

Staff disciplinary and grievance policy and procedure

AUTISM IMPACT

We recognise that our students/interns may not have the communicative competence to fully air any grievance or complaint against staff. Due to problems with social understanding and Communication. We also support them to express their feelings and needs using any alternative and augmentative communication systems deemed necessary.

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, fully and objectively.

Legislation and guidance

We are required to set out disciplinary and grievance procedures under general employment law.

These disciplinary and grievance procedures are based on the Acas Code of Practice on disciplinary and grievance procedures.

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

Capability

In general, particular shortcomings on the part of an employee in meeting job requirements or standards will be brought to his/her attention by the immediate supervisor or manager in a formal conversation within supervision. Such action will be regarded when necessary as a warning and sufficient time will be given for the employee's behaviour or conduct to improve.

Staff Disciplinary Policy and Procedures

Staff grievance policy and procedures

Definitions and scope

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

This policy does not apply to:

- Issues raised by people who are not an employee of the College, for example volunteers or parents/carers, as this would instead fall under our complaints procedure
- Redundancy dismissals
- Non-renewal of fixed-term contracts
- Collective grievances, raised on behalf of 2 or more employees by a representative of a recognised trade union or other appropriate workplace representative

These are covered by separate policies and procedures.

Roles and responsibilities

Being internal matters, grievances may involve a number of people in the College. There is an emphasis on dealing informally with grievances, and so it is not practicable to prescribe specific roles. However, the following guidelines may be useful.

The line manager

Provided they are not the subject of the grievance, the line manager will be the first point of contact for the employee raising a grievance. If the grievance is about the employee's line manager, the employee will raise the grievance with their line manager's manager.

The Manager or a senior leader

Provided they are not the subject of the grievance, a nominated member of the senior leadership team (SLT) will consider the grievance at the formal stage.

The Chair of Governors

Where the chair of governors is the subject of the grievance the governing board or trustees will be responsible for appointing an appropriate governor who has not been directly involved in the grievance to oversee the procedure at the formal stage.



Investigating officer

At the formal stage, the appointed governor will appoint an investigating officer to collect and present the facts of the grievance in an investigation report. The investigating officer will be someone who has not been directly involved in the grievance.

Grievance panel

The Chair of Governors will appoint a grievance panel consisting of three people with no prior knowledge of the grievance. These people will be separate from the investigating officer and will be chaired by an independent individual.

Other members of staff or trade union staff

A work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings may accompany the employee raising the grievance at a formal grievance meeting.

Grievance Procedure

The grievance procedure provides a means for individual employees to raise grievances in the first instance with the Manager. If the manager is unsuccessful in dealing with the employee's grievance, a formal meeting with the employee and the Responsible Individual should be arranged.

Stage 1 – Informal Meeting

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

It may be necessary for the employee who has raised a grievance to attend a meeting to discuss the concerns in more detail. However, this will be determined on a case-by-case basis.

It's anticipated that a number of grievances will be resolved at this informal stage with no need to progress matters further. However, if the matter has not been resolved at the informal stage, it may then proceed to the formal stage of the procedure.

Stage 2 – Formal Meeting with Manager

If it is not possible to resolve the matter informally, employees should set out their grievance in writing to their line manager, in accordance with the staff grievance notification form at Appendix 1. If the subject of the grievance is their line manager, the employee should submit the written grievance to an alternative, preferably senior, manager.



Upon receipt of a grievance, the Chair of governors will appoint an investigating officer. This will be an independent individual with no prior knowledge of the grievance.

The Chair of governors will also appoint a grievance panel. This group of people will be separate from the investigating officer and will be chaired by an independent individual, with no prior knowledge of the grievance.

The panel will comprise members of the College governing body, or a combination of governors and trustees depending on availability.

The investigating officer will undertake a grievance investigation and will make a recommendation.

The investigating officer, supported by HR colleagues, will also arrange a formal meeting (to be held in person, or over video conferencing if appropriate) within 7 working days after the grievance has been raised. At the meeting, the employee will be given the opportunity to explain their grievance and how they think it should be resolved, to the grievance panel.

