



LANDAU  
FORTE  
CHARITABLE  
TRUST

<b>Policy Name</b>	<b>Grievance &amp; Disciplinary Procedures</b>
<b>Policy Number</b>	<b>T020</b>
<b>Date of Issue</b>	<b>December 2019</b>
<b>Date of next review</b>	<b>December 2020</b>

**Notes:**

All policies issued across the Trust must be created from this Template

## **1. ABOUT THIS PROCEDURE**

- 1.1. It is our policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. We aim to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.
- 1.2. This procedure applies to all employees regardless of length of service.
- 1.3. This policy does not form part of any employee's contract of employment and we may amend it at any time.

## **2. USING THIS PROCEDURE**

- 2.1. Issues that could cause grievances may include:
  - 2.1.1. terms and conditions of employment;
  - 2.1.2. health and safety;
  - 2.1.3. work relations;
  - 2.1.4. bullying and harassment;
  - 2.1.5. new working practices;
  - 2.1.6. working environment;
  - 2.1.7. organisational change; and
  - 2.1.8. discrimination.
- 2.2. This Grievance Procedure should not be used to complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Procedure below.
- 2.3. We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this Grievance Procedure.
- 2.4. If you have difficulty at any stage of the Grievance Procedure because of a disability or because English is not your first language, you should discuss the situation with one meeting organiser or member of Trust team as soon as possible.
- 2.5. Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process.

## **3. PROCEDURE**

- 3.1. Raising grievances informally
  - 3.1.1. If you have a grievance it should be raised informally in the first instance by discussion with your immediate line manager.

- 3.1.2. If you feel unable to speak to your manager, for example, because the complaint concerns him or her, then you should speak informally to the Vice Principal. If this does not resolve the issue, you should follow the formal procedure below.
  - 3.2. Formal written grievances
    - 3.2.1. If your grievance cannot be resolved informally you should put it in writing and submit it to the Principal, indicating that it is a formal grievance.
    - 3.2.2. The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. In some situations we may ask you to provide further information.
  - 3.3. Investigations
    - 3.3.1. It may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.
    - 3.3.2. You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.
    - 3.3.3. We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with you after our investigation and before we reach a decision.
  - 3.4. Grievance meetings
    - 3.4.1. We will arrange a grievance meeting, normally within one week of receiving your written grievance.
    - 3.4.2. You should make every effort to attend grievance meetings. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.
    - 3.4.3. The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made.
    - 3.4.4. After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.
    - 3.4.5. We will write to you, usually within one week of the final grievance meeting, to inform you of the outcome of your

grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.

3.5. Appeals

3.5.1. If the grievance has not been resolved to your satisfaction you may appeal in writing to the Chairman of the Local Board of Governors with a copy to the Principal, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.

3.5.2. We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a more senior manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). You have a right to bring a companion to the meeting (see Paragraph 4 below).

3.5.3. We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

3.6. Right to be Accompanied

3.6.1. At any stage of the grievance procedure you may be accompanied if you so desire, by a fellow employee or a trade union representative.

3.6.2. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting.

3.6.3. At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may talk privately with them at any time during the meeting.

3.6.4. Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

3.6.5. If your chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else.

3.6.6. We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.

## **E2 Disciplinary and Capability Procedure**

### **1. ABOUT THIS PROCEDURE**

Policy Number: T020

Version: V2.0

Date of Issue: December 2019

- 1.1. It is the intention of the Disciplinary and Capability Procedure to ensure that the standards of conduct, dress and appearance, job performance, attendance and time keeping are maintained; also to provide fair means of dealing with any failure to observe these standards. You should be aware of the procedure to be followed if you become liable to disciplinary action.
- 1.2. This procedure sets out formal steps to be taken if the matter is more serious or cannot be resolved informally.
- 1.3. This procedure applies to all employees regardless of length of service.
- 1.4. This procedure does not form part of any employee's contract of employment and we may amend it at any time.

## **2. USING THIS PROCEDURE**

- 2.1. Minor conduct or performance issues can usually be resolved informally with your line manager. With minor conduct issues:
- 2.2. You will have your attention drawn to any unsatisfactory work, omission or conduct and appropriate guidance and supervision will be given and time allowed for improvement.
- 2.3. If after an appropriate time there has not been any improvement then an oral warning will be issued.
- 2.4. When it appears that a failure to meet the required standards has occurred, the following will apply:
  - 2.4.1. You will be advised by your line manager of the complaint and the matter will be discussed with you.
  - 2.4.2. Full investigation and careful consideration of the facts will be carried out, before any disciplinary is held, without undue delay, and may include consultation with any witness.
    - 2.4.2.1. Any meetings and discussions as part of an investigation are solely for the purpose of fact-finding and no disciplinary action will be taken without a disciplinary hearing.
    - 2.4.2.2. In some cases of alleged misconduct, we may need to suspend you from work while we carry out the investigation or disciplinary procedure (or both). Suspension is not considered to be disciplinary action.
  - 2.4.3. You will be provided with an opportunity to explain your case, at a hearing, who will then make the decision as to what (if any) disciplinary or capability action is to be taken.
  - 2.4.4. We will give you written notice of the hearing, including sufficient information about the alleged misconduct or poor performance and its possible consequences to enable you to prepare. You will normally be given copies of relevant documents and witness statements.

- 2.4.5. You may be accompanied at the hearing by a trade union representative or a colleague, who will be allowed reasonable paid time off to act as your companion.
- 2.4.6. You should let us know as early as possible if there are any relevant witnesses you would like to attend the hearing or any documents or other evidence you wish to be considered.
- 2.4.7. We will inform you in writing of our decision, usually within one week of the hearing.

The manager conducting the interview may request the presence of another person employed by the Academy, or, in exceptional circumstances, may decide to refer the matter to a more senior colleague.

### **3. DISCIPLINARY ACTION AND DISMISSAL**

The usual penalties for misconduct or poor performance are:

#### **3.1. First Written Warning**

- 3.1.1. Where there are no other active written warnings or improvement notes on your disciplinary record, you will usually receive a first written warning or improvement note.
- 3.1.2. A written warning will indicate that failure to improve conduct or performance to the standard required within a predetermined time scale. It will usually remain active for six months.
- 3.1.3. You will receive a copy of the warning letter and will be asked to sign a copy for retention in your file.
- 3.1.4. First written warnings will be reported to the Local Board of Governors.

#### **3.2. Final Written Warning**

- 3.2.1. In case of further misconduct or failure to improve where there is an active first written warning or improvement note on your record, you will usually receive a final written warning. This may also be used without a first written warning or improvement note for serious cases of misconduct or poor performance. The warning will usually remain active for 12 months.
- 3.2.2. The final written warning letter will clearly state that further misconduct or failure to achieve the required standard of work performance (as the case may be) may result in termination of your employment.
- 3.2.3. You will receive a copy of the warning letter and will be asked to sign a copy for retention in your file.
- 3.2.4. Final written warnings will be reported to the Local Board of Governors.

### 3.3. Dismissal or other action

- 3.3.1. If there is further misconduct or you fail to achieve the required standards of work the Trust may dismiss you where there is an active final written warning on your record, or for any act of gross misconduct. You may also be dismissed without a warning for any act of misconduct or unsatisfactory performance during your probationary period.
- 3.3.2. We may consider other sanctions short of dismissal, including demotion or redeployment to another role (where permitted by your contract), and/or extension of a final written warning with a further review period.

## 4. GROSS MISCONDUCT

4.1. Any act of gross misconduct will usually lead to dismissal without warning, with no notice or payment in lieu of notice (summary dismissal). The following are examples of conduct falling within this category:-

- 4.1.1. Serious incapability at work brought on by alcohol or illegal drugs;
- 4.1.2. Violence, threats of violence, fighting, bullying;
- 4.1.3. Theft or fraud;
- 4.1.4. Deliberate or serious damage to property;
- 4.1.5. Unlawful discrimination or harassment;
- 4.1.6. Serious insubordination/Refusal to obey orders;
- 4.1.7. Abusive or offensive behaviour;
- 4.1.8. Falsification of records;
- 4.1.9. Negligence relating to matters of health and safety;
- 4.1.10. Unauthorised absence;
- 4.1.11. Bringing the Academy into disrepute;
- 4.1.12. Unlawful discrimination or harassment;
- 4.1.13. Serious breach of health and safety rules;
- 4.1.14. Serious breach of confidence;
- 4.1.15. Deliberately accessing internet sites containing pornographic, offensive or obscene material; and
- 4.1.16. Serious breach of a criminal offence that in our opinion may affect our reputation or our relationships with our staff, parents, students, the public or otherwise affects our suitability to continue to work for us.

This list is not exhaustive.

4.2. Acts of misconduct which may call for disciplinary action in accordance with the procedure set out above include, but are not limited to:-

- 4.2.1. Negligence;
- 4.2.2. Poor time keeping;
- 4.2.3. Failure to obey orders;
- 4.2.4. Failure to carry out duties to the best of your ability;
- 4.2.5. Failure to conduct himself/herself in a professional manner and in the best interests of the Academy.

Particularly serious cases may result in summary dismissal.

## 5. APPEAL

- 5.1. You can appeal against any disciplinary action taken against you, in writing, within one week of being told of the decision. The appeal should be made to the Principal if he/she has not been involved in the matter previously and otherwise to the Local Board of Governors.
- 5.2. You may be accompanied by a fellow employee of your choice, or a trade union representative at the appeal hearing.
- 5.3. We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. There is no further right of appeal.



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<b>Change Made</b>	<b>New Version</b>
<b>Made By</b>	<b>Amelia Eggleston</b>