

Human Resources / Version FV1.0 – July 2021

**Guidance for Headteachers and Employees**

**Resolving Workplace Concerns Policy for School Staff**

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**1.0 Introduction**

1.1 We recognise from time to time our employees may have concerns at work. The Resolving Workplace Concerns Policy formally known as the grievance policy has been developed to address concerns in the workplace. This procedure provides a structured way to deal with those concerns and aims to address them promptly and effectively.

1. **Scope**

2.1 Employees should use this procedure to raise work related issues that are affecting them directly.

2.2 This procedure does not apply to:

* issues that are covered by another policy e.g. an appeals process, appraisal rating disagreements, redundancy decisions etc.
* matters that are subject to collective consultation, for example where employees are being consulted as a group in relation to organisational change or changes to terms and conditions
* disagreements and dissatisfaction with the school’s policy

2.3 This policy applies to current employees only. The School will not normally respond to concerns from ex-employees.

2.4 Concerns related to bullying or harassment should be raised under the Dignity at Work Policy. Serious concerns about the School that do not fall within this policy or Dignity at Work can be raised via the Whistleblowing Policy.

2.5 Where a group of employees have the same issue, they may choose to raise a collective concern, the group should nominate a spokesperson to take a lead in resolving the issue. The group must be formed before the issue is raised and no new members can join the group once the issue has been raised.

2.6 All parties involved in resolving the issue will be required to keep appropriate confidentiality during the process. Discussions must be restricted only to those who need to be involved. Breaches of confidentiality may be subject to disciplinary action.

2.7 We reserve the right not to proceed to the Formal Resolution Meeting or the Resolution Appeal Meeting if an issue would be more appropriately dealt with under another procedure or it is deemed that the issue raised is sufficiently minor in nature, or a complaint without substance.

2.8 Where a concern is raised against the Governing Body, please inform the HR Business Partner for Children’s at Milton Keynes City Council.

1. **Mediation**

3.1 Mediation can assist in resolving an issue and can be used at any stage of this procedure. Mediation is undertaken voluntarily with both parties agreeing to participate. Mediation is particularly effective where there are issues with a working relationship.

3.2 A mediator will facilitate discussions and guide the participants to reach an agreed way forward. The mediator will generally be someone from outside the School and will have no prior involvement with the case. Mediation can be successful where both the parties are genuinely willing to engage with the process and are open to examining their respective positions. This procedure will be put on hold to allow mediation to take place. If mediation is not successful, then this procedure can be re-commenced. Mediation will be arranged via your HR provider

**4.0 Discussing of day-to-day issues**

4.1 Any work-related concerns should be raised informally with the line manager / Head Teacher as soon as they arise. This can be done in a 1:1 session or another informal discussion. This enable issues to be resolved quickly and directly outside of this procedure.

**5.0 Raising a concern Formal Resolution Meeting**

5.1 Where an issue has not been resolved informally an employee should raise the concern directly with their line manager / Head Teacher (or Chair of Governors if the matter relates to the Head Teacher). The concern must be raised in writing and (unless exceptional circumstances prevent it) by completing the Statement of Workplace Concerns Form available on the intranet. This should be done as soon as possible and normally within 2 months of an issue arising (or within 2 months of the most recent incident if a complaint relates to a series of incidents). This ensures that the concern is considered whilst relevant information is still fresh in people’s minds and aims to prevent situations from escalating unnecessarily. The line manager / Head Teacher (or Chair of Governors if the matter relates to the Head Teacher) will arrange a meeting with the employee to discuss their concerns. This meeting should take place as quickly as possible and should focus on understanding what the concern is and how it can be resolved.

5.2 Where an issue relates to an employee’s line manager the employee should discuss this with the Head Teacher (or Chair of Governors if the matter relates to the Head Teacher).

5.3 It is crucial that the employee is as clear as possible in stating the outcome they wish to achieve as a result of this process.

5.4 Please contact your HR provider for assistance with any issues raised under this procedure.

5.5 This meeting encourages any workplace concerns to be resolved promptly between the line manager / Head Teacher (or Chair of Governors if the matter relates to the Head Teacher) and the employee. If the employee would prefer, they can be accompanied by a trade union representative or a work colleague. The employee is responsible for arranging this; and they should advise the person who is conducting this meeting of their plans at least three days before the meeting taking place. Please contact your HR provider, if you require support at this meeting.

5.6 Wherever possible, the Formal Resolution Meeting will be arranged by the line manager / Head Teacher (or Chair of Governors if the matter relates to the Head Teacher) within 7 calendar days of receipt of a written concern and will send the employee a written invitation to the meeting at least 7 Calendar days before the meeting takes place (normally by e-mail).

