



# Milford School

## Staff discipline, conduct and grievance

Adopted: January 2023

Review date: January 2024

Milford School is committed to ensuring the safety, protection and wellbeing of members of the school community, and to fairness and consistency in the way that disciplinary matters and staff grievances are handled. Our policy on discipline, conduct and grievances will contribute to achieving this. It will be used alongside the school's policies on child protection and safeguarding, allegations of abuse against staff, whistleblowing, and teacher appraisal and capability. The policy applies to all staff, including the Headteacher. This procedure does not form part of any employee's contract of employment and it may be amended at any time following consultation. We may also vary application of this procedure, including any time scales for action, as appropriate.

The school expects staff to be professional and hardworking. It does not expect to have to discipline them for misconduct, but disciplinary sanctions must be in place should the need arise, and if informal action has not been effective or is inappropriate. Where possible the school will seek to deal with matters informally in the first instance. The **school's staff appraisal and capability policy** provides information on how the school manages staff performance.

### 1. Staff conduct in school

**Staff** should ensure that their conduct in school is in line with school policy and sets a good example to our pupils. This includes, but is not limited to:

- observing the terms and conditions of their contract
- attending work regularly and on time
- performing work duties to the high standard expected
- observe all of the school policies, procedures and regulations which are provided to all staff upon induction or notified to you from time to time by means of notice boards, e-mail, or during staff meetings;
- take reasonable care in respect of the health and safety of colleagues, pupils and third parties [and comply with our Health and Safety Policy];
- comply with all reasonable instructions given by the Head Teacher and other line managers; and
- act at all times in good faith and in the best interests of the school and those of our pupils and staff.
- treating with respect, everyone they encounter during the course of their work
- complying with requirements relating to training and CPD, health and safety, and information sharing
- alerting leaders to any circumstances that may adversely affect their work
- complying with the requirements of the Teachers' Standards (as appropriate) or other standards set by the school
- ensuring that they never behave in a way, either inside or outside of work, that indicates they may pose a risk of harm to children/not be suitable to work with children

**Failure to maintain satisfactory standards of conduct may result in action being taken under this procedure.**

**School Leaders** have the additional responsibilities of:



- recruiting staff that they think can work to the high standards of conduct expected at the school, and managing them effectively
- monitoring staff conduct and acting where conduct is unacceptable
- encouraging staff to alert them to circumstances that may adversely affect their work
- communicating the school policy and standard expectations to all staff, ensuring there is a clear understanding of both
- providing effective feedback on the conduct of individuals they are responsible for
- ensuring that any actions taken as a result of staff misconduct or gross misconduct are carried out discreetly, fairly, in confidence and in line with the school's equality policy
- ensuring that safeguarding allegations / concerns raised in relation to staff are managed via the allegations of abuse against staff policy and within local safeguarding guidelines

**The governing body has a responsibility to:**

- treat all incidents of staff misconduct or gross misconduct fairly and in line with school policy
- review this policy annually or after any incident of serious misconduct and act to ensure that it is effective, practicable and fair.

This policy is written and reviewed by the school leadership team and governing body

**Safeguarding and promoting the welfare of children and recognising low level concerns**

All employees are responsible for safeguarding children and promoting their welfare. This means that employees are required to take action to protect children from maltreatment, prevent impairment of children's health or development and ensure that children grow up in circumstances consistent with the provision of safe and effective care. This will enable all children to have the best outcomes.

All employees should be prepared to identify children who may benefit from early help. Early help means providing support as soon as a problem emerges at any point in a child's life, from the foundation years through to the teenage years.

All employees must be aware of the signs of abuse and neglect and know what action to take if these are identified.

All employees must be aware of low level concerns, no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO).

Examples of such behaviour could include, but is not limited to:

- being over friendly with children
- having favourites;
- taking photographs of children on their mobile phone or a personal device;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating or offensive language.



To do this, employees must have fully read and understood our child protection and safeguarding, code of conduct and whistleblowing policies, be aware of our systems for keeping children safe and must follow the guidance in these policies at all times.

All employees must cooperate with colleagues and with external agencies where necessary.

## **2. Types of misconduct**

Listed below are some actions normally considered to be misconduct or gross misconduct that would be dealt with under this policy. The lists are a guide and are not exhaustive. The school has the right to discipline a member of staff for misconduct or gross misconduct even if the action they have taken is not listed below. Staff alleged to have committed gross misconduct may be suspended before consideration for dismissal.

### **2.1 Misconduct**

- Minor breaches of an employee's contract of employment
- Minor breaches of Milford School's policies, including the staff absence policy, IT user policy and health and safety policy
- Unauthorised absence from work
- Damage to, or unauthorised use of, the School's property;
- Unauthorised use of the school facilities – for example using the internet for excessive personal emailing or internet searches
- Persistent lateness, poor timekeeping or timewasting
- Inappropriate or offensive behaviour – for example, using foul or abusive language
- Intentionally disobeying the reasonable instructions of a senior member of staff
- A breach of confidentiality or school regulations
- Negligence in the performance of duties.
- Inappropriate or other offensive behaviour, including using obscene language, victimisation or harassment of other members of staff or pupils;
- Negligence in the performance of duties;
- Smoking in no-smoking areas, which applies to anything that can be smoked and includes, but is not limited to, cigarettes, electronic cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes; or

### **2.2 Gross misconduct**

Gross misconduct is a serious breach of contract and includes misconduct, which in the opinion of Milford School, is likely to prejudice its reputation or irreparably damage the working relationship and trust between the school and the employee. Gross misconduct will be dealt with under this procedure and may lead to dismissal without notice or without pay in lieu of notice.

- Harassment or discrimination related to any of the protected characteristics – see other relevant policies including equal opportunities, and anti-harassment and bullying
- Inappropriate conduct with children or young people, including failing to maintain appropriate professional boundaries
- Serious failure to follow the school's child protection procedures
- Serious or repeated breaches of health and safety requirements
- Physical assaults or threats to a colleague, pupil or member of the public
- Soliciting or accepting bribes
- Actual or threatened violence, or behaviour which provokes violence



- Theft, or unauthorised removal of property or the property of a colleague, contractor, pupil or member of the public
- Deliberate damage to the buildings, fittings, property or equipment of the School, or the property of a colleague, contractor, pupil or member of the public
- Conviction or caution for a criminal offence that in the opinion of the School, may affect our reputation or our relationships with our staff, pupils, parents or the public, or otherwise affects your suitability to continue to work for us
- Dishonesty involving anything that relates to life in school
- Fraud or forgery, including falsification of documents such as expense claims, pupils' work, examinations or assessments
- Being under the influence of alcohol, illegal drugs or other substances during working hours or not being capable of fulfilling duties because of their effects
- Any action that harms the reputation of the school
- Serious negligence or a serious or deliberate breach of an employee's contract of employment or operating procedures
- Serious or repeated failure to obey instructions, or any other serious act of insubordination
- Deliberately accessing internet sites at work or at home, or using school equipment, which contains pornographic, offensive or obscene material
- Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy
- Making a false declaration or failing to disclose information required by your employment or any other information that may have a bearing on the performance of your duties;
- Giving false information as to qualifications or entitlement to work (including immigration status);
- Behaving in a way, either inside or outside of work, which could cause harm to a child, or could indicate that you pose a risk of harm to children/may not be suitable to work with children
- Making covert recordings of colleagues, contractors, pupils or members of the School community
- Serious misuse of the School's property or name;
- Causing loss, damage or injury through serious negligence;
- Serious breach of confidence;
- Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith;
- Making untrue allegations in bad faith against a colleague or other member of the school community;
- Undertaking unauthorised paid or unpaid work during your employment with us.

### **3. Staff discipline procedures**

It is Milford School's policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action. An employee may bring a companion to all meetings where a warning or dismissal may be a potential outcome. The companion may be either a trade union representative or a work colleague. Employees will not normally be dismissed for a first act of misconduct, unless the school decides that the conduct amounts to gross misconduct, or the employee has not completed a probationary period.

As recognisable figures in the local community, the behaviour and conduct of staff in Milford School, outside of work, can impact on their employment, particularly if it may make an individual unsuitable to work with children. This is known as a transferable risk. Therefore conduct outside work may be treated as a disciplinary matter if it is considered that it is relevant to the employee's employment (see examples of misconduct and gross misconduct).



Minor conduct issues can often be resolved informally between employees and their line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on the employee's personnel file. In some cases an informal verbal warning or instruction may be given, which will not form part of the disciplinary records but may be referred to as part of any future disciplinary proceedings where appropriate. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

### **Disciplinary investigations**

When a manager thinks that misconduct may have taken place, and where it is determined that an investigation is needed, the headteacher will usually appoint an investigating officer to carry out the investigation. The purpose of an investigation is to establish a fair and balanced view of the facts. It may involve interviewing the employee and any witnesses and reviewing relevant documents or other information. The member of staff with responsibility for carrying out this duty, often the Headteacher or a suitable Governor, will first and foremost inform the member of staff that they are going to initiate an investigation.

Employees must co-operate fully and promptly in any investigation. This will include providing the names of any relevant witnesses, disclosing any relevant documents or information and attending investigative interviews if required. As each investigation will vary in length and complexity it will be completed in as short a time frame as possible.

If there has been an allegation made against them by a pupil, they will be informed only after the Headteacher has spoken to the Chair of Governors and if appropriate, the Local Authority Designated Officer. The employee will then be advised what the next course of action will be. However, if the police or children's social care are to be involved, for example in a case of alleged sexual misconduct, they will be contacted before the employee and will advise on what information may be disclosed to the person under investigation.

In the case of an employee who has been accused of abuse, the chair of governors will keep the subject of the allegation informed of the progress of the case and any other work-related issues. If that person has been suspended, they will keep them informed of any developments from school. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation.

If allegations result in criminal proceedings, the School will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where employees are unable or have been advised not to attend an investigation meeting or disciplinary hearing or say anything about a pending criminal matter, a decision may have to be made based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if it is considered that it is relevant to the employee's employment.

Details of the misconduct and the investigation that has followed will be passed onto a member of the senior leadership team or headteacher. The manager will recommend either that no further action is taken (see paragraph (A) below) or that a disciplinary hearing should take place (see paragraph (B) below).

#### **(A) No further action will be taken**



If the manager has investigated the misconduct of a staff member and has recommended that no further action be taken, or that informal action should be taken, the member of staff will be informed in writing within 14 working days of the initial disciplinary meeting. If the manager believes that the misconduct was a one-off, a misunderstanding, or an act of poor judgement, they may wish to arrange a follow-up meeting to discuss this with the staff member and the implications of their conduct.

Managers may use this follow-up meeting to draw up a personal plan to improve conduct, timekeeping or organisational skills. An improvement plan may be created with measurable improvements as targets and reasonable timescales in which to improve. These will be reviewed at the end of the agreed improvement period and if insufficient improvement has been made the manager may make the decision to take more formal action.

#### **(B) A disciplinary hearing will take place**

In cases where an act of gross misconduct or a series of incidents of misconduct have taken place, or an individual matter cannot be dealt with informally, the manager will recommend that a disciplinary hearing should take place to review the conduct of the member of staff and decide on an appropriate course of action. Persons who are alleged to have committed gross misconduct may be suspended before consideration for dismissal (see section 4.2).

The person who is the subject of the investigation will be informed as soon as it is decided that a disciplinary hearing is required.

### **4. Disciplinary hearings**

When a manager has recommended disciplinary action, a disciplinary hearing will be convened. The employee will be notified in writing as soon as is practicable of the date, time and location of the hearing. The procedure and copies of relevant documentation that will be used or may be useful or necessary to prepare a response will be provided. The employee will be informed of the allegations against them, the basis for those allegations and the likely range of consequences if it is decided at the hearing that the allegations are substantiated. An employee may bring a companion to all meetings where a warning or dismissal may be an outcome, and this may be either a trade union representative or a work colleague. The employee will be informed of their right to be accompanied in the written notification of the hearing. Should they wish to bring a companion to the hearing, they will be responsible for making the necessary arrangements and providing them with copies of paperwork that they may require. If the employee's companion is unavailable at the time a meeting is scheduled, the employee may propose an alternative time for the meeting to take place. If the alternative time is reasonable and within five working days after the original scheduled date, then the meeting will be postponed and rearranged to that date.

A companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on the employee's behalf. The employee may confer privately with their companion at any time during a meeting.

If the employee chooses not to attend the hearing, they may choose to send a written statement for consideration at the hearing or their trade union representative may attend on their behalf.

Where one of the outcomes of the hearing could be dismissal, the local authority will be informed by the school and they may send a representative to offer advice at all proceedings relating to the dismissal.



The disciplinary panel will usually be made up of: the chair of governors/members of the governing body/the headteacher.

Milford School has a duty of care to its employees and will do all it can to minimise the stress of the disciplinary process. The employee may need additional support and the school will consider what would be appropriate. A neutral location and regular breaks are some of the support mechanisms that could be considered. For more information on support, confidentiality, suspensions, resignations and investigation processes that relate to allegations of abuse, please refer to the school's **allegations of abuse against staff policy**.

The employee will be informed in writing of the decision and the reasons for it, usually within 5 working days of the disciplinary hearing. Where possible or deemed appropriate, this information will also be explained to the employee in person.

#### **4.1 Confidentiality**

The school will make every effort to protect the privacy of all parties during and after an investigation into misconduct. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties. All employees must treat information communicated to them in connection with an investigation or disciplinary matter as confidential.

A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of a teacher who is the subject of allegations made by a pupil (or on a pupil's behalf) that the teacher has committed a criminal offence, unless and until that teacher is charged with a criminal offence. Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

During informal action, formal investigation and any subsequent stages of the procedure, the School will collect, process and store personal data in accordance with our Data Protection Policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Records will be kept in accordance with our Privacy Notice, our Retention and Destruction Policy and in line with the requirements of Data Protection Legislation.

#### **4.2 Suspensions**

The school will not suspend a member of staff without serious consideration and will not do it automatically when an allegation of abuse or gross misconduct is made. A reasoned decision will be made based on all available information. Depending on the nature of the case, it may be possible that alternative arrangements are made such as work location or reorganisation of duties, and these will be considered before a decision to suspend is made.

Suspension is not a disciplinary penalty and does not imply that any decision has already been made about the allegations, but it may be necessary during an investigation and will protect the employee from any allegation relating to influencing witnesses or tampering with potential evidence. Where an employee is suspended, they will receive confirmation in writing as soon as possible and will be informed of the reason for the suspension. The suspension will be for no longer than is necessary and will be kept under review. Employees will continue to receive pay and benefits in the normal way during any period of suspension.

The decision to suspend can only be made by the chair of governors or the Headteacher.



The School has no authority or power to suspend a member of agency staff where an allegation is made against them. Instead the School will cease to use the services of that member of agency staff or self-employed contractor, but not without first finding out the facts and liaising with the LADO to determine a suitable outcome. Further information can be found in the Allegations Against Staff Policy.

#### **4.3 Resignations**

If an employee resigns in advance of a disciplinary allegation being investigated or considered at a disciplinary hearing, the School has the discretion to decide whether the investigation will continue until an outcome has been reached, with or without the person's cooperation. In that event, the employee will be given full opportunity to respond to the hearing.

In all cases where the employee is subject to allegations relating to safeguarding, the School must continue their investigation and consideration of the allegation notwithstanding the resignation of the employee. A referral to the Disclosure and Barring Service and Secretary of State and Teaching Regulation Agency (for those carrying out "teaching work" only) will also be made where the thresholds for referral are met.

This is in line with statutory guidance from Keeping Children Safe in Education 2022, on dealing with allegations against staff: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

#### **4.4 Record keeping**

Detailed records of all investigations and outcomes should be kept securely, and in line with the Data Protection Act, in the personnel file of the person who has been under investigation, who should be given a copy of the same information. This will enable the school to:

- provide all the necessary information for future schools if the individual requires a reference. Where DBS checks highlight allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached
- prevent unnecessary re-investigation in the future if an allegation re-surfaces.

Allegations or investigations that are proven to be malicious will not be kept on employment records or used in employee references.

#### **4.5 Action on conclusion of the case**

The employee will be informed in writing of the decision and the reasons for it, usually within 14 days of the hearing, but sooner wherever possible. The panel may find that there is no case to answer and refer the case back to an informal process. Alternatively, the panel may give the employee a disciplinary first warning or final warning or dismiss them. The usual penalties are set out below:

- Written warnings will set out the nature of the misconduct, the period for which the warning will remain active and the likely consequences of further misconduct in that active period. After the active period, the warning will remain permanently on the employee's personal file but will be disregarded in deciding the outcome of future disciplinary proceedings.
- The governing body will inform the Local Authority in writing if they choose to dismiss an employee with the reasons for the dismissal. The LA must then terminate the employee's contract of employment.
- Where an employee is dismissed, a referral to the Disclosure and Barring Service and Secretary of State will be made where the thresholds for referral are met.





- If it is decided that the employee may return to school (after a suspension) then provisions will be put in place by the school to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or use of another member of staff as a support system in the short term.

#### 4.6 Appeals

Members of staff can appeal to the governing body in relation to disciplinary action taken against them within 10 days of the date on which they were informed of the decision.

The appeal will be dealt with as impartially as possible and where possible, will be conducted by a different panel of governors not previously involved in the case (often using local partner school's governors). The employee will be given written notice of the date, time and place of the appeal hearing no less than 10 working days before the hearing. They may bring a companion to the appeal hearing (see the opening to section 4).

Following the appeal hearing, the panel may confirm or revoke the original penalty or substitute a different penalty. Ordinarily a penalty will not be increased on appeal unless there is new information or evidence that requires further investigation and warrants an increase in sanction. The employee will be informed in writing of the decision and the reasons for it, usually within 14 working days of the hearing, but sooner wherever possible.

**Note:** Outline the steps that employees can take to appeal decisions made at disciplinary hearings. You should include information on who employees can contact for support with appeals as well as practical information such as how they appeal, what happens to the termination date if they appeal and details regarding paperwork.

The decision of the appeals panel is final and there is no further right to appeal.

### 5. Staff grievances

Grievances are complaints, concerns, or problems raised by staff relating to their employment. If it is not possible to resolve a grievance informally employees should raise the matter formally and without unreasonable delay with a manager who is not the subject of the grievance. This should be done in writing and should set out the nature of the grievance and the outcome they are seeking.

The procedures outlined below can be used when:

- a staff member has a grievance with a colleague
- a staff member has a grievance with their manager or another member of the leadership team, including the headteacher or governors
- a staff member has a grievance about matters relating to their employment
- an employee has a grievance with the local authority [*delete if yours is not a maintained school*].

Grievances can be about issues including:

- terms and conditions of employment
- health and safety
- work relations
- bullying and harassment
- new working practices
- working environment



- organisational change
- discrimination.

The procedures outlined in this policy **should not be used** for:

- grievances about termination of employmentgrievances about national insurance, income tax or pensions
- grievances about pay or performance management
- grievances related to whistleblowing.

**These are covered by separate procedures.**

**Note:** You should outline in which policies information about these procedures are explained/how staff can access information relating to these procedures.

## 5.2 Informal procedure

**Note:** You might wish to provide a flowchart or a paragraph explaining who people should turn to if they have a complaint or concern to get support. This is likely to vary depending on the nature of the concern and the position of the person making the complaint.

Your staff may also find it useful for you to attach guidelines as an appendix to this policy for the headteacher, managers and governor panels on how to conduct initial grievance meetings.

The wellbeing of school staff is very important, and we strive for an environment in which employees are confident that any grievances can be resolved quickly and informally through open communication with their line manager or headteacher. Staff are encouraged to seek an informal resolution. If they are unable to speak to their manager (e.g. because the complaint concerns their manager), they should speak informally to a more senior manager, which could be the headteacher.

If this does not resolve the issue or is not appropriate, staff should follow the formal procedure below.

## 5.3 Formal procedure

Where staff think that informal procedures cannot or have not resolved their grievance, they can initiate formal procedures. These will progress as outlined below: *[add/amend/delete as appropriate]*

**Note:** Your school may have a different formal procedure for dealing with grievances, in which case you should delete the section below and fill in your own process. You may find that it is useful to outline the proceedings in a hearing step by step: who talks when, when questions can be asked, etc.

- The staff member with the grievance should fill out a **notification of grievance form** (Appendix X). This should be handed to their manager or, if the manager is the subject of the grievance, to a member of the senior leadership team or the headteacher. Where the headteacher is the subject of the grievance, the form should go to the chair of governors. Where the governing body is the subject of the grievance, the employee should consult with the headteacher before approaching the chair of governors.



**Note:** If your school does not have a form for this purpose (or does not wish to use one), the individual bringing the grievance should describe the grievance in writing and identify the outcome they are seeking.

- An initial investigatory / exploratory meeting may be held involving the member of staff with the grievance and the recipient of the form/letter (their manager) to discuss the grievance and context. The individual who has received the form/letter will take notes and pass these on to the headteacher or person delegated by the headteacher to consider the grievance.
- Once the information is collected the Headteacher will arrange for a formal grievance meeting to take place.
- An employee has the right to bring a companion (a trade union representative or a colleague) to the formal grievance meeting or appeal meeting under this procedure. Employees should tell the person holding the grievance meeting who their chosen companion is in good time before the meeting. If the employee's companion is unavailable at the time a meeting is scheduled, the employee may propose an alternative time for the meeting to take place. If the alternative time is reasonable and within five working days after the original scheduled date, then the meeting will be postponed and rearranged to that date. At the meeting, your companion may make representations to us and ask questions but should not answer questions on your behalf. You may request an adjournment to speak to them privately at any time during the meeting.
- The person holding the meeting will hear evidence from the parties involved and review any relevant documentation. The person may adjourn the meeting or defer a decision until they are satisfied that they have thoroughly reviewed all the evidence and considered all relevant factors.
- In some cases, it may be necessary for investigations to be carried out into the grievance. The meeting may be adjourned to carry out necessary investigations, or an investigation may be conducted before the grievance meeting if appropriate. The nature of the investigation will depend on the complaint; it may involve interviewing the employee, a witnesses or witnesses, or reviewing relevant documents.
- All parties involved will usually be notified in writing of the decision of the panel and the reasons for the outcome within *five* working days. There may be circumstances in which it is considered inappropriate for all those involved to receive the full notification.

**Note:** Employees are required to raise matters without undue delay so you may wish to set out here that matters that occurred over [3 months] ago may not be considered.

## 6. Appeals

The individual who has brought the grievance can appeal by writing to *[state who]* within *[state number]* working days of the decision, stating in detail the grounds. An appeal meeting will be held as soon as practicable and will be dealt with impartially by a more senior manager not previously involved. Where the headteacher made the decision, a panel of governors will hold the appeal meeting. The grievance will be re-heard on condition that: *[add/amend/delete as appropriate]*

- there is new evidence
- new grievances will not be added.

The decision of this panel is final.

## 7. Overlapping grievance and disciplinary issues



**Note:** Your school may have specific rules when it comes to overlapping grievance and disciplinary issues and what will be heard first in these cases. It is usual for the grievance to be heard after the completion of the disciplinary when the two are unrelated.

If an employee raises a grievance after disciplinary proceedings have started against them, the school may consider suspending the disciplinary period for a short time to consider the implications of the grievance on the disciplinary proceedings. If the grievance and disciplinary issues are considered to be unrelated then they can be heard separately. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

## 8. Collective Grievances

**Note:** Your school may have a separate policy/procedure for dealing with collective grievances, in which case you should delete the section below and refer to where this can be found. Alternatively, you may find that it is more user friendly to combine the two procedures into this policy.

If two or more employees have identical grievances and all wish them to be addressed in the same grievance process, staff members can raise a collective grievance via this procedure. All employees must agree (without any pressure being exerted on staff members to join the collective process) to do this.

If the employees raising the collective grievance are all members of the same trade union, their trade union representative can raise the grievance on their behalf. Alternatively, employees can agree to nominate one employee to act on behalf of everyone. Collective grievances will be managed in accordance with the procedure set out above. However, the written collective grievance statement should also:

Identify you and each of your colleagues who wish to raise the grievance;

Identify any nominated trade union representative or colleague to represent you all;

State that you have all voluntarily consented to use the collective grievance procedure;

Confirm that you understand that the grievance will give each of you the right to only one collective grievance meeting, one identical outcome (if applicable), one appeal meeting and one identical appeal outcome.

**Note:** If your school does not use a grievance notification form (or does not wish to use one), it should be made clear in this section that the written notification must also identify each employee who wishes to raise the grievance, identify any nominated trade union representative or colleague to represent them all, state that all employees have voluntarily consented to use the collective grievance procedure and confirm that all parties understand that the grievance will give each of them the right to only one collective grievance meeting, one identical outcome, one appeal and one identical appeal outcome.

If, following the collective grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal.

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**Signed by**

\_\_\_\_\_ **Chair of governors**

\_\_\_\_\_ **Headteacher**

**Date:** .....

**Date:** .....

**This document will be reviewed annually.**