



The Aylesbury Vale Academy

Success Beyond Belief

A Church of England Academy

ALLEGATIONS AND GRIEVANCE POLICY

SEPTEMBER 2009

VISION:

That every young person graduates from Aylesbury Vale Academy as citizens of an international community where they have the mobility borne from their outlook, qualifications, skills and experience to be successful.

GUIDING PRINCIPLES: WE ADOPT THE CHRISTIAN VALUES OF:

- Honesty
- Respect
- Compassion
- Love
- Forgiveness
- Self-discipline
- Creativity
- Hope

OBJECTIVE:

1. To ensure the Academy's employees know how to raise concerns regarding their own employment.

MONITORING (via Governors' Management Committee):

1. Throughout the academic year, the committee will ask to see any cases of allegations and grievance from employees whether they are currently working at the Academy or have recently left.
2. The committee will gain evidence from the Principal
3. The chair of the committee will ensure that each allegation and grievance is being dealt within the legal guidelines.
4. The committee will ensure that appropriate support is given both to the employee raising the grievance and to any employee against whom allegations have been made under this procedure and that both parties are kept fully informed of progress.
5. Visit the Academy to follow lines of enquiry as a result of the committee meeting (adhering to the protocol for governor visits).

REVIEWING

The Governing Body is responsible for reviewing its policies and the Principal is responsible for reporting on the implementation of the policy.

1. Has the policy been successfully implemented?
2. Has the policy had the intended impact in the Academy and on the young people?
3. Are the current objectives to remain the same and do they support other policies and development priorities?

NOMINATED MEMBER OF STAFF:

PRINCIPAL

APPENDIX 1

Operating Statement

The aim of this procedure is to enable employees of the Academy to raise concerns about their own employment. The procedure has been written to reflect the transfer of staff from a Buckinghamshire County Council maintained school to the Academy. It meets the requirements of relevant legislation and the ACAS Code.

This Procedure should be printed out and given to any employee who expresses a wish to invoke the Grievance Procedure

APPENDIX 2

Setting up the Procedure

If an Academy employee wants to raise a concern about other aspects of the Academy's operations, the appropriate route is likely to be the "Raising Concerns at Work ("Whistleblowing") Procedure".

Wherever possible, a concern should be dealt with before an employee leaves employment. However, in cases where the process has not been started at the point at which the employee leaves, the former employee should write to the governing body setting out the grievance as soon as possible and not later than three months after leaving employment. The governing body must respond in writing within twenty eight days of receiving the letter. It may be possible, with the complainant's agreement, not to follow the full procedure in these cases. In such circumstances the governors could investigate the complaint, form a judgement before responding formally and in writing.

Responsibilities of the Governors

The governing body has established this procedure by which employees may seek redress for any grievance relating to their work at the Academy and is available to all employees.

Governors will ensure that appropriate support is given both to the employee raising the grievance and to any employee against whom allegations have been made under this procedure and that both parties are kept fully informed of progress.

Grievance Procedure for Employees

Raising Concerns about your Employment

The Academy aims to promote good employee relations by encouraging employees to raise concerns about matters affecting their employment at an early stage. As a general principle you should raise concerns about matters affecting your employment first with the person you believe is causing you concern and, if this does not resolve the matter, next with your usual manager. S/he will treat these concerns seriously and deal with them promptly.

In special circumstances it may be inappropriate for you to approach your usual manager with your concern. A number of alternative routes may be appropriate depending on the

nature of the concern (e.g. a more senior manager, or the Academy's Health & Safety adviser – Estate Manager).

In the case of the Principal the usual route will be to the chair of governors unless s/he is already involved.

You may choose to be supported and accompanied by your Trade Union representative or a work place colleague of your choice, at any step.

You should notify your manager within three months of any event which gives rise to a grievance. A grievance which is not notified within this timescale will be disregarded unless you can provide a good reason why it should still be considered. One example of a "good reason" could be a lengthy period of sickness absence. Another could be where you feel that a number of events over a period of time have had a cumulative impact on you and it is only the most recent one which is within the three month time limit; your manager or governors may then agree that earlier incidents may also be taken into account.

The Grievance Procedure in Operation

General Note

The purpose of this procedure is to address employee grievances. In presenting your concern you should identify (a) what your concern is (b) how you are disadvantaged and (c) what redress you are requesting. The purpose of the procedure is not to instigate disciplinary action against any other employee. If, as a result of this procedure, it appears necessary to investigate the actions of another employee, the Principal or the governors hearing the grievance could recommend that a disciplinary investigation take place.

Step 1

1. If you have a concern about the behaviour of a colleague or any action or omission by a colleague, you should first try to resolve it informally with that individual.

Step 2

2. If you have failed to resolve your concern under Step 1, you should then discuss it informally with your usual line manager as soon as possible. S/he may need to consult or involve other employees and/or managers in order to try to resolve your concern. She/he will respond to you as soon as possible, and in any case, within 10 working days.
3. You should note that this procedure aims to ensure that concerns are addressed promptly so that there is an opportunity for appropriate action to be taken. A concern that has not been notified to your manager within three months of the events which gave rise to it, without good reason, may be disregarded.

Step 3

4. If you still feel that your concern has not been addressed or you do not receive a response within 10 working days, you should inform your manager (or other appropriate person) in writing, within fifteen working days (unless there is good reason why this cannot be done, for example because of sickness absence).

5. Your manager will then arrange a meeting at an early date with the Principal or the delegated senior manager. The aim of this meeting will be to resolve outstanding issues. Where the Principal has already been involved, the meeting will be with the chair of governors, or another governor nominated for this purpose by the governing body. Where appropriate, and with the agreement of both parties to the grievance, an external mediator may be brought in.

Step 4

12. If you still feel your concern has not been resolved, or if your manager fails to carry out the actions set out in Step 2, you may request a hearing before a panel of the governing body. This panel should consist of three governors appointed by the governing body to act on its behalf. Any governor with a personal interest in the grievance will not serve on the panel and the Principal may attend in an advisory capacity only, if the Principal is not already a party to the grievance. The meeting will be convened as soon as possible but all parties will receive five working days' notice of the date of the hearing. See Annex 1 for a suggested programme for conducting such a hearing. See also Annex 2, the "Frequently Asked Questions" section, for further advice.

Step 5

13. You may appeal against any outcome of this hearing, to an appeal panel of the governing body, which will be at least the same number of governors as the first panel. If you wish to appeal, you should do so within ten working days of receiving written notification of the decision of the panel. You will need to give reasons in writing as to why you wish to appeal. Examples could be:
 - faults in procedure;
 - new evidence which could not have been available at the first hearing;
 - a perverse decision.

The appeal panel will not include the Principal or any governor with a personal interest in the grievance. No-one will serve on the appeal panel who has served on the first panel. See Annex 1 for a suggested programme for conducting such an appeal and Annex 2 for further advice.

Step 6

Further Right to Appeal

14. If you have left the employment of the Academy, using this procedure does not affect your right to refer issues to an Employment Tribunal. However, you should be aware that your right to take a case to a Tribunal may be affected if you do not first raise the grievance, in writing, with the Academy and then wait a further twenty eight days before presenting the claim to the Tribunal. You must do so not later than three months after leaving the Academy's employment. You may agree with the governing body that it can respond to your grievance in writing.

Other Relevant Information

Managers must ensure that all employees are aware of their responsibilities under equal opportunities and must lead their teams in a manner that promotes equality. Every employee must ensure that s/he does not practice unlawful or otherwise unjustifiable discrimination in carrying out her/his duties and in her/his dealings with members of the Academy community. All employees are expected to be sensitive to the needs of our community. Employees will be encouraged to use the Grievance Procedure to report any breaches.

Pay Policy

The Principal and governing body will consult staff and trade unions on the Academy's pay policy and review it each year or when changes occur in the School Teachers Pay and Conditions Document published annually in September. The 'Green Book' contains terms and conditions of employment for support staff. A job evaluation scheme will be followed as a method for reviewing pay for all 'Green Book' employees. The Governing Body has developed a pay policy for all staff that takes account of both teaching and support staff.

Dignity at Work Policy and Procedure

The policy outlines employees' responsibilities to ensure that they do not contribute to the creation of a working environment in which affronts to dignity, bullying or harassment are accepted. It also places responsibility on all managers to prevent infringements of people's dignity, harassment and bullying and to take action as appropriate.

Health & Safety Policies, Procedures/Specifications and Action Bulletins

The Academy has policies, practice and procedures which have been developed to ensure compliance with statutory Health and Safety requirements.

Redundancy Policy for Employees

Where redundancy is unavoidable, the governing body will seek to handle those redundancies fairly, consistently and sympathetically in line with its policy.

Raising Concerns at Work (Whistleblowing) Procedure

The procedure outlines what an employee can do if they come across malpractice in the workplace. It encourages employees to inform someone with the ability to do something about the problem, following the guidance issued in this document.

GENERAL NOTE: The governing body has the right to decide that an individual employee is a "vexatious litigant" and further grievances will not be allowed from her/him. Such a decision will be made only after professional advice has been sought, including, if necessary, from the Academy's solicitor, in relation to a new grievance. The Courts have deemed that those who raise numerous, ill-founded allegations which have no prospect of success can be described as "vexatious".

Annex 1

Model Grievance Procedure

Conduct of an Initial Hearing or Appeal Hearing

(see paragraphs 13 and 14, pages 3 and 4 above)

1. The Chair of the Hearing introduces those present.
2. The Chair invites the person raising the concern (the applicant) or his/her representative to introduce their case statement, to make any relevant comment on any written material and to bring forward any witnesses or witness statements.
3. The Chair invites the person against whom the concern is raised (the respondent) or his/her representative to address questions to the applicant or his/her representative on the submissions made on behalf of the applicant, and to question any witnesses.
4. The Chair invites the respondent's representative to introduce the respondent's side's written observations, to make any relevant comment on the submissions made on behalf of the applicant and to bring forward any witnesses or witness statements.
5. The Chair invites the applicant or his/her representative to address questions to the respondent's representative on the respondent's submission and to question any witnesses.
6. The Chair invites the members of the panel to address questions to the representatives of either party. The opportunity is given to the representatives of either party to address to the Chair any comment arising from the question or on the reply given.
7. The Chair invites the respondent's representative to summarise the respondent's case. No new evidence can be presented at this stage.
8. The Chair invites the applicant or his/her representative to summarise the case for the applicant. No new evidence can be presented at this stage.
9. The Chair then asks both the parties to withdraw while the panel gives consideration to the case. If the panel needs to clarify any point with one or both of the parties, both parties should be recalled.
10. Chair will call back both parties either to announce the decision of the panel, or to advise that a decision will be communicated in writing within three working days.

Annex 2

Frequently Asked Questions

How much notice of a hearing should we give?

Enough time should be allowed, when setting a date and time, for the employee to arrange suitable representation and for anyone against whom an allegation is made to seek representation if they wish it.

Notice of the hearing must also allow sufficient time for written evidence to be circulated well beforehand. Notice to both parties must be at least five working days unless agreed otherwise by mutual consent. It is wise to be flexible about the date, in order to fit in with any reasonable request by the employees concerned.

How do we make sure that the evidence is handled fairly?

It is important that all parties should have the opportunity to challenge any evidence which is being used. That is why all written evidence must be made available beforehand – preferably a week before the hearing. If new evidence appears at the last moment, an adjournment of the hearing must be considered.

Hearsay evidence (i.e. evidence which relies on quotation from a third party who cannot give evidence in person or by written statement) should not be used.

Anonymous evidence should not be used. The only exceptions to this would be

- (a) where the allegations are serious and can be verified through independent investigation or
- (b) if a potential witness had a real fear, reasonably held, that they would suffer substantial detriment if they were to sign their statement.

The latter case would be very rare and, if the situation arose where this was alleged, the Academy's solicitor or other professional adviser should be asked for advice.

Statements can be obtained from students under 16 only with the agreement of the parent or guardian, who should be given the opportunity to be present when the evidence is being collected. However, there could be an exception where students are witnesses to an incident and their version of events needs to be obtained as quickly as possible before memory fades and before they have discussed it with others. In this case, if parents cannot be informed immediately, it may be advisable to ask the students to make their statements in the presence of a second adult whose express responsibility it is to look after their best interests. Their parents will be advised as soon as possible afterwards. Students should not be called to give evidence to a hearing in person.

What if the employee raising the grievance does not arrive?

It is advisable to adjourn the hearing and write to the employee setting another date and making it clear that, if s/he does not attend and has no reasonable excuse for not attending, it will be assumed that s/he no longer wishes to pursue the grievance.

APPENDIX 3

APPROVED	21st April 2009		
REVIEW DATE	20th April 2010		
SIGNED PRINCIPAL		PRINT NAME	
SIGNED CHAIR OF GOVERNORS		PRINT NAME	