

Resolving Issues at Work Policy - Schools

Policy

The Policy applies to all employees of the School including agency workers and consultants where the Governing Board has adopted the policy. This policy is compliant with ACAS Code of Practice and statutory legislation.

Issues may arise where an employee has a complaint about an action the School has taken or is thinking about taking in relation to them. Or, where an employee considers they are being treated unfairly or suffering from bullying or harassment (see appendix 1).

Where separate procedures exist to deal with specific issues such as Speak Out, these procedures should be followed as an alternative to this procedure. This procedure cannot be used to raise a complaint about the content of a corporate policy.

This policy cannot be pursued where action is being taken or is under consideration in relation to an employee's capability or conduct unless the employee genuinely believes such action is either unlawful or not relating to their capability or conduct but is for some other reason.

- In exceptional circumstances where an individual is reluctant to pursue a formal complaint through this procedure, but where the alleged complaint is deemed very serious in nature or where the Head Teacher is aware there are broader issues of concern around the culture of a team/group of individuals, an investigation may anyway be instigated.

Procedure

Employees must seek to resolve issues at the lowest possible level and must first raise any issue with their immediate line manager who should record that it has been raised. The manager will determine whether the issue can be considered under this policy.

Governors, Head Teachers and members of the Senior Management Team must deal with issues as quickly as possible and without unreasonable delay. If it is not possible to deal with issues in a timely manner, management must acknowledge receipt of the issue, explain the reason for the delay and indicate a timescale for dealing with the issue.

An employee with an issue in relation to their Head Teacher will have it heard by the Chair of Governors, or another appropriate Governor where this is not possible. If the individual is dissatisfied with the outcome, the appropriate Committee of the Governing Board will hear the issue.

An employee has the statutory right to be accompanied at all formal meetings within this procedure by a work colleague (not a family member) or a trade union representative.

This Procedure recognises that issues may be raised by an individual or collectively by a group of employees.

A representative of HR Services may attend meetings beyond the informal stage.

Individual Issues

Informal Stage

Where an issue arises, the employee should firstly speak to the person concerned. Where this does not work, or if the employee feels unable to do this, the employee should speak to their immediate line manager who will support them in trying to resolve the situation informally. If the issue is related to their line manager, then the employee should speak to their Head Teacher/SLT member. The manager should arrange to meet with the employee to discuss the issues as soon as possible. Normally employees will not be accompanied when trying to resolve an issue informally. Many issues can be raised and settled quickly between the employee, related staff and their line manager(s). However, if an employee wishes to be accompanied by a work colleague (not a family member) or trade union representative at the informal stage then they can be. Managers do not need to keep minutes of informal meetings, but a note of the outcome should be recorded and retained on file.

The employee raising the issue must make every effort to engage with the process proposed by the manager to resolve the issue. If a reasonable resolution is offered and refused, ie; meetings/discussions/mediation the matter will be considered to be concluded. Therefore, the manager having investigated, should present any findings and where appropriate intended actions arising out of the investigation, to the employee in writing within 28 days of the issue being raised. Where an employee does not feel that an issue has been satisfactorily resolved informally then they may choose to raise the issue formally. However, if the issue has not been resolved informally due to the employee not engaging in the process then this cannot be moved to the formal stage.

Formal Stage

Where attempts to resolve the matter informally do not address the issue, it may be appropriate to raise it formally under this procedure. Firstly the employee needs to put their issue(s) in writing, using the RIW form (appendix 2), to their Head Teacher/SLT member.

On receipt of the form the Head Teacher/SLT member will arrange to meet with the employee without unreasonable delay. At the meeting the employee will explain their issue(s) and how they think the issue should be resolved. The Head Teacher/SLT member will then fully investigate the issue(s) as soon as possible. This may involve a number of meetings with different people (including witnesses), to establish the facts and involve gathering together relevant documents. The employee has the right to be accompanied by a work colleague or TU representative.

If the grievance is against the Head Teacher, the Chair of Governors will investigate the matter. If this is not possible then another appropriate governor will undertake the investigation.

Having fully investigated and considered the issues raised, the Head Teacher/SLT member may decide that a further meeting, with the employee who has raised the complaint, would be beneficial to discuss their decisions and present

actions for resolution. Once The Head Teacher/SLT member has concluded the investigation, regardless of whether the employee raising the issue or any interested party has engaged fully in the process, the Head Teacher/SLT member should present any findings and where appropriate any intended actions arising out of the investigation to the employee in writing and this may be accompanied by a report [see Appendix 3], to fully explain the process and outcome within 28 days. Where due to unforeseen circumstances this is not possible, the employee will be made aware of the delay.

The employee raising the issue will have 10 working days to respond to say they accept the Head Teachers/SLT members outcome and or report, or submit an appeal [see below]. If no response is received then there will be a presumption that the employee accepts the Head Teacher/SLT member's proposals. These proposed actions and outcomes should be saved on the employee's personal file by HR Operations.

