

Honiton Community College Academy Trust



This policy was adopted by the Governing Body of
Honiton Community College Academy Trust
on 24th May 2017
and will be reviewed every 2 years.

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**The policy to manage a complaint from an employee about their work and/or
working conditions and/or a work colleague at the College.**
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GRIEVANCE POLICY

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Honiton Community College Academy Trust purchases HR Support from Foot Anstey.

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POLICY

A. INTRODUCTION AND PURPOSE

A.1. Responsibility for the Application of the Policy

It is the responsibility of the Governing Body and the Principal to ensure that College based staff are provided with a fair, effective and consistent means for a complaint against a work colleague and/or complaints about their work and/or working conditions to be raised.

The Governing Body and Principal are responsible for ensuring that the timeframes detailed in this Policy are adhered to and considered.

A.2. Consultation

This Policy is provided, following consultation with Trade Unions/Professional Associations, for the Governing Body to consider for adoption. Should the Governing Body wish to make changes to this model Policy, the required consultation must be undertaken with the County Officers of the recognised Trade Unions/Professional Associations

A.3. Costs

Colleges that do not purchase support from the Devon County Council Schools' Personnel Service must ensure that either they or their personnel service provider have adequate financial resources to cover any costs arising from any subsequent claims. Honiton Community College purchases support from Foot Anstey.

A.4. Legislative Base

This Policy is in line with the provisions of the ACAS Code of Practice for Disciplinary and Grievance Procedures introduced following the enactment of the Employment Act 2008 on 6th April 2009. This Policy supersedes the Schools' Model Grievance Policy & Procedure updated on 1st August 2008.

A.5. Aim of this Policy

The Governing Body and the Principal encourage open communication between all employees with the purpose of ensuring a harmonious workplace, maintaining constructive working relationships and finding mutually acceptable solutions to workplace problems and issues.

This Policy is to facilitate the resolution of an employee's complaint and to have it considered fairly and without delay.

This Policy is not for use by a manager who has concerns and/or complaints about staff s/he manages. These concerns should be dealt with through the application of the appropriate college HR policies e.g. conduct, capability.

A.6. Coverage

This Policy is applied to all staff within the college and will be made available to every member of staff through the college's internal systems.

This Policy is for use by employees in the college to raise complaints about their work, working conditions and/or colleagues also employed by the college. This Policy does not cover complaints from or about governors, volunteers and/or Local Authority Officers, where separate complaints policies exist.

This Policy may only be used by individual employees; group complaints will not be accepted.

For ease of reference, where the term 'Chair of Governors' is stated in brackets following the word 'Principal', the Chair of Governors will deal with the issue if it is in relation to complaints concerning the Principal.

B. POLICY

B.1. Application of the Policy

This Policy:

- Is non-discriminatory and in accordance with the college's Equality Policy;
- Will be consistently and fairly applied across the college;
- Will be conducted with respect for the confidentiality of individuals and in accordance with the Data Protection Act 1998;
- Is based on open communication between members of staff and their managers;
- Is explicit about the responsibilities for all involved.

Employees should bring to the attention of management any complaints that arise in the course of their work regarding a colleague that s/he is unable to resolve by appropriate communication and have these complaints/issues resolved fairly and promptly.

This Policy is for use for other complaints a staff member has regarding his/her work and/or working conditions, apart from certain exceptions identified at paragraph B.2 of the Policy.

Day to day issues should normally be resolved through dialogue between the employee and line manager. The formal procedure should only be started when the employee has not been able to resolve the issue(s) informally.

B.2. Exclusions

The following matters are excluded from this Policy because separate mechanisms exist:

- Evaluation and grading of support staff jobs. See <http://staff.devon.gov.uk/jobevaluation.htm>
- Fraud, corruption and malpractice. See the college's Whistleblowing Policy
- Selection for redundancy. See the college's Redundancy Policy
- Pay issues. See <http://staff.devon.gov.uk/cr/er/gap/schoolspersonnel/payandgradingschools.htm>

B.3. Access to other policies/services mentioned in this policy

Staff members can access the above policies/guidance and others mentioned in this policy through the college intranet or via the college administrator.

B.4. Designated Investigator

The Principal (or in the case of the complaint being against the Principal, the Chair of Governors) will nominate an appropriate person to carry out an investigation at the applicable stage of the process. The nominated individual is referred to as the Designated Investigator in this Policy. The Designated Investigator should be either a member of the senior leadership team of the college or a member of the Governing Body.

In exceptional cases it may be appropriate for the college to approach a third party to undertake the investigation.

The Designated Investigator should have had no previous involvement in the complaint, no close relationship with either party nor a vested interest.

B.5. Authorising Recommendations

The Designated Investigator will have the authority to make recommendations on behalf of the college in working towards the satisfactory conclusion of the complaint.

B.6. Complainant

For ease of reference, the employee with a grievance will be referred to as the 'Complainant'.

B.7. Responder

For ease of reference, the employee or the body being complained about will be referred to as the 'Responder'.

C. CONFIDENTIALITY

The Designated Investigator will ensure there is a full, comprehensive case file of the process which should include all statements, records and evidence and should be stored confidentially. If the grievance has progressed to the hearing stage, the Clerk to Governors will be responsible for collating and storing all papers confidentially.

The Complainant and the Responder will be expected to maintain confidentiality of the matter.

If other employees of the college become involved in the application of this Policy they will be advised and be expected to maintain confidentiality.

Breaches of confidentiality will be taken seriously, especially if they hinder resolution of a complaint. Failure to maintain confidentiality may result in disciplinary action being taken.

