

**Grievance and Disciplinary Procedures**

**Grievance Procedure**

It is the aim of Zelda School to ensure that employees with a grievance relating to their employment can by supported and guided by the following procedure in resolving their issue swiftly and fairly.

**Informal Procedure**

Zelda School is committed to resolving most routine complaints and grievances informally. It is important that employees feel free to raise any concerns or grievances and that the process is viewed as making a healthy contribution to good employee relations. This can be achieved at a regular staff support meeting or informally by discussion. See Complaints Policy and Staff Policy for more information about where to get support.

If an employee has a grievance about their employment, they should in the first instance discuss it with the Headteacher or the Chair of Trustees Kathryn White . It is the hope of Zelda School that most problems will be resolved at this stage.

The following information should be made available to the person dealing with the grievance:

- Nature of the grievance

- Date and time of any relevant incident or event

- Names of any witnesses

- Any action already taken

- Resolution sought

Notes of any outcomes and dates for completion of actions will be recorded and kept.

**Formal Procedure**

Stage 1 – Put it in writing

If the matter cannot be resolved through informal discussion, the employee should send a written explanation of their grievance to the Board of Trustees, through the office, stating the basis for their complaint and clearly marking the letter as an OFFICIAL GRIEVANCE. If the written explanation of grievance is sent via email the subject must state: ‘OFFICIAL GRIEVANCE’ in capitals.

The employee will receive a letter of acknowledgement outlining next steps within SIX days of receipt of the grievance.

Upon receipt of an official grievance the Board of Trustees will establish an Investigation Team.

The purpose of the Investigation Team is to meet with and fully hear the employee as well as any other parties involved, and to find a way to resolve the issue. Where possible the team should consist of 3 people including one person who is independent from the school. The Investigation Team will work swiftly, and all parties will be asked to make themselves available for meetings within a few days, so that the resolution of the issue can proceed quickly. At all stages, the timescale will be clear and agreed by all parties.

Stage 2 – Mediation

All official grievances will first go through the process of mediation.

The employee will be invited to meet with 2 members of the investigation team and the independent panel member to discuss their grievance. If they wish to, the employee may bring a friend of other supportive person. This meeting will be confidential, and this confidentiality must be maintained by ALL parties, including the employee.

The investigation team will then meet with any other parties involved, gather witness statements, records, and refer to the schools Policies and Procedures.

Any of the parties may then be asked to attend a second meeting, and may also be asked to attend a joint mediation session with any other parties involved in the grievance.

At all meetings written notes will be made including the main points and actions required. All parties will sign these minutes to confirm agreement. Following resolution of the issue, all notes and records of the meetings will be destroyed.

It is the Investigation Team’s hope and intention that the grievance will be resolved through this process of mediation and through all parties taking responsibility for their part in the grievance, and that not further action will be necessary following this stage.

Stage 3 - Investigation Team Decision

If, after the process of mediation, the employee is still not satisfied that their grievance has been resolved, the Investigation Team will take an agreed period of time to further investigate and review all meetings and evidence. This period of time will be as brief as possible to expediate resolution of the issue.

After considering all the evidence the investigation team will then make a decision on how to proceed. Outcomes will vary according to the nature and circumstances of each grievance, they might include:

• The employee receiving a verbal or written apology and no longer feeling aggrieved.

• One or all parties agreeing to participate in counseling or training.

• Disciplinary action where there is evidence of a breach of the disciplinary code.

• Disciplinary action against the employee raising the grievance if it is found to be malicious.

This decision will be recorded and kept on file.

Stage 4 – Appeal

If an employee wishes to appeal against the decision of the Investigation Team, this must be done in writing within 3 working days of the employee receiving the decision. The letter or email subject title must state in capitals: ‘APPEAL AGAINST GRIEVANCE’

Upon receipt of an official Appeal the Board of Trustees will establish an Appeal Panel.

The Appeal Panel will consist of people not previously involved in the investigation. The Appeal Panel will:

- invite the employee to a meeting within 10 working days of receiving the appeal or without necessary delay where for good reason it is not possible to hold the meeting within 10 days. The same conditions of confidentiality and record-taking will be applied as with previous meetings;

- review the process of the Investigation Team.