5.7 Please refer to your School Employee Assistance Programme for further confidential and impartial support. Alternatively, if a member, employees can contact their professional Trade Union association for guidance. The Education Support Partnership provides staff within schools (and members of their households) free access to confidential independent telephone helpline, 24 hours a day, every day of the year. The Helpline provides individuals with an opportunity to talk through a problem with trained specialists and counsellors and will give information and advice in relation to personal, financial, family, work, legal or health issues. The service can be accessed by calling 08000 562 561.

5.8 The line manager / Head Teacher (or Chair of Governors if the matter relates to the Head Teacher) will write to the employee within 7 calendar days of the meeting/reconvened meeting. The letter records the outcome of the meeting and confirms any actions that were agreed and advise them of their right to appeal. This will normally take place via e-mail. Employees wishing to appeal should do so within 7 calendar days.

**6.0 Trigger Points**

6.1 If an employee is not satisfied with the outcome of the meeting with their line manager / Head Teacher (or Chair of Governors if the matter relates to the Head Teacher), they can raise the issue in writing using the Resolving Workplace Concerns Appeal Form. If the employee raises a concern by email/letter they should make it clear that they are doing this under this under this procedure.

6.2 They must also be clear on why they believe the issue was not resolved at the original meeting. It is not sufficient to simply disagree with the outcome in order to move to this stage of the process. The written concern must be based on one or more of the following grounds:

* The line manager / Head Teacher (or Chair of Governors if the matter relates to the Head Teacher) has not considered the issue in line with this procedure
* Options for resolution have not been fully explored
* There is new or different information that could lead to a different resolution
* Actions that were agreed during the original meeting have not been fully undertaken.

6.3 The form should be submitted to the person with whom they originally raised the matter.

6.4 We reserve the right not to proceed to a Resolution Appeal Meeting if an issue would be more appropriately dealt with under another procedure or it is deemed from the original meeting that the issue raised is sufficiently minor in nature or is a complaint without substance.

6.5 The Resolution Appeal Meeting will be conducted by a different manager from the one who held the original meeting. Please contact your HR provider for further guidance as to appropriate person to chair the appeal meeting.

6.6 Wherever possible, the Resolution Appeal Meeting will be arranged within 7 calendar days of the receipt of a written concern. The chair of the appeal meeting will send the employee a written invitation to the meeting at least 7 calendar days before the meeting takes place (usually by email; although this may be a letter in exceptional circumstances), advising them of their right to be accompanied by a trade union representative or work colleague. The employee is responsible for arranging this.

6.7 In preparation for the Resolution Appeal Meeting, the chair of the appeal meeting may need to check the information provided by the employee and clarify anything that is unclear. The employee will be provided with copies of any documents that will be referred to during the meeting.

6.8 Please contact your HR provider for assistance at the Resolution Appeal Meeting. A note taker will be present to record ley points and actions agreed.

6.9 At the resolution meeting the chair will:

* Ask the employee to explain the nature of their concern and why they believe their concern was not satisfactorily addressed at the original meeting
* Invite all parties to ask questions

6.10 What happens next will depend on the nature of the issue the complexity and how discussions have progressed.

* **Concern can be resolved:**

Discuss how to move forward. Seek employee’s views on what follow up/corrective action and possible preventative measures are required

* **Additional information needed:**

The manager adjourns the meeting to allow time to seek additional information.

The meeting is reconvened. Timescales will depend on what enquiries are needed.

6.11 The Chair of the Appeal meeting will write to the employee within 7 calendar days of the meeting/reconvened meeting. The letter records the outcome of the appeal meeting and confirms any actions that were agreed.

6.12 The letter will confirm that outcome is final and that the internal process is now closed.

**7.0 Interactions with other procedures / counter claims**

7.1 This procedure should not be used to raise a counterclaim against the application of another procedures (e.g. Disciplinary or Performance Procedures).

7.2 Where an employee’s concern leads to a disciplinary investigation against another employee, the employee will normally be expected to act as a witness in the disciplinary investigation.

**8.0 Malicious allegations**

8.1 Employees who use this process to raise malicious allegations may be subject to disciplinary action. A malicious allegation may be defined as follows:

* The process has shown the issue raised to be without foundation and submitted with the intention of causing trouble or as a means of frustrating another process.
* Providing deliberately misleading or incorrect information.

**9.0 Sickness absence**

9.1 Employees who raise a concern and subsequently have a period of sickness must understand that the School will not wait indefinitely to address the issue. If necessary, efforts to address the issue will proceed in the employee’s absence and be based on the information available to us at that time.

**10.0 Employees Leaving the organisation**

10.1 An employee may raise a concern just before leaving the School. Wherever possible we will apply this procedure in full. Where this is not possible in the time available the approach taken will be adapted to ensure we give reasonable consideration to the issue before the employee leaves our employment. Relevant issues that have been highlighted will be addressed even if the employee is no longer in employment where the concerns raised may have implications for other employees.