Employees have a statutory right to be accompanied by a companion at a grievance meeting. The companion must be a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings.

The employee must let the investigating officer know that they request to be accompanied. If the chosen companion will not be available on the initial date and time proposed for the formal meeting, the investigating officer must move the meeting to an alternative time proposed by the employee, provided that the alternative time is both reasonable and no more than 5 working days after the date originally proposed.

The companion may address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion may not answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

Deciding on appropriate action

The meeting will be adjourned, and the grievance panel will reflect on it before coming to a decision. The chair of the panel will communicate the decision to the employee in writing within 7 working days. The decision will set out the action that will be taken to resolve the grievance. It will also inform the employee that they can appeal if they are not satisfied with the outcome and explain how to do this.

Stage 3 – Formal Appeal

If the employee is not satisfied with the outcome of the grievance, they have the right to appeal the decision.

The employee should set out their grounds of appeal in writing within 5 working days and submit this to the Chair of Governors.

An appeal is not designed to re-hear the matter but to examine the grounds of appeal. The employee should therefore be specific about the grounds of the appeal.

However, a full re-hearing may be appropriate in exceptional circumstances.

The Chair of governors will appoint a grievance appeal panel consisting of three people. This will be a group of people independent from any previous stage of the grievance procedure, and the panel will be chaired by an independent individual.

Appeals will be heard without unreasonable delay and in any event within 10 working days of the date of the appeal notice. The Chair of Governors will tell the employees the time and place of the appeal meeting in advance (to be held in person, or over video conferencing if appropriate).

Employees have the same statutory right to be accompanied to the appeal meeting by a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings.

The outcome of the appeal will be confirmed in writing by the chair of the appeal panel to the employee within 7 working days of the appeal. The decision of the appeal panel will be final.

Overlapping procedures

If an employee raises a grievance after disciplinary proceedings have already started against them, the disciplinary proceedings may be temporarily suspended in order to consider the implications of the grievance on the disciplinary process.

If the grievance and disciplinary proceedings address related matters, it may be possible to deal with the issues simultaneously as part of disciplinary proceedings.

Record keeping

Minutes will be kept of all meetings. Where possible, these will be confirmed as a record of what was discussed during the meeting.

Records of all materials relating to the grievance process will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy/record retention schedule.

Monitoring arrangements

This policy will usually be reviewed every year but can be revised as needed from time-to-time. It will be reviewed by the Chair of Governors.

This policy will be approved by full governing board.

You have the right to be accompanied by a person of your choice at any disciplinary or grievance hearing. All of the above is set out in your staff handbooks.

Should an employee be dismissed following a full disciplinary hearing for reasons around Abuse in any guise or it is believed that they are a risk to students/interns the College have a duty of care to make the appropriate referrals disclosing the reasons for the decision that has been made.

Please see the College Safeguarding and Child Protection Policy

Following guidance and working collaboratively with other agencies there may be a requirement to make a referral to the DBS agency, the College are guided by the up to date and latest guidance of the DBS agency.

Below you will find the following information that has been taken directly from the Disclosure and Barring Service Website whereby governance is led by the Government.

<https://www.gov.uk/government/publications/dbs-referrals-factsheets>



Queensmill College

Appendix 1: staff grievance notification form

College Grievance Notification form	
Name of Staff:	Date:
Job Title:	Department:
<p>Describe the nature of your grievance, including:</p> <ul style="list-style-type: none"> • A full description of your grievance • Relevant evidence, such as facts, dates and names of individuals involved 	
Please state the following:	
The date on which you first raised your grievance, and with whom	
The action taken in respect of your grievance at the informal stage	



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The outcomes you are seeking and the actions you would like taken to resolve the situation	
Whether you would like to explore a resolution through mediation	
Whether you would like accompaniment at a grievance meeting by a work colleague, trade union official, or trade union representative - and if so, their name and position	
Signed:	Dated: