



Dixons Allerton Academy

Complaints and Grievance Procedures for Staff

Responsibility for Review: Senior Leadership Team

Statement of intent

This procedure applies to teachers (including the Principal) and associate staff in respect of whom the responsibility for seeking redress of any grievance/complaint relating to their employment is under the control of the Governing Body under the School Standards and Framework Act 1998, as amended from time to time.

The purpose of this policy is:

- To enable employees who have a grievance, or believe they have been harassed or bullied or suffered discrimination, to make a complaint which will be treated seriously.
- To enable management to respond to complaints fairly and promptly, and in a serious and sensitive manner.
- To provide guidance and to encourage the use of informal methods of resolving complaints where these are appropriate.

Signed by :.....

Date:.....

(Principal)

Signed by :.....

Date:.....

(Chair of Governors)

COMPLAINTS PROCEDURE FOR STAFF EMPLOYED IN THE ACADEMY

2. PURPOSE

- 2.1 To enable employees who have a grievance, or believe they have been harassed or bullied or suffered discrimination, to make a complaint which will be treated seriously.
- 2.2 To enable management to respond to complaints fairly and promptly, and in a serious and sensitive manner.
- 2.3 To provide guidance and to encourage the use of informal methods of resolving complaints where these are appropriate.

3. TYPES OF COMPLAINT

This procedure applies to four types of complaint:-

3.1 Grievance

The Grievance Procedure is for dealing with complaints relating to:

- conditions of service
- educational matters within the Academy
- any matters not covered by the harassment, bullying and discrimination procedures

3.2 Complaint of Harassment

Harassment is uninvited and unwanted action or behaviour by one person or group against another, or others, which may cause offence and/or embarrassment and which creates fear, stress or tension in the workplace. It could be an isolated act such as a comment or gesture or it could take the form of repeated behaviour.

3.3 Complaint of Bullying

Bullying is the misuse of power, position or situation which has the effect of intimidating, humiliating or undermining an employee.

3.4 Complaint of Discrimination

Unlawful discrimination is any action or inaction in relation to any employee, which is unlawful under the Race Relations Act 1976, the Sex Discrimination Act 1975 or the Disability Discrimination Act 1995.

Discrimination also includes the treatment of an employee less favourably or the victimisation of an employee by reason of their religious or political convictions; being lesbian or gay; gender assignment; membership or non-membership of a trade union or involvement in trade union activities; status as an ex-offender; age (or youth) or medical status.

More than one person submitting the same grievance/complaint

If there is more than one person submitting broadly the same grievance/complaint the case may be led by the trade union representative/s and the complainants will attend as witnesses (this will entail giving evidence individually and withdrawing until the decision is made). However an employee still has the right to have the matter dealt with on an individual basis if s/he so wishes.

4. HANDLING EMPLOYEE GRIEVANCES/COMPLAINTS – STATEMENT OF PRINCIPLES

4.1 The management representative/s should seek to resolve the complaint, by informal means (See 6.2, 8.1 and 8.2) including mediation and/or conciliation between the complainant and the person/s complained of, wherever this is appropriate and possible by agreement of all parties.

The use of mediation and/or conciliation can be considered at any stage of the procedure or at the end of the process where there is a need to restore good working relationships between colleagues.

4.2 The management representative/s will deal with complaints expeditiously and objectively, and in the event of delays will give reasons to all parties.

4.3 In considering evidence relating to a complaint the management representative/s will apply the “balance of probabilities” standard of proof.

4.4 A decision of the management representative/s in relation to a complaint shall only address the point or points of the complaint. The management representative/s reserves the right to address other relevant issues if they are revealed in the course of an investigation.

4.5 In place of hearing the case her/himself, the Principal may arrange for a complaint to be considered by the Discipline, Grievance and Dismissal Committee in which case the complainant will be notified in writing of the arrangements.

4.6 The highest level at which employee complaints can be considered will be the Appeals Committee of the Governing Body.

5. ACCOMPANIMENT AND REPRESENTATION

5.1 A complainant may be accompanied at any meetings or interviews connected with her/his complaint by a trade union representative or a work colleague. At any hearing or appeal a complainant may be represented by up to two trade union representatives or work colleagues. **At any hearing or appeal the person complained against may be accompanied by a trade union representative or work colleague as s/he will be the key witness.**

NOTE: Where mediation or conciliation is entered into under the management of an independent facilitator, there is no right to be accompanied and/or represented but this may be requested.

5.2 An employee who is required to attend any meeting or interview as a witness in relation to a

complaint may be accompanied but not represented by a trade union/professional association representative or work colleague.

5.3 The non-availability of a particular trade union/professional association representative or work colleague to accompany an employee shall not be a valid reason to delay proceedings. The complainant has additional statutory rights – see paragraph 5.4 below.

5.4 **Postponement of hearings and appeals.**

In accordance with Section 10 (4) of the Employment Relations Act 1999 the complainant may seek a postponement of a complaint hearing and propose an alternative time, if their chosen Trade Union or Professional Association official or work colleague is not available at the time proposed for the hearing by the employer. The Act states that the alternative time proposed by the employee must be reasonable and fall within five working days beginning the first working day after the day proposed by the employer.

NOTE: The non-availability of the second of the two trade union/professional association representative permitted under this procedure will not be regarded as sufficient reason for a postponement.

6. PROCEDURE FOR GRIEVANCE COMPLAINTS

6.1 Preamble

- i. The Grievance Procedure is for dealing with complaints relating to
 - conditions of service
 - educational matters within the Academy
 - any matters not covered by the harassment, bullying and discrimination procedures
- ii. All proceedings shall be confidential. When the Discipline Grievance and Dismissal Committee's decision is made the operative decision only shall be minuted and individuals should not be identifiable from the minutes.
- iii. The decision and the reasons for it should be communicated in writing to the individual.

6.2 Informal

- i. Where a grievance complaint could be resolved informally through discussion, complainants are encouraged in the first instance to raise it directly with their supervisor/line manager at the earliest stage. The complaint may be made in writing.

If the complainant feels that this is inappropriate s/he should contact his/her trade union representative to discuss alternative approaches.

For educational matters the trade union representative may also raise the issue with Education Bradford.

- ii. If the grievance is against the complainant's immediate supervisor/line manager and the complainant considers that it is inappropriate to raise the complaint directly with him/her the complainant should bring the grievance to the attention of the Principal. The complaint may be in writing.

6.3 Formal Procedure

The following paragraphs set out the formal procedure to be adopted where the matter has not been resolved by informal means.

See Appendix 1 for flowchart of Formal Procedures for Employee Grievances (except Principal grievances or grievances against the Principal)

See Appendix 2 for flowchart of Formal Procedures for Principal Grievances and Grievances against Principals

- i. The timing and location of meetings must be reasonable and agreed by all parties

wherever possible.

- ii. Details of the grievance are put in writing to the or the Clerk to Governors (as appropriate) who will forward immediately to the person whom the grievance is against.
- iii. Within 3 working days of receipt of the complaint letter the Principal or Clerk to Governors (as appropriate) will acknowledge receipt.
- iv. Within 10 working days of receipt of the complaint letter:
 - the Principal or Clerk to Governors (as appropriate) will arrange for a grievance complaint hearing to take place normally within 20 working days of the date of the complaint letter and will inform all parties in writing of the date.
 - The complainant must have provided all supporting evidence, including details of any witnesses, to the Principal or the Clerk to Governors (as appropriate) who will forward the evidence to the person whom the complaint is against. If the hearing is a governors' hearing the Clerk to Governors will forward to the Committee members.
- v. Within 5 working days of receipt of the supporting evidence the person whom the complaint is against must have provided their response, including details of any witnesses and all supporting evidence to the Principal or Clerk to Governors (as appropriate). The Principal or Clerk to Governors (as appropriate) will forward to the complainant and if the hearing is a governors' hearing the Clerk to Governors will forward to the Committee members.
- vi. The date of the hearing will also allow a minimum of 3 working days after receipt by the complainant of the documents detailed in (v) above.

No further evidence will normally be accepted.

N.B The times stated may be varied by agreement with all parties

Please Note: Cases under the Grievance Procedure involving a matter of principle may be taken up under the Collective Disputes Procedure (see Section 8) by the Trade Union Association.

6.4 Grievances of employees (except Principals).

- i. First Stage
 - The employee should at this stage seek the assistance of his/her Trade Union Representative/work colleague in presenting the case.

- In cases not involving the Principal, in the first instance the employee may take up the grievance with the Principal.
- The Principal will provide a full opportunity for the employee (and their Trade Union/ Work Colleague representative) to present the case, and make a decision as soon as possible. An HR Adviser will be present to advise. Where the Principal needs time to consider, the reason for the delay should be explained to the employee and a reply be made within 7 working days wherever possible. If no decision can be reached at that time, the Principal must discuss the delay with the employee. If not satisfied the employee may proceed to the second stage.
- The Principal will give the decision in writing (or verbally and in writing). Should the grievance not be upheld or upheld only in part the letter should explain to the employee the right of appeal, and how to exercise that right.

ii. Second Stage

- If the employee continues to feel aggrieved s/he may appeal in writing to the Appeals Committee of the Governing Body by writing to the Clerk of Governors within 20 working days of the decision being given.
- The employee has the right to present the case in full by letter, or at a formal hearing. At a formal hearing s/he may be represented by up to 2 Trade Union Representatives or Work Colleagues.

An HR Adviser will be present to advise the governors.

- The Appeals Committee should, having heard the evidence, decide the case as soon as possible. Where the Committee needs time to consider the decision, the Chair should explain the reason for the delay and undertake to reply within 7 working days wherever possible.

The Chair will give the decision in writing or verbally and in writing.

The decision of the Appeals Committee is the final level of appeal.

6.5 Principals' Grievances and Grievances Against Principals

- A Principal cannot take out a grievance against a member of staff.
- Principals may take out a grievance against the governing body (or a formally constituted committee of the governing body) but not against an individual governor, unless, he/she is exercising a delegated power or function or one conferred by law.
- Any grievance must relate to a decision or omission of the governing body, committee or individual concerned.

i. First Stage

- An aggrieved Principal or another employee with a grievance against the Principal must lodge the grievance in writing to the Clerk of Governors.
- The Principal or another employee has the right to present the case in full by letter or at a formal hearing; at a formal hearing s/he may be represented by up to 2 Trade Union Representatives or Work Colleagues.

An HR Adviser will be present to advise the governors.

- The Discipline Grievance and Dismissal Committee should, having heard the evidence, decide the case as soon as possible. Where the Committee needs time to consider the decision, the Chair should explain the reason for the delay and undertake to reply within 7 working days wherever possible. The Chair will give the decision in writing, or verbally and in writing. Should the grievance not be upheld or upheld only in part the letter should explain to the employee the right of appeal, and how to exercise that right.

ii. Second Stage

- If the Principal or another employee continues to feel aggrieved s/he may appeal in writing to the Appeals Committee of the Governing Body by writing to the Clerk of Governors within 20 working days of the decision being given.
- The Principal or another employee has the right to present the case in full by letter, or at a formal hearing; at a formal hearing s/he may be represented by up to 2 Trade Union Representatives or Work Colleagues.

An HR Adviser will be present to advise the governors.

- The Appeals Committee should, having heard the evidence, decide the case as soon as possible. Where the Committee needs time to consider the decision the Chair should explain the reason for the delay and undertake to reply within 7 working days wherever possible. The Chair will give the decision in writing or verbally and in writing.

The decision of the Appeals Committee is the final level of appeal.

7. COLLECTIVE DISPUTES PROCEDURE

7.1 Preamble

Where it has not been possible to resolve a dispute by informal discussions, the following paragraphs set out the formal procedure to be adopted.

7.2 This procedure is designed to enable the Governing Body or the Authority as appropriate and the recognised Union(s)/Association(s) to settle disputes which arise between them, or which, though arising from an individual grievance clearly involve a matter of principle.

7.3 The “Governing Body” includes a Sub Committee of the Governing Body acting with delegated powers.

7.4 Exclusions

The procedure may not be invoked for any of the following:

- i. Matters affecting an individual covered by the machinery, except matters of principle arising from an individual case.
- ii. Matters of a purely educational nature.
- iii. Matters of dispute between or amongst Union(s)/Associations(s), except (a) where the dispute affects the service, (b) that the Union(s)/Association(s) may ask the Governing Body or the Authority as appropriate to use its good offices to promote a settlement with the consent of all parties to the dispute.

7.5 Once a collective dispute has been raised within the procedure, neither side shall take industrial action of any kind in connection with the specific issue while the matter is within the procedure (including jointly agreed referral to conciliation or arbitration). So far as possible, normal working shall continue uninterrupted during this procedure and status quo shall prevail.

This provision applies to disputes within the terms of reference of the consultative machinery. The Authority expects to be given reasonable notice of any proposed industrial action.

7.6 Procedure

- i. An accredited representative of the Union/Association may raise a matter with the Principal, or the Governing Body as appropriate, in the first instance or with the Chair of the OJC which affects either employees at a particular School or affects employees in more than one School or is of general interest.
- ii. Initially, the Principal, or the Governing Body, as appropriate will try to resolve the matter with the representative through discussion. If no agreement can be reached, or if the matter is referred directly, the Chair of OJC will try to resolve the matter with the representatives through discussion.

- iii. Initially, the matter will be discussed at the appropriate Officers Joint Committee. Either side may also raise matters of sufficient significance for the whole service at that Committee.
- iv. If the matter remains unresolved at the Officers' Joint Consultative Committee a failure to agree will be minuted and an agreed Statement of Case prepared. Either side may request that the matter goes to the Joint Consultative Committee.

The Joint Consultative Committee is the final level for resolving the matter.

- v. If there is a failure to agree in the internal procedure the two sides will decide whether some form of conciliation or arbitration would help to resolve the dispute, and may by agreement proceed with one or the other.

7.7 Conciliation

Where both sides agree the dispute may be referred to conciliation. The conciliation should initially be at local level unless it is agreed that having regard to the origin and nature of the dispute it would be appropriate for the matter to be referred to ACAS or for teachers to use the machinery as described in Appendix IV of the Burgundy Book.

7.8 Arbitration

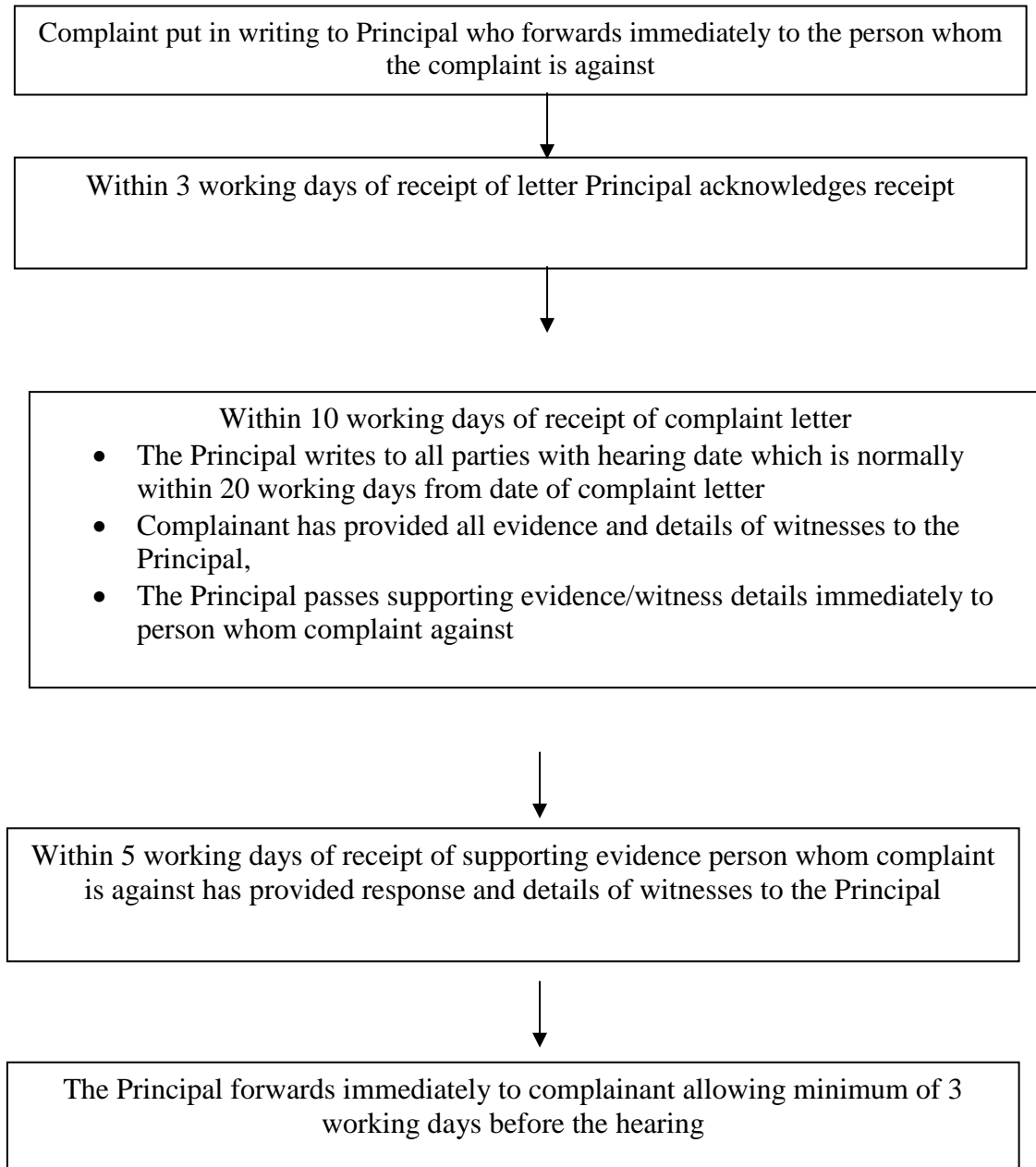
Where both sides agree the dispute may be referred to Arbitration under the auspices of ACAS

If the two sides agree to use the service of a conciliator or an arbitrator, neither side shall take action to exacerbate the differences between them.

- 7.9 A Union/Association may raise a matter on its own behalf, or jointly with the agreement or consent of all the recognised Unions/Association. If a Union/Association raises a matter on its own behalf, the other recognised Unions/Associations may submit their views at all stages in their own right.

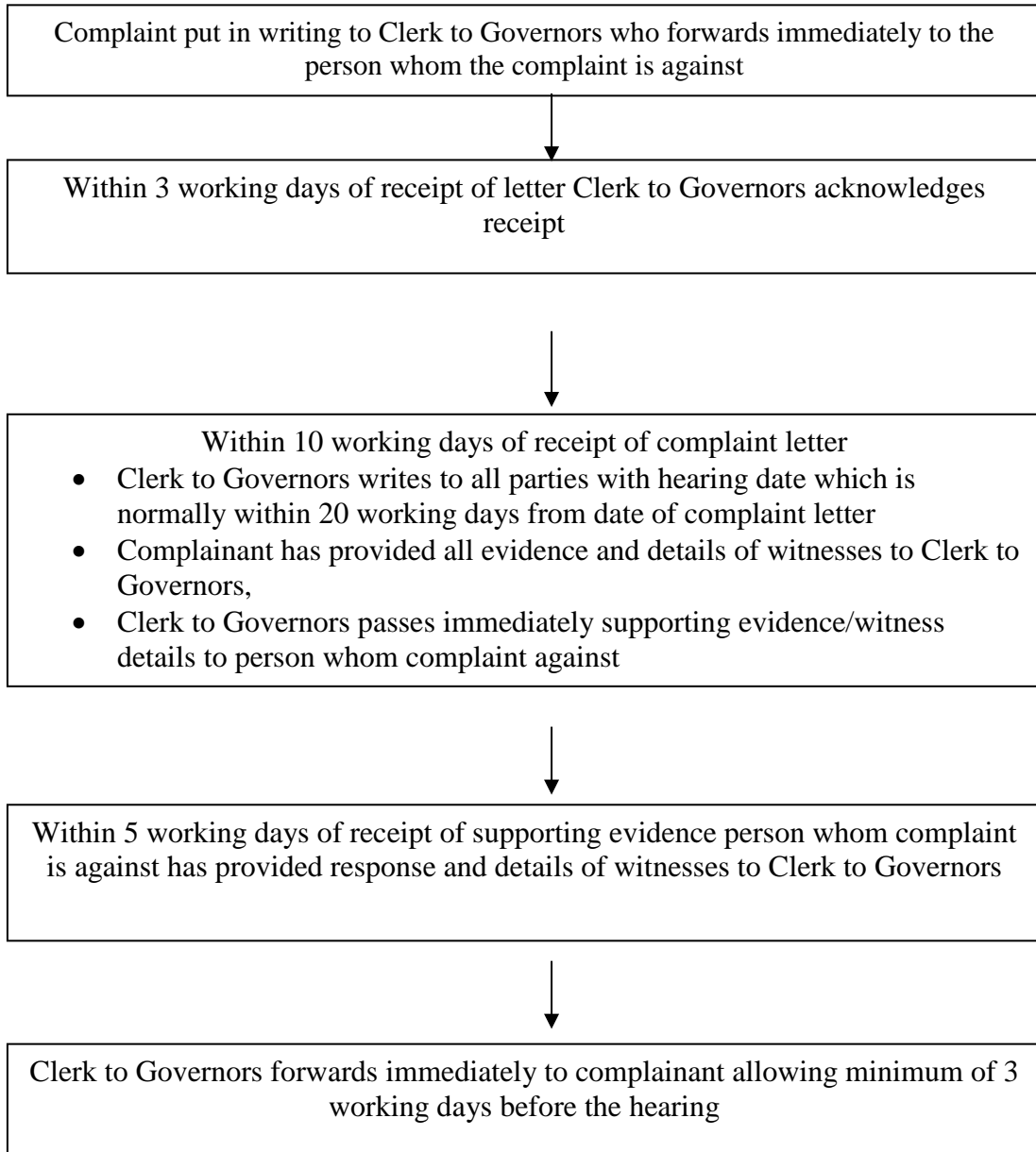
This paragraph applies to all stages in the procedure.

**Formal Procedures for Employee Grievances
(except Principal grievances or grievances against the Principal)
(Section 3, Formal Procedure)**



N.B. The times stated may be varied by agreement of all parties

**Formal Procedures for Principal Grievances and Grievances against Principals
(Section 3, Formal Procedure)**



N.B. The times stated may be varied by agreement of all parties

8. PROCEDURE FOR COMPLAINTS OF HARASSMENT, BULLYING AND DISCRIMINATION

8.1

Resolving Complaints Informally

- i. Employees are encouraged to raise their complaint with their line manager at the earliest stage.
- ii. If the employee feels that this is inappropriate she/he should contact the trade union to discuss alternative action.
- iii. Nothing in this procedure precludes employees from choosing to deal with incidents of harassment (including bullying) or discrimination themselves by confronting the offender(s) in a straight forward practical and assertive manner and telling them that their behaviour is offensive and/or unwelcome. The complainant may feel that no further action is required if the person(s) complained of apologises and agrees to refrain from similar behaviour in future. This is to be encouraged as an effective means of resolving complaints in some cases.
- iv. Most recipients of harassment (including bullying) and/or discrimination simply want the harassment (including bullying) and/or discrimination to stop. Management has a responsibility to resolve the complaint if at all possible. Some of the possible options available to Management are:
 - stated in (iii) above, encourage the employee to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is unwelcome, that it offends them or makes them uncomfortable, and that it interferes with their work. If it is difficult or embarrassing for an individual to do this on their own behalf, management or another appropriate colleague may offer to accompany them.
 - The manager or trade union representative may approach the offender on the complainant's behalf and explain the feeling of the complainant and urge the offender to cease/change his/her behaviour.
 - Arrange a meeting where all parties can be present to discuss what has happened.
- v. Mediation or conciliation process facilitated by an independent third party ("the facilitator"), subject to the agreement of both parties and their acceptance of the proposed facilitator.

Independently facilitated mediation or conciliation may be considered to be appropriate in situations where it is considered by the parties that the matter is best dealt with by a facilitator who has no connection or involvement with the Academy or its management.

The mediation or conciliation process shall be confidential to the parties involved. In keeping with its informal problem solving approach, neither party has the right to be accompanied by a trade union/professional association representative or work colleague but this may be requested. Information from within the process shall not be sought as part of any subsequent investigation. The facilitator shall not be required to give evidence to any

subsequent investigation or hearing. Both parties should seek to resolve the complaint at this stage.

The options are not exclusive, and other options may present themselves, according to the situation.

In any event, these options should be discussed and agreed by the complainant and every effort should be made in the first instance to resolve complaints by informal means.

N.B. If the behaviour of the employee's manager is the subject of the complaint the employee may raise the matter with the manager's own line manager.

8.2

Complaints against Principals

If the complaint is against the Principal a range of options to assist in resolving the matter may be considered including:

- i. Approaching a Deputy Principal or a colleague.
- ii. Contacting the trade union representative who may contact the Principal's trade union representative.
- iii. Contacting your HR Adviser who may assist directly or suggest other services e.g. Mediation Services which may be able to help.
- iv. Approaching the Chair of Governors or a governor nominated by the governing body with the particular skills to enable him/her to provide assistance in this type of problem.

The Chair or Governor should be nominated by the governing body for this role at the beginning of each year and the staff informed accordingly. The Chair or governor nominated must not be a member of the Discipline and Grievance Committee or the Appeals Committee.

It must be noted that this is the INFORMAL part of the process and that any person the employee chooses to contact to assist in resolving the problem must deal with the matter on a confidential basis.

8.3 Formal

For guidance on conducting investigations, see Education Bradford publication "Managing Investigations – A Practical Guide".

NB In some cases it may be desirable to use the services of an external investigator. Please contact your human resources adviser for information

- i. If informal methods of resolving the complaint of harassment, bullying or discrimination are inappropriate, unacceptable to either party, or have not succeeded (and the

complainant has confirmed her/his wish to pursue a formal complaint) the Investigating Officer/s will carry out an investigation. The complainant will be required to make a written statement of complaint before the investigation commences.

- i.i If the investigation takes longer than 20 working days from receipt of the written complaint, the complainant should receive a written progress report every 15 working days from the Principal/Chair of Governors as appropriate.

Allegations against a Member of Staff

8.4 i. The Investigating Officer

- If the allegation is against a member of staff the Principal will arrange for a Deputy or Assistant Principal (not involved in the case) to undertake the investigation. (If this is not possible the Academy may commission an external investigator at a cost to the Academy- your HR Adviser will advise) The investigating officer will make recommendations to the Principal.
 - Where there is no alternative the Principal can investigate and make the decision. Whilst it is not recommended that the Principal undertake this dual role, this may be a pragmatic approach in the circumstances. Please contact your human resources adviser before deciding on this process.
 - The investigating officer provides a written report, with the statements taken during the investigation, to the Principal. The Principal decides whether the complaint is justified or not (in full or in part), informs the complainant in person of the decision and subsequently confirms the decision in writing to the complainant within 5 working days wherever possible.
- ii. If the Principal upholds the complaint (in full or in part) s/he must take, or recommend, appropriate action to prevent any recurrence of the inappropriate behaviour found. This may involve invoking the disciplinary procedures. The Academy's HR Adviser will offer advice
 - ii. If the complaint is not upheld, or upheld only in part, the complainant may request a hearing before the Discipline, Grievance and Dismissal Committee.
 - iii. The hearing will consider all aspects of the original written complaint which have not been upheld. An HR Adviser will be present to advise.

N.B. At the hearing the management representative will be the Principal. The person whom the allegations are against will be a witness (as s/he is the key witness s/he may be accompanied by a trade union representative or a work colleague)

- iv. The Committee should, having heard the evidence, decide whether the complaint is justified or not (in full or in part). The decision should be made as soon as possible. Where the Committee needs time to consider the decision the Chair should explain the reason for the delay and undertake to reply within 7 working days wherever possible. The Chair will give the Committee's decision in writing, or verbally and in writing. Should the

grievance not be upheld or upheld only in part the letter should explain to the employee the right of appeal and how to exercise that right

- v. If the Committee upholds the complaint (in full or in part) they must recommend appropriate action to prevent any recurrence of the inappropriate behaviour found. This may involve invoking disciplinary procedures. The HR Adviser will offer advice.

Appeal to the Governing Body

8.5

- i. If the complaint is not upheld (in full or in part) a complainant has the right to appeal the decision made at the first hearing by writing to the Clerk to the Governors within 20 working days of the decision being given.
- ii. The Clerk to Governors must arrange an appeal hearing as soon as possible, normally within 20 working days of the appeal being lodged. The appeal will be heard by the Appeals Committee of the Governing Body. The appeal hearing will consider all aspects of the original written complaint which have not been upheld. An HR Adviser will be present to advise.

N.B. At the hearing the management representative will be the Principal. The person whom the allegations are against will be a witness (as s/he is the key witness s/he may be accompanied by a trade union representative or a work colleague)

- iii. The Appeals Committee should, having heard the evidence, decide the case as soon as possible. Where the Committee needs time to consider the decision the Chair should explain the reason for the delay and undertake to reply within 7 working days wherever possible. The Chair will give the decision in writing or verbally and in writing.
- iv. The decision of the Appeals Committee is the final level of appeal.

Allegations against a Principal

8.6

- i. The Investigating Officer
 - If an allegation is made against the Principal the investigation will be the responsibility of governor/s
 - It is recommended that commissioning an external investigator is considered by the governors unless a governor(s) is available with the time and expertise to undertake the investigation. This will be a cost to the Academy.
 - If the Governing Body wishes a governor/s to undertake the investigation for the process for the governing body to nominate the governor/s

Your HR Adviser will offer advice on this matter.

- The investigating officer provides a written report, with the statements taken during the investigation, to the Chair of Governors. The Chair decides whether the complaint is justified or not (in full or in part), informs the complainant in person of the decision and subsequently confirms the decision in writing to the complainant within 5 working days wherever possible.
- ii. If the Chair upholds the complaint (in full or in part) s/he must take, or recommend, appropriate action to prevent any recurrence of the inappropriate behaviour found. This may involve invoking the disciplinary procedures. The Academy's HR Adviser will offer advice.
- iii. If the complaint is not upheld, or upheld only in part the complainant may request a hearing before the Discipline, Grievance and Dismissal Committee.
- iv. The hearing will consider all aspects of the original written complaint which have not been upheld. An HR Adviser will be present to advise.

NB At the hearing the management representative will be the Chair of Governors. The person whom the allegations are against will be a witness (as s/he is the key witness s/he may be accompanied by a trade union representative or a work colleague)

- v. The Committee should, having heard the evidence, decide whether the complaint is justified or not (in full or in part). The decision should be made as soon as possible. Where the Committee needs time to consider the decision the Chair of the Committee should explain the reason for the delay and undertake to reply within 7 working days wherever possible. S/he will give the Committee's decision in writing, or verbally and in writing. Should the grievance not be upheld or upheld only in part the letter should explain to the employee the right of appeal and how to exercise that right.
- vi. If the Committee upholds the complaint (in full or in part) they must recommend appropriate action to prevent any recurrence of the inappropriate behaviour found. This may involve invoking disciplinary procedures. The HR Adviser will offer advice.

Appeal to the Governing Body

- 8.7**
- i. If the complaint is not upheld (in full or in part) , the complainant has the right to appeal the decision made at the first hearing by writing to the Clerk to Governors within 20 working days of the decision being given.
 - ii. The Clerk to Governors must arrange an appeal hearing as soon as possible, normally within 20 working days of the appeal being lodged. The appeal will be heard by the Appeals Committee of the Governing Body. The appeal hearing will consider all aspects of the original written complaint which have not been upheld. An HR Adviser will be present to advise

N.B. At the hearing the management representative will be the Chair of Governors. The person whom the allegations are against will be a witness (as s/he is the key witness s/he may be accompanied by a trade union representative or a work colleague)

- i. The Appeals Committee should, having heard the evidence, decide the case as soon as possible. Where the Committee needs time to consider the decision the Chair of the Committee should explain the reason for the delay and undertake to reply within 7 working days wherever possible. S/he will give the Committee's decision in writing or verbally and in writing.
- ii. The decision of the Appeals Committee is the final level of appeal.

8.8 Allegations by the Principal

- i. Allegations against a member of staff of harassment, bullying or discrimination
 - Follow the same procedure detailed in Section 8.6 and 8.7
- ii. Allegations against the Governing Body
 - Please contact the Academy's HR Adviser (who will liaise with the Governors Support Service) for advice before taking any action.

9. RESTORING WORKING RELATIONSHIPS

- 9.1 Whatever the outcome of a complaint, it is management's responsibility to re-establish effective working relationships amongst the employees involved and it is the employees' duty to co-operate to achieve this.

10. DISCIPLINARY IMPLICATIONS

The making of a complaint known to be false may result in disciplinary action being taken.

- 10.1 Where a complaint of discrimination or harassment or bullying is upheld management may take action under the disciplinary procedures.
- 10.2
- 10.3 The management representative must inform the complainant whether any disciplinary action or any other action aimed at redressing the situation has been taken. The complainant must treat this information in the strictest confidence.

NOMINATING THE INVESTIGATING GOVERNOR/S

When it is decided that a formal investigation is recommended. The Chair will arrange for the Clerk to Governors to convene a governing body meeting to nominate a governor/s to investigate.

Best Practice Advice

It is recommended that an officer from the School Governor Service is asked to attend the meeting to assist governors in this process. This will provide support for governors and ensure nothing inadvertently occurs which may jeopardise the procedures at a later stage.

The officer will recommend that:

- If present, the Principal and any other persons involved in the case should withdraw from the meeting for this item*
- The governing body should not be told any details of the case to maintain confidentiality and also neutrality should the investigation result in a hearing*
- The governing body nominate one or two governors to investigate. This should not include the Chair of Governors.*
- The nominated governor/s should have the expertise and the time to undertake the investigation speedily.*
- The investigating governors should not be on the Discipline, Grievance and Dismissal Committee or the Appeals Committee of the governing body (for reasons of neutrality).*
- If the governors decide for whatever reason that a governor/s on the Committee/s is the best person to undertake the investigation, the governing body will have to agree a replacement governor/s for the Committee at a full governing body meeting which is quorate.*

The officer from the Governor Support Service will contact the Academy's Human Resources Adviser with details of the investigating governors. The Human Resources Adviser will contact the investigating governors as a matter of urgency and will provide advice and support to them throughout the investigation process.

Recommended Procedure for Harassment, Bullying and Discrimination Hearings/Appeal Hearings

The Chair of the Committee is in control of the procedure. The sequence listed below enables both sides to present their evidence fairly and fully. It is:

1. The Chair shall introduce those present and explain the procedure to be used and ensure that it is agreed by the employee and/or his/her representative.
2. The Employee or his/her representative shall present his/her case and may call witnesses to clarify the evidence.
3. The management representative (see note at end of procedure) may question the employee and any witnesses he/she had called.
4. The management representative shall present his/her case and may call witnesses to clarify the evidence.
5. The employee and/or his/her representative may question the management representative and any witnesses he/she has called.
6. The Chair (and through him/her the other Governors) may question either side and any witnesses called at any time. If new evidence is brought out both sides will have an opportunity to comment.
7. The management representative shall be given an opportunity to sum up his/her case.
8. The employee or his/her representative shall be given an opportunity to sum up his/her case.
9. The Chair shall ask both parties to leave while the decision is made; only recalling the two parties to clear points of uncertainty on evidence already given. If recall is necessary both parties will return not withstanding only one is concerned with the point giving rise to doubt.
10. The Chair shall recall the two sides to:
 - give the decision and explain the reasons for the decision, and confirm as soon as possible in writing or
 - inform the employee that the decision will be made known to him/her later both verbally and in writing as soon as possible or

- inform the employee that the decision will be given in writing as soon as possible

Note

- *The management representative at the hearing is the decision maker i.e. the person who receives the investigation report*

See 8.4.i for allegations against a member of staff

See 8.6.i for Principal allegations or allegations against the Principal

- *As the person whom the allegations are against is the key witness he/she may be accompanied by a trade union representative or a work colleague at the hearing.*