treatment.

DEALING WITH COMPLAINTS OF UNFAIR TREATMENT

1. Victims of unfair treatment may not always wish to raise a complaint formally, particularly in cases of harassment or bullying. This may be because:-
 - They are unsure whether they have actually been treated unfairly;
 - They may lack confidence or be too embarrassed to complain;
 - They do not want the perpetrator to get into trouble;
 - They may fear reprisals for making a complaint.
2. For these reasons, victims of unfair treatment should have access to an informal procedure for resolving such problems. The existence of an informal procedure, however, should not preclude management from using formal processes where appropriate. There may be serious cases which require direct recourse to formal procedures or possibly criminal proceedings, where informal procedures would not be appropriate.
3. Employees who are in receipt of unfair treatment should, where appropriate, inform the perpetrator that the behaviour is unwanted and unacceptable. This may be enough to resolve the problem. Nevertheless, employees should keep a record of the incidents of unfair treatment including a note of any witnesses. This will assist in bringing any complaints to a more effective conclusion should there be a need to resolve the matter through the formal procedures.
4. Where an employee feels unable to directly approach the perpetrator they may wish to seek advice from a colleague on the staff group or, where appropriate, the relevant representative of a trade union or professional association in order to obtain confidential advice, support and assistance.
5. Where the employee approaches a friend on the staff it is important to respect the fact that this person may not wish to become involved. In such circumstances the employee may wish to consider contacting the Borough Council's counselling service to seek advice and informal assistance. If none of the options for resolving the problem informally are appropriate then the employee must give consideration to raising the matter formally with the Head teacher under the grievance procedures.
6. Where it has not been possible or appropriate to resolve the complaint informally or the behaviour has continued despite attempts to resolve the complaint informally the employee should inform the Head teacher or their employee representative and request that the matter be formally investigated in accordance with the grievance procedure.

7. Where the complaint is directed against the Head teacher the employee should inform the Chair of Governors who will arrange for the matter to be formally investigated and moved immediately to Stage 2 of the grievance procedure. Where the complaint is directed against the Chair of Governors the employee should inform the Head teacher who will arrange for the matter to be investigated.
8. Where the formal procedures are evoked the Head teacher will attempt to ensure that the procedures are operated speedily, fairly and confidentially. Employees should be informed of their legal rights and the time limits which apply under the grievance procedure. The purpose of using the formal process is to resolve the matters before it is necessary to resort to legal action.
9. Where a complaint has been investigated and a clear case of unfair treatment is established it will be for the Head teacher (and/or the governors) to determine what appropriate action should be taken. This is likely to be action in accordance with the disciplinary procedures adopted by the governing body and in accordance with paragraph 3 of the Code of Practice (Appendix F).

DEALING WITH COMPLAINTS OF UNFAIR TREATMENT FROM JOB APPLICANTS

The process of recruiting and selecting employees creates an important connection with the public and with existing employees. The way in which the process is conducted will have an important bearing on the external image and internal culture of the school. All job applicants have the right to be treated with respect, courtesy and fairness. Complaints of unfair treatment in recruitment and selection will be dealt with in accordance with paragraphs (a) to (d) below.

- (a) **Stage 1:** Where job applicants are dissatisfied with the arrangements for their treatment or with selection decisions taken during a particular recruitment and selection process they will initially raise these with the Chair of the Appointment Panel responsible for the appointment.
- (b) **Stage 2:** Where a job applicant remains dissatisfied he/she should be informed of his or her right to make a formal complaint to the Head teacher or to the chair of governors who will arrange for the matter to be investigated.
- (c) **Stage 3:** Where a job applicant is dissatisfied with the outcome of a formal investigation into his/her complaint then he/she should be informed of his or her right to raise the matter with the Clerk to Governors and have the matter dealt with under Stage 3 of the Grievance Procedure.
- (d) Where a complaint has been fully investigated and dealt with under Stage 3 of the grievance procedure the Appeal Committee may determine appropriate action to be taken in accordance with the Code of Practice on Unfair Treatment and may initiate disciplinary action where appropriate. The decision of the Appeal Committee will be final.