**11.0 Concerns raised against another employee**

11.1 The line manager / Head Teacher (or Chair of Governors if the matter relates to the Head Teacher) handling the issue will inform an employee that a complaint has been made against them and outline the key points of the concern. They will normally meet with the employee named in the complaint to get their version of events. The employee making the complaint will not normally attend that meeting. Following the meeting the employee named in the complaint will be informed of the outcome of the concern and any agreed follow up actions.

11.2 Where disciplinary action is subsequently taken against an employee named in a complaint the employee who raised the issue will kept updated. However, no further information will be provided as it would not be appropriate to give details of the disciplinary case or the disciplinary action taken to the complainant. It may be appropriate for the employees involved to undertake mediation to repair their working relationship

**12.0 Data Protection**

12.1 The organisation processes personal data collected during both informal complaints and the formal Resolving Workplace Concerns (Grievance) or Grievance procedure, in accordance with its Data Protection Policy. A written record of meetings conducted under this procedure may also be made, either by the person holding the meeting or by an additional person arranged by the organisation to take notes.

12.2 Data collected and processed as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the Resolving Workplace Concerns procedure. Records are retained and destroyed in accordance with the organisations Retention Schedule.

12.3 Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation’s Data Protection Policy immediately. It may also constitute a disciplinary offence, which may be dealt with under the organisation’s Disciplinary Procedure.

**13.0 Monitoring**

13.1 This procedure and its application will be reviewed periodically to ensure it is effectively addressing workplace issues in a timely and satisfactory manner. We retain the discretion to review it at any time subject to relevant consultation.

**14.0 Further information**

14.1 Employees with questions about this policy should speak to their Line Manager / Head Teacher of Chair of Governors. Head Teachers / Chair of Governors who need further information on how to apply this policy should contact their HR provider.

Appendix 1 – Statement of Workplace Concerns Form

You should read the Resolving Workplace Concerns Policy before completing this form.

|  |  |
| --- | --- |
| **Employee’s Name:** |  |
| **Employee’s Job Title:** |  |
| **Employee’s Service Group/Team:** |  |
| **Date:** |  |
| **Who/What does the concern relate to?** |  |
| **Summary of Concern:** |
| **Please set out the details of your concern (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required.** |
| **Individuals Involved in the Alleged Incident/Concern:** |
| **Please provide the names and contact details of any people involved in your concern, including witnesses** |
| **Informal Action Previously Taken:** |
| **Please provide details of action taken to resolve the matter informally and the reason for dissatisfaction with the informal solution (if appropriate)** |
| **Outcome Requested:** |
| **Please set out what you are seeking as an outcome to your concern and why/ how you believe this will resolve the issue** |
| **Declaration - I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue statements may be considered as gross misconduct by the School and where it is considered that a concern may be malicious; the matter will be investigated under the Disciplinary Policy.** |
| **Form Completed By:** |  |
| **Signature:** |  |
| **For Completion by the School** |
| **Date Form Received:** |  |
| **Name of Recipient and Job Role:** |  |
| **Signature:** |  |

**Appendix 2 – Statement of Workplace Concerns Appeal Form**

You should read the Resolving Workplace Concerns policy before completing this form.

**1. Your details**

**Name:**

**Job title:**

**Contact email address:**

**Contact phone number:**

***(Please give the contact details that you wish to use to communicate regarding your concern).***

**2. Reason for appeal**

Please briefly outline the reason why you believe the issue was not resolved at the Formal Resolution Meeting.

|  |
| --- |
| **3. Reaching a resolution:**Please state what action you believe would resolve the issue. |
|  |
| **4. Representation:** If you have chosen to be represented or accompanied at the resolution appeal meeting, please confirm the name of the trade union representative (and your Union) or the name of your work colleague and their role.Name of your trade union representative or work colleagueWill this person act as a *companion* or a *representative*? (Delete as appropriate) |

**Declaration:**

**Employee signature:**  **Date form submitted:**

Please forward the completed form to the relevant manager (preferably by email).

Appendix 3 – Confidentiality Agreement

(To be issued by the Investigating Officer to all parties interviewed as part of the Grievance Investigation)

The School takes all grievance issues seriously and is committed to resolving these issues as quickly as possible in a fair and sensitive manner, with the least disruption to normal business operation.

A formal grievance is currently being investigated.  This is needed to clarify whether the points raised in the grievance have any substance.  Confidentiality, in these circumstances, is, therefore, paramount.

During the investigation, the Investigating Officer and school management will commit to maintaining confidentiality by:

* Choosing neutral locations for meetings
* Keeping papers related to the investigation confidential
* Exercising discretion during telephone conversations and in making notes and diary entries
* Ensuring that people providing administration support are bound to maintain confidentiality

It is requested that those involved in this investigation, respect the dignity and privacy of the other parties by:

* Keeping any discussion about the investigation between you and the Investigating Officer
* Not disclosing information about other parties involved in an investigation
* Treating everyone involved in a way that you would wish to be treated
* Undertaking to remain focused on your normal work responsibilities
* Speaking to your Headteacher if you have any concerns that the dignity and respect of any of the parties involved an investigation is not being observed

To maintain confidentiality, can you please sign and agree as follows:

I fully understand that any breach of confidentiality regarding any aspect of this grievance investigation will be regarded as a serious disciplinary offence and may result in my dismissal.  Please sign below to acknowledge receipt and indicate an understanding of the above

**Name: (BLOCK CAPITALS)        ……………………………………………**

**Signature:                                          ……………………………………………**

**Date:**                                                ……………………………..………………

One copy should be given to the interviewee and the other will remain on file.

Appendix 4 – Roles and Responsibilities

**Chair of Governors**

* Treat all grievances seriously, dealing with each one fairly, consistently and sensitively
* Own the process (if a grievance is raised against a Headteacher) ensuring that it proceeds within the timescales of the Policy
* Notify the Headteacher, when a concern has been raised against him/her
* Notify the HR Business Partner for Children’s at Milton Keynes City Council when a concern is raised against a Headteacher
* Ensure that the procedures are followed correctly, seeking advice, when required, from the school’s HR provider
* Appoint an Investigating Officer and, if internal, arrange for them to have suitable release time from their day to day duties to facilitate a timely completion of the investigation
* Ensure that records of investigations and meetings are final outcome is notified to the HR Business Partner, Milton Keynes City Council.
* Maintain confidentiality and keep records of all relevant conversations and decisions

 **Headteacher**

* Ensure a working environment where all employees are aware of all procedures
* Ensure that all employees within the school are supported and assisted in resolving issues they have in terms of their employment
* Attempt to resolve all issues informally
* Treat all concerns seriously dealing with each one fairly, consistently and sensitively
* Own and take responsibility for the process for all school staff and ensure that it proceeds within the timescales of the Policy
* Ensure that the procedures are followed correctly, seeking advice from the school’s HR provider
* Appoint an Investigating Officer and, if internal, arrange for them to have suitable release time from their day to day duties to facilitate a timely completion of the investigation
* Ensure that records of investigations and meetings are sent to the HR Business Partner, Milton Keynes City Council.
* Maintain confidentiality and keep records of all relevant conversations and decisions

**Note:**   for the purposes of implementing the policy, ‘Headteacher’ means, in the     absence of the Headteacher, a representative who is either a Deputy Headteacher or another senior member of staff who has formally been nominated by the Headteacher. In exceptional circumstances, where Governors do not deem it appropriate for a member of staff to lead the process, it means the Chair of Governors or his/her representative

**Governing Body or IEB**

* Ensure that appropriate procedures are in place within the school and are followed in a fair and reasonable manner
* The Governing Body or IEB will delegate responsibility to a Headteacher for chairing a grievance meeting and may collaborate with another school’s Governing Body or IEB
* Will appoint an appeals committee.

These decisions will be formally minuted.

**Human Resources**

* Maintain close contact with the Chair of Governors/Headteacher/Investigating Officer throughout the process
* Provide advice and guidance on meetings, investigation reports, appeals and standard documentation
* Advise on the application of the
* Be available to support at any stage of the process
* Records of investigations and meetings should be placed on the appropriate file held by the School’s HR provider and provided to the HR Business Partner, Milton Keynes City Council
* Maintain confidentiality
* Notify the Director of Children’s Services when a concern is raised against a Headteacher or Governing Body.

 **Employee**

* Seek to resolve issues informally before raising a formal concern
* Engage with Headteacher / Chair of Governors if a concern is raised against a Head Teacher, to genuinely seek resolution to a concern
* Co-operate fully throughout the process by attending any meetings where appropriate and participating in any investigation being carried out
* Maintain confidentiality

**Investigating Officer (where appropriate)**

* Liaise with the Headteacher / Chair of Governors (if a concern has been raised against a Head Teacher) and HR provider to gain a full understanding of the nature and scope of an investigation
* Provide a complete investigation report, within a recommended timeline
* Maintain impartiality and ensure there is no conflict of interest that might prejudice a fair investigation
* Maintain confidentiality

**Version Control**

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| --- | --- | --- | --- |
| **Version** | **Date** | **Updated by** | **Comments** |
| FV1.0 | 15/07/2021 | Penelope Croucher & Lisa Kelly | Updated in line with MKC Resolving Workplace Concerns Policy |
| FV1.0 | 29/11/2022 | Declan Leith | Transferred on to new MKCC template to ensure accessibility requirements are met |
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