If the issue is resolved at this formal stage the Head Teacher/SLT member who has undertaken the investigation should monitor the situation to ensure that the actions are carried out. Where an employee does not feel that the issue has been resolved at the formal stage they may choose to appeal. The appeal must be in writing, stating one or more of the following grounds of the appeal;

1. the process followed to manage the Resolving Issues at Work matter was unfair
2. the outcome reached was unfair or
3. there is new relevant information which would make a difference to resolving the matter under question.

Each appeal should also give an explanation of how one or more of the above grounds apply. The appeal should be made to the Clerk to the Governing Board within 10 working days of receipt of the outcome letter, requesting that the appropriate Governing Board Committee consider the matter.

Appeal

A letter acknowledging receipt of the appeal must be sent by the Clerk to the Governing Board within 5 working days. The Committee will be arranged without unreasonable delay.

The Head Teacher/SLT member, or Chair of Governor, who has undertaken the investigation will attend the hearing and submit a report to the Committee enclosing a copy of the original written complaint and the letters indicating the outcome at each stage of the procedure. The Employee and their TU representative or work colleague will be invited to attend the Committee to present the grounds for appeal and to answer questions about it. Witnesses may also be called by either side. The outcome of the hearing will be notified in writing within 10 working days unless otherwise agreed.

The decision of the Committee is final.

4 Collective Issues

Where more than one employee has the same issue or complaint recognised under this Procedure, the matter may be considered as a collective issue. A collective grievance ~~are we calling it a grievance?~~ must be raised with the Head Teacher/SLT member in writing, using the RIW form (Appendix 2). The submission must include the names and signatures of all employees party to the complaint and must include details of nominated representatives.

Stage 1

The Head Teacher/SLT member will acknowledge receipt of the collective grievance within 5 working days and take positive steps to arrange a meeting without unreasonable delay at a suitable time and place. Nominated representatives will be invited to attend.

The outcome of the meeting and the employees right of appeal will be notified to all aggrieved employees (whether they attended in person or not) in writing, within 5 working days unless otherwise agreed.

Stage 2

If the issue has been dealt with by a SLT member at Stage 1 and the employees are not satisfied with the outcome of the meeting, an appeal must be made to the Head Teacher within 10 working days of notification of the decision at Stage 1.

The appeal must be in writing, stating one or more of the following grounds of the appeal:-

1. the process followed to manage the Resolving Issues at Work matter was unfair
2. the outcome reached was unfair or
3. there is new relevant information which would make a difference to resolving the matter under question.

The appeal submission should also give an explanation of how one or more of the above grounds apply.

The Head Teacher/Chair of Governor will acknowledge receipt of the request to appeal within 5 working days and take steps to arrange a meeting with nominated representatives without unreasonable delay.

The outcome of the meeting and the employees right to appeal will be notified to all aggrieved employees (whether they attended in person or not) in writing, within 10 working days unless otherwise agreed.

If the collective grievance is against the Head Teacher, the Chair of Governors will investigate the matter. If this is not possible then another appropriate governor will undertake the investigation.

Appeal

If the issue cannot be resolved the employees can appeal to the appropriate Committee of the Governing Board. Such a request should be made to the Clerk to the Governing Board in writing stating the grounds for appeal with an explanation as above, within 10 working days of notification of the decision at Stage 2. A letter acknowledging receipt of the grievance and that the matter is being dealt with, must be sent by the Clerk to the Governing Board to the aggrieved employees or their representative within 5 working days. The appropriate Committee will be arranged without unreasonable delay.

The Head Teacher, or Chair of Governors, will submit a report to the Committee, enclosing a copy of the original written grievance and the letters indicating the outcome of the grievance at each stage of the procedure. A nominated representative(s) of those aggrieved will be invited to attend along with their TU representative, to present the grievance and to answer questions about it. Witnesses may also be called by either side. The outcome of the meeting will be notified to all employees who raised the issue (whether they attended in person or not) in writing, within 10 working days unless otherwise agreed.

The decision of the Committee is final.

Disciplinary Procedure

Where it becomes clear that a conduct issue exists then the School's Disciplinary Procedure should be followed with as little delay as possible. Whilst the information gathered during the investigation will be available there may be the need for further investigations. In cases which appear to involve serious misconduct, and there is reason to separate the parties, the person against whom the allegation was made may have to be suspended.

If, during the course of the investigation, it is established that a malicious complaint has been made then appropriate action will be taken against the complainant(s), and this may include disciplinary action.

Exclusions to the Procedure

Either party is violent, abusive or behaves in an unacceptable manner, which makes it unreasonable to expect the other to go through the Procedure.

Factors beyond the control of either party make it impractical or impossible for the procedure to be followed or completed in the foreseeable future e.g. where the employee becomes ill, or incapacitated.