The Appeal Panel will make a decision within 21 days of receiving the appeal, or if this is not possible without undue delay.

The decision of the Appeal Panel will be communicated to the trustees prior to the employee being informed.

Their decision is final.

**Disciplinary Procedure**

Any member of staff can, without prejudice, and with support of our Whistleblowing Policy bring a complaint against a colleague that may lead to disciplinary action being taken.

Zelda School trustees have a duty to investigate any activity that might lead to disciplinary action. An official complaint does not need to be made by another employee. If they are made aware of activity that could potentially lead to disciplinary action the trustees have a duty to investigate.

If a member of staff or parent wishes to report an employee they should speak with the head teacher or Kathryn Whyte, personnel trustee.

The school retains the right to move straight to formal proceedings if it is felt the disciplinary matter in question is potentially of a sufficient nature to warrant informal discussions being bypassed.

Any disciplinary matter will normally be dealt with using the following procedure. At every stage the employee will be given reasonable notice that a disciplinary hearing is due to take place to give them the opportunity to prepare their case, and can be accompanied by a member of staff or union representative if they wish.

Disciplinary matters will be dealt with in three stages:

* Oral warning
* Written warning
* Notice of dismissal

**Oral Warning**

1. The employee will be interviewed by the disciplinary panel (made up of Trustees) and the complaint explained.

2. The employee will be given the opportunity to fully explain his/her case.

3. After consideration by the panel and if a warning is considered to be appropriate, the employee will be:

- Told what corrective action should be taken.

- Given a reasonable length of time to rectify matters.

- Given appropriate training if such needs have been identified, and given time to implement.

- Informed of any mitigating circumstances that have been taken into consideration when reaching the decision.

- Given a warning that if improvements are not made, then further action will be taken.

- Informed that they may appeal against the decision within 5 days.

The employee will be advised that this is the first stage of formal procedure. A record of the improvement note will be kept for **3 months** and after that period of time it will considered spent - subject to achieving and sustaining satisfactory performance.

**Formal written warning**

If further action is necessary the employee will be interviewed and given the opportunity to state his/her case.

If there is a need for disciplinary action a letter will be sent to the employee.

- The letter will contain the reason for the reprimand.

- Explain the corrective action required and the time given to improve.

**-** Training needs that have been identified and the timescales for implementation.

**-** Warn that if improvements are not made in the time given further disciplinary action will be taken, that could result in a final written warning which if unheeded could result in dismissal.

**-** Explain that an appeal could be made against the decision within 5 days.

**Final written warning**

If further action is necessary the employee will be interviewed and given the opportunity to state his/her case, within 1 week.

A disciplinary letter will be sent to the employee.

- The letter will contain the reason for the reprimand.

- Explain the corrective action required and the time given to improve.

**-** Training needs that have been identified and the timescales for implementation.

**-** Warn that if improvements are not made in the time given further disciplinary action will be taken which could result in dismissal.

**-** Explain that an appeal could be made against the decision within 5 days.

**Dismissal**

If the employee fails to make the agreed improvements then the employee will be interviewed as before and if the decision is to dismiss, the employee will be given the notice of dismissal, stating reasons and given the details of the right of appeal.

If progress is satisfactory, within the time given to rectify matters the record of warnings will be destroyed

**Safegaurding**

If at any point there are safeguarding concerns about a member of staff the school will contact LADO the Local Authority Designated Officer to report our concerns. The number for LADO is 01872 326536.

**Appeals**

At each stage of the disciplinary procedure the employee has a right of appeal and that appeal must be made in writing to the Headteacher and Chair of the trsutees.

The procedure will be informal and the employee may have a friend or other supportive person present.

- The employee will state why they are dissatisfied and may be questioned.

- The Headteacher and Chair will be asked for their point of view and may be asked questions.

- Witnesses may be heard and questioned by the Appeals Committee.

 - The committee will consider the matter and make its decision.

- This decision will be final.

A written record will be kept.

Policy adopted by Trustees on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date for review\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_