If any member of staff is uncertain who they can talk to about the case, they should seek advice from their line manager or their trade union/professional association.

D. EQUAL OPPORTUNITIES

This Policy is based on best practice and is designed to promote a consistent and effective approach. The Governing Body has a particular responsibility to ensure that the processes are managed fairly, equitably, objectively and must not discriminate either directly or indirectly on the grounds of an employee's gender, age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation'.

All staff will be treated equally regardless of their position in the college.

E. GENERAL PRINCIPLES

E.1. Being Accompanied at Meetings

At any stage of the process, a representative from a recognised Trade Union/Professional Association or a work colleague may accompany the Complainant and/or the Responder. The Designated Investigator is advised to make this provision known.

E.2. Human Resources Advice

Further advice and support can also be found from:

www.gov.uk

www.acas.org.uk

www.pcaaw.org.uk

E.3. Support during the application of this Policy

Consideration must be given to any assistance or steps that should be taken to support both the Complainant and the Responder, particularly where a complaint is not upheld, recognising that the effect of the complaint can be significant.

It is important to consider how to help the individuals affected by the raising of a complaint to work together after the complaint has been looked into; this might be by way of professional dialogue between individuals, formal mediation or using the services of Wellbeing@Work where applicable.

Employees are encouraged to contact their Trade Union/Professional Association, for advice and support at the earliest stage.

Teachers can also seek information and support from the Teacher Support Network at: www.teachersupport.info/contact

E.4. Recording of Information

Appropriate written records of any interviews, meetings and action, together with copies of any other relevant documentation taken under this Policy should be compiled and retained.

All records will be kept confidentially and retained in accordance with the Data Protection Act (1998).

In the event of any employee making an application under the Data Protection Disclosure Policy, a college can obtain advice from its HR Provider.

E.5. Complaints against the Principal

If the Complainant has a grievance against the Principal which cannot be resolved by professional dialogue directly with the Principal then the complaint should be raised with the Chair of Governors at the formal stage of this Policy. The Chair of Governors will be responsible for identifying a suitable person to undertake the role of Designated Investigator.

E.6. Notification to the Responder cited in the complaint

When a complaint is raised by an employee at the college, the Principal (Chair of Governors) will advise the colleague and/or body (the Responder) of the complaint in a sensitive manner and at the earliest opportunity so that s/he/they can respond to the complaint raised. The Responder will be offered support and reassured that the matter will be treated confidentially. If the complaint is against a colleague, s/he should be encouraged to contact their trade union/professional association. All attempts should be made to resolve the complaint informally between the parties concerned. The outcome of the complaint must be relayed to the Responder as soon as is practicable.

E.7. Multiple Complaints

If a Complainant raises multiple complaints relating to different issues, to avoid duplication of the procedure and to aid a prompt resolution, the issues will be dealt with together at each stage of the Policy.

E.8. Implicit Complaints

Managers should be alert to the possibility that an employee may trigger a formal complaint by including details of their concerns within written correspondence, such as an e-mail or resignation letter. Where this is the case, the Principal (Chair of Governors) who receives the communication must clarify with the employee whether it is their intention to raise a complaint under this Policy or not.

Principals/College Managers are encouraged to seek support from their HR Provider if they receive such correspondence.

E.9. Subsequent Formal Action

Where it is considered that the complaint, if proven, could result in action being taken against the Responder under the college's Conduct Policy, the complaint should initially be investigated in accordance with this Policy. In such cases, the Designated Investigator should write to the Responder to confirm the proposed course of action and arrange a meeting.

E.10. Vexatious/Malicious Allegations/Complaints

Any employee raising a reasonable and genuine grievance shall suffer no detriment as a result of raising the complaint. However, false or vexatious complaints will be taken very seriously. The college's Conduct Policy may be invoked where, on the balance of probabilities, it is reasonable to find that an employee has made a false, vexatious and/or malicious complaint and/or deliberately made a complaint to cause distress, harm and/or to discredit a colleague and/or the Governing Body and/or the college. The application of the college's Conduct Policy may result in the employee making the vexatious allegations/complaints being dismissed from employment.

E.11. Participation in the process

This Policy should be used to resolve reasonable and genuine complaints from an employee. It is expected therefore, that the Complainant will fully co-operate with any investigation and/or any process that seeks to remedy the complaint(s). Should a Complainant be obstructive and/or unco-operative during the application of this Policy and/or behave in such a way as to aggravate or exacerbate the situation, the circumstances will be considered by the Principal (Chair of Governors) who may consider the complaint remedied and any on-going investigation ceased. This will be communicated to the Complainant by the Principal (Chair of Governors).

The Responder is also required to participate in the process of grievance resolution in an appropriate and conciliatory manner.

Appropriate professional standards of conduct are expected from all parties and any inappropriate behaviour may be considered under the colleges' Conduct Policy.

E.12. Maintaining the Status Quo

Depending on the circumstances, it may be appropriate for any proposed changes to be postponed and/or deferred by the Principal (Chair of Governors) and the status quo to remain until an investigation into any complaint takes place.

F. TIME LIMITS

The time limits included in this Policy should be observed in order to try and resolve the issue as quickly as possible. However, they may be varied by mutual agreement.

A 'day' is defined as any Monday to Friday excluding public holidays as defined by ACAS'.

G. PERIODS OF COLLEGE CLOSURE

The college will seek to resolve the complaint in accordance with the timeframes specified in the Policy, unless amended by mutual agreement. In the event of a complaint being raised during a period of college closure the timeframes indicated in the Policy will commence from the first day of the college being open.

In the event of a complaint being raised immediately prior to a period of college closure, the availability of any persons who may need