This procedure cannot be used to raise a complaint regarding pay, grading or School policies, unless it is considered that it had been incorrectly applied.

The employee is able to follow an alternative (collectively agreed) procedure. An example of this will be an appeal against a job evaluation decision. This procedure cannot be used to re-consider a decision which has been reached through an alternative procedure.

The employee cannot continue to work without contravention of a legal duty or restriction.

Addressing issues once employment has ended

- Where an individual's employment ends part way through an investigation, the investigation will be concluded and the individual notified of the outcome in writing.
- Issues raised by an individual after their employment has ended will not be investigated under this policy but may be considered internally. This will also apply to issues raised on the last day of employment, leaving insufficient time for an investigation.

Occupational Health Service

Employees may find it helpful to talk to someone from the Occupational Health Service. An independent counselling service is also available via Occupational Health.

Equality and Diversity Statement

South Tyneside Council and the Governing Board are committed to promoting equality and valuing diversity. An equality check on this policy was carried out in 2020 and no equality check implications were identified.

Date Approved by Governors June 2022

Date of next review by Governors: June 2023

Appendix 1

Bullying and Harassment

- Our employees have the right to be treated with consideration, dignity and respect and to work in an environment free from bullying and harassment. All complaints will be taken seriously and dealt with fairly and in confidence. Bullying and harassment may amount to gross misconduct under the School's Disciplinary Procedure and if the allegations are substantiated may lead to an employee's dismissal.
 - Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, or degrade the recipient. Workplace bullying is persistent behaviour that exerts pressure on subordinates or colleagues beyond what is reasonably necessary to achieve objectives or to use strength or power to coerce others by fear.
 - Harassment is unwanted conduct affecting a person's dignity. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and it may be persistent or an isolated incident. It is not what may have been intended by the alleged individual's actions that are important in deciding whether harassment has occurred; it is whether the actions and comments are viewed as demeaning and unacceptable to the recipient
 - Legislation relating to sex, race, disability, sexual orientation, religion or belief, age and gender reassignment makes it unlawful for harassment that includes elements of discrimination. Employees may be able to pursue a complaint under the Equality Act 2010 to an Employment Tribunal. Employees can also complain of behaviour that they find offensive even if it is not directed at them and they do not have to have the relevant characteristic themselves. They are also protected from harassment because of perception and association.
 - Managers are required to set a positive example by treating others with respect and setting standards of acceptable behaviour. They should challenge all inappropriate behaviour and take appropriate action.
 - Employees need to treat others with respect and be aware of their own behaviour and the effect it may have on other people. They should ensure that they know about and comply with the Policy and take action if they witness inappropriate behaviour.
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Appendix 2

REPORTING AN ISSUE AT WORK

RIW Form

Name: Payroll No: Post:

Place of Work:

Important

You should try to resolve any issue you have by speaking to your immediate line manager, or their line manager if your complaint is about them. If this does not improve matters complete this form. Your complaint will be heard at a formal hearing where you may be accompanied by your trade union representative or work colleague (not a family member).

Please outline your issue(s) here: (add pages if necessary)

How do you see this issue being resolved?

Who did you raise this issue with initially and when?

Signature: Date:

If you are raising a collective issue you must list overleaf the names of all parties involved, indicating which are nominated as representatives of the group;



Appendix 3

Template Investigation report

[This is a template investigation report that an investigator may adapt to suit the particular circumstances of their investigation]

Introduction	Investigation authorised by: [Name and role]
	Investigator: [Name and role]
	Date investigation began:
	Terms of reference: [include if they were amended and how]
	Background to the investigation: [Brief overview of the matter]

Process of investigation	The investigation process: [Explain how the investigation was authorised]
	Evidence collected: [List all evidence collected]

	Evidence not collected: [List all evidence that could not be collected and why]
	Persons interviewed: [List all people interviewed]
	Persons not interviewed: [List any witnesses that could not be interviewed and why]
	Anonymised statements: [If any, explain why and provide details of any enquiries into witness]

The investigation findings	Summary of written and physical evidence: [name and summarise each document contained, set out how the evidence supported or did not support your findings and why]
	Summary of witness evidence: [name and summarise each witness statement, quote from statement where relevant, set out how the witness statement supported or did not support your findings and why]

	Facts established: [detail what the investigation has established]
	Facts that could not be established: [detail any part of the investigation that was inconclusive]
	Mitigating factors: [detail if there were any mitigating factors uncovered that are relevant to the investigation]
	Other relevant information: [detail any other information that is relevant to the matter]

Conclusion [if required]	Recommendation:
	Formal action/Informal action/No action required
	Further details on recommendation: [such as the type of action suggested for example, formal disciplinary meeting, and if there are any other recommendations related to the matter. In disciplinary matters, the investigator should not recommend a possible sanction. This should only be considered at a disciplinary hearing]
	Investigator's signature:
	Date:

Supporting documents	[List all documents collected as part of investigation and included in report]
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