



# Staff Grievance

**Adopted On:**

June 2020

**Review Date:**

June 2023

**Review Frequency:**

Every 3 Years

**Approved By:**

Headteacher

Under the Education Act 2002 and the School Staffing (England) Regulations 2003 governing bodies are responsible for establishing a procedure for staff seeking redress for a grievance arising from their work. This model procedure meets that requirement and provides a fair process for considering staff grievances. This procedure has been through a formal consultation process with recognised trade unions and professional associations. The procedure incorporates the provisions of the 2002 Employment Act [Dispute Resolution] and the relevant ACAS Code of Practice.

### **Introduction**

Moss Lane is committed to the highest possible standards of honesty, openness, probity and accountability. It seeks to conduct its affairs in a responsible manner, to ensure that all school activities are open and effectively managed, and that the school's integrity and principles of public interest disclosure are sustained. In line with that commitment we encourage employees, who have serious concerns about any aspect of our work to come forward and voice those concerns. It is recognised that most cases will proceed on a confidential basis. The policy applies to all school employees, whether full-time or part time, permanent or temporary.

Staff are often the first to realise that there may be something seriously wrong within the school. However, staff may not express their concerns because they feel that speaking up would be disloyal to their colleagues. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern, rather than report what may just be a suspicion of malpractice. Moss Lane School believes that it is the responsibility of each person working for or on behalf of Surrey County Council to realise that they not only have the right, but also a moral duty to report any improper actions or omissions.

We recognise and appreciate that staff who raise concerns regarding malpractice or wrongdoing are an asset to the school, and not a threat. This policy makes it clear that they can raise concerns without fear of victimization, subsequent discrimination or disadvantage. The grievance and whistle blowing policies are intended to encourage and enable staff to raise serious concerns within the school rather than overlooking a problem or 'blowing the whistle' outside.

This policy is in addition to the school's complaints procedures.

### **Aims and Scope of this Policy**

This policy aims to:

- encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues to raise those concerns and receive feedback on any action taken
- ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure staff that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This policy is intended to cover major concerns that fall outside the scope of other procedures, in accordance with the Public Interest Disclosure Act 1998. These include:

- conduct which is an offence or a breach of law
- failure to comply with a legal obligation
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees/staff
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual, physical or psychological abuse of service users, or
- other unethical conduct

Therefore, any serious concerns that a member of staff has about any aspect of service provision or the conduct of staff or others acting on behalf of the school can be reported under the policy. This may be about something that:

- makes them feel uncomfortable in terms of known standards, their experience or the standards they believe the school subscribes to
- is against the school policy
- falls below established standards of practice
- amounts to improper conduct

This policy does not replace the school complaints procedures. Other forms of concern or complaints are dealt with under separate procedures, such as Fairness & Dignity at Work (discrimination, victimisation and bullying); Grievance; Disciplinary (inappropriate conduct or behaviour) and Appraisal & Capability (performance related issues).

### **Safeguards Against Harassment or Victimisation**

The school is committed to good practice and high standards and wants to be supportive of employees/staff.

The school recognises that the decision to report a concern can be a difficult one to make. If a member of staff reasonably believes that what they are saying is true, they have nothing to fear because they will be doing their duty to their employer and/or those for whom they are providing a service.

The school will not tolerate any act of harassment or victimisation (including informal pressures) and will take appropriate action to protect staff when they raise a concern, by supporting the member of staff and considering action under the appropriate procedure (for example Disciplinary) against the person or persons responsible for the reported acts, provided the member of staff:

- discloses the information in good faith.
- believes the concern to be substantially true
- does not act maliciously or make false allegations
- does not seek any personal gain

### **Confidentially**

All concerns will be treated in confidence and every effort will be made not to reveal the staff member's identity if they so wish. At the appropriate time, however, they may need to come forward as a witness, and this will be discussed with them.

## **Good professional relationships/practices**

It is the responsibility of all employees to take all reasonable steps to develop and maintain good working relationships with colleagues and to deal with workplace issues in a professional, practical and constructive manner. Employees should try to resolve any difficulties at the earliest opportunity without having to use a formal process and in such a way as to have the minimum impact on the school, other work colleagues and the education of the children. The Professional Standards for Teachers describes the expectation for collaborative working and the relationships between colleagues in schools. There are similar expectations on support staff in schools. Resolving issues in a sensible and sensitive way will require all parties to recognise their part in the issue/difficulty and how their behaviour may be contributing to the circumstances. Employees should be willing and open to looking at ways of resolving issues without resorting to formal processes, for example by using:

- An informal setting to discuss the matter with the colleague
- The line manager as a facilitator
- Another colleague as a facilitator
- Formal Mediation
- An external facilitator

Employees should be able to resolve issues professionally and respectfully by agreeing that when discussions take place there should be:

- **Effective listening** – so that each person fully understands the issues at hand and each other's view
- **Effective understanding** – so that each person is able to respond, knowing what the issues are
- **A calm environment** – no raised voices or inappropriate body language
- **Common Ground** – identifying and agreeing common understanding
- **The taking of responsibility** – each person should admit when he/she is wrong, if appropriate, and take steps to make professional relationships work
- **Resolving** – saying sorry if appropriate, agreeing the way forward; agreeing to meet again, if appropriate

Every attempt should be made to resolve the complaint informally between the staff members involved and only if the matter cannot be resolved by way of professional dialogue should this policy and the formal procedure for resolving grievances need to be used.

Where it is unsuccessful or impossible to resolve grievances by professional dialogue then the grievance procedure will be followed.

## **Anonymous Allegations**

This policy encourages staff to put their name to their allegation whenever possible. Where a concern is raised via Expolink, (link), there is a provision to provide Expolink with name and contact details which will not be passed to the Council without express permission from the individual. This enables feedback to be given.

All concerns raised will be taken seriously by the school. However, concerns expressed anonymously are much less powerful but will be considered at the discretion of the school. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## **Untrue Allegations**

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken.

## **How to Raise a Concern**

As a first step, staff should normally raise concerns with the headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if it is believed that headteacher is involved, the Chair of Governors should be approached.

While concerns will usually be raised internally, the Council recognises that staff may feel unable to do this, and that they may wish to contact an independent, external organisation, such as Expolink to report the concern to be reviewed internally or, alternatively, the Audit Commission or Public Concern at Work. (Contact details can be found listed at the back of this document).

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the format in the appendix.

The earlier the concern is expressed; the easier it is to take action. In order to assist with the investigation, staff should provide as much detail and supporting evidence as possible regarding their concern. Although staff are not expected to prove beyond doubt the truth of an allegation, it will need to be demonstrated to the person contacted that there are reasonable grounds for concern. Staff may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two (or more) staff members who have had the same experience or concerns.

A recognised Trade Union representative or a work colleague may be invited to be present during any meetings or interviews in connection with the concerns raised.

## **How the School Will Respond**

The School will respond to all concerns raised by staff. Checking the details of concerns is not the same as either accepting or rejecting them. While it is not essential that the concerns are provided in writing, the person receiving the concern will, however, ensure that a written account of it is made. This will help with the subsequent investigation by making sure that everyone concerned is clear about what is being raised.

When a concern is raised, the headteacher/Chair of Governors should always:

- where there is any financial impropriety, refer the concern to Internal Audit, before taking any other action
- refer to the Manager's Guidance
- take any concern seriously
- consider the concerns fully and objectively
- recognise that raising a concern can be a difficult experience for employees
- seek advice where appropriate from the HR Duty Desk via the Information Bureau
- respect any requests for confidentiality
- ensure that matters of a criminal nature are reported to the Police
- provide a progress report, either to the member of staff directly, within ten working days of receipt of the concern or where a concern is raised via Expolink, they will provide an update 14 and 28 calendar days after the report is received.

Where appropriate, matters raised may:

- be investigated by management, internal audit, or through the disciplinary or other relevant management policies, procedures and processes of the School and, depending upon the results of the investigation and at the discretion of senior management, may:
- be referred to the police
- be referred to the external auditor
- form the subject of an independent enquiry.

In order to protect the individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Council will have in mind, is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the person who is dealing with the concern that has been raised will respond in writing either to the employee directly or to Expolink where this was the reporting route:

- acknowledging that the concern has been received
- indicating how the School propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any initial enquiries have been made
- supplying information on staff support mechanisms, and
- advising whether further investigations will take place and if not, why not.

Where Expolink was the reporting route the manager dealing with the concern will provide an additional update to Expolink at 28 calendar days after the report was received advising of additional progress made and the estimated date a final response will be available.

The manager appointed to undertake an investigation will establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. Other people may need to be interviewed to provide further information and/or clarification concerning the issue(s) raised.

It is essential that written records of all interviews are kept throughout the investigation, together with written details of any action taken. The investigation will result in a written report and recommendations for corrective action, which will be passed to the relevant body as required.

The member of staff raising the concern will be advised in writing of the outcome of the investigation and, where appropriate, what action is being taken. This may include changes to working practices to ensure that a similar situation does not occur again.

The amount of contact between the manager considering the issues and the member of staff raising the concern will depend on whether the concern was raised via Expolink or not, the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the School will seek further information from the staff member either directly where the member of staff is known or via Expolink.

Where any meeting is arranged, which can be off-site, a recognised Trade Union representative or a work colleague may also attend.

The School will take steps to minimise any difficulties, which may be experienced as a result of raising a concern. For instance, if a member of staff is required to give evidence in criminal or disciplinary proceedings, the School will arrange for them to receive advice about the procedure.

The School accepts that staff raising a concern need to be reassured that the matter has been properly addressed. Thus, subject to legal constraints, and where the individual raising the concern is known, they will be informed of the outcome of any investigation. Where the concern was raised via Expolink, the employee will be invited to contact them for feedback at the appropriate time.

### **How the Matter can be Taken Further**

This policy is intended to provide members of staff with an avenue within the school to raise concerns. The school hopes that they will be satisfied with any action taken. If not, and if the staff member feels that it is right to take the matter outside the School, the following are possible contacts:

- the external auditor
- a recognised Trade Union
- local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary or independent organisation
- the police
- the Local Government Ombudsman (who can be contacted, but will only consider a concern when it has been dealt with through this policy)

If the matter is taken outside the school, it should be ensured that information, which should not be in the public domain, is not disclosed. This should be checked with the external body that has been contacted. Contact details for some of these organizations can be found listed at the back of this document.

### **Monitoring Arrangements**

The Headteacher has overall responsibility for the maintenance and operation of this policy. They will maintain a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality), and will report as necessary to the Governing Body.

The purpose of monitoring is to assess whether:

- the policy is being used appropriately
- concerns are being handled and investigated properly
- there are any discernable patterns of concern across the school
- the policy has been effective in identifying and deterring malpractice ☐ more needs to be done to raise awareness of the policy

Appendix 1

**FORMAL COMPLAINT FORM**

To be completed by the Complainant raising the Grievance.

**Complainant's Name:**

**Job Title:**

**School:**

**Headteacher:**

**Employee contact details:**

(Address for correspondence):

Tel.no:

Mobile:

Email address:

**Name of Supervisor / Line Manager:**

**Name of Representative from Professional Association/Trade Union (if applicable):**

Address for correspondence:

Tel.no:

Mobile:

Email address:

**NAME OF COLLEAGUE THAT IS BEING COMPLAINED ABOUT:**

Or

**PRIMARY COMPLAINT ABOUT WORK OR WORKING CONDITIONS:**



**DETAILS OF COMPLAINT**

Outline the nature and reason for your complaint. Give specific details, such as dates, times and witnesses where necessary. Attach any relevant supporting evidence if necessary.

**Good Professional Relationships/Practices**

Detail what you have done to resolve this matter by professional dialogue and explain why this has not resolved the situation to your satisfaction. Alternatively, state why the circumstances are so serious and/or complex that informal resolution by professional dialogue cannot be attempted or would be unsuccessful.

**REMEDY YOU ARE SEEKING**

State what REMEDY you are seeking and specifically what action or actions, in your view, are needed to resolve your complaint satisfactorily

Complainant signature:..... Date.....

You should now give this form to your Headteacher (Chair of Governors) – keep a copy for your records.

**To be completed by the Designated Investigator dealing with the complaint.**

Designated Investigator's signature.....Date.....

**Name of Designated Investigator.....**

**Job title/Governor:.....**

**School:.....**

**Contact details:**

**Telephone:**

**Mobile:**

**Email address:**

**Date complaint received:**

**Details of action taken and outcome of complaint:**

This should be confirmed in writing to the employee. Attach any Report/notes made during the complaint investigation

## Appendix 2

### **Expolink Europe Ltd**

Expolink are an external and independent organisation who specialize in providing a hotline service for whistleblowing. You can call them any time, night or day, in complete confidence if you have concerns that another person, acting on behalf of the Council, is involved in criminal activity, fraud, theft or damage to Council property or reputation. Your call will not be traced or monitored.

### **Freephone: 0800 374199**

When you call, Expolink's trained call handlers will ask you to provide details of the event that you are concerned about. You will not have to give your name or phone number if you don't want to. Instead you will be provided with a unique reference number so that if you want to call back with more information the reports can be linked or if you want feedback on progress this can be provided. However, if you give your details to Expolink, these will not be passed to Surrey County Council without your express permission. Giving your contact details can help as we can ask Expolink to contact you if we need more information to help with the investigation. Expolink will then type up a report, which will be sent securely to one of the Council's authorised recipients depending on the nature of the complaint. As soon as Expolink receives confirmation that we have the report they destroy their copy. Your concern will then be dealt with in line with this policy.

## Appendix 3

### **External Contacts**

#### **External Auditors Audit Commission's Operations Directorate**

Audit Commission

1st Floor MLS Business Centre

Crossweys,

28-30 High Street

Guildford

Surrey GU1 3HY

Telephone: 01483 243351 *Principal*  
*contacts:*

Paul Grady - District Auditor - e-mail [p-grady@audit-commission.gov.uk](mailto:p-grady@audit-commission.gov.uk)

Lynn Clayton - Audit Manager - email [l-clayton@audit-commission.gov.uk](mailto:l-clayton@audit-commission.gov.uk)

#### **Council Members The Standards Board for England**

1st Floor, Cottons Centre

Cottons Lane

London SE1 2QG

United Kingdom

Enquiries: 0845 078 8181/ 020 7378 5000

Complaints: 0800 107 2001

Fax: 020 7378 5001

Email: [enquiries@standardsboard.co.uk](mailto:enquiries@standardsboard.co.uk)

To contact a member of staff all email addresses are of the form  
'firstname.surname@standardsboard.co.uk'

### **Recognised Trade Unions**

#### **UNISON Surrey County Branch**

UNISON Office

County Hall

Penrhyn Road  
Kingston upon Thames  
Surrey KT1 2DN  
Telephone: 020 8541 9091  
Fax: 020 8546 6993  
Email: UNISON@SCC.Gov.UK

**GMB**

GMB  
205 Hook Road  
Chessington  
Surrey KT9 1EA  
Telephone: 020 8397 8881  
Fax: 020 8397 1588  
Email: infol@gmb.org.uk

**Voluntary or Independent Organisations**

**Audit Commission**

1 Vincent Square  
London SW1P 2PN  
Telephone: 020 7828 1212  
020 7630 1019 (Public Disclosure Line)  
Fax: 020 7976 6187  
Email: enquiries@audit-commission.gov.uk  
Website: www.audit-commission.gov.uk

**Public Concern at Work**

Suite 306  
16 Baldwins Gardens  
London EC1N 7RJ  
Telephone: 020 7404 6609 Fax:  
020 7404 6576  
Email: whistle@pcaw.co.uk  
UK enquiries: helpline@pcaw.co.uk  
UK helpline: services@pcaw.co.uk UK services  
Website: www.pcaw.co.uk

**Local Government Ombudsman**

Tony Redmond Millbank  
Tower  
Millbank  
London SW1P 4QP  
Telephone: 0845 602 1983 (Advice Line)  
020 7915 3210  
Fax: 020 7233 0396  
Website: www.lgo.org.uk

**Social Care National Care Standards**

Commission (NCSC) 8th  
floor, Grosvenor House 125  
High St. Croydon  
Surrey  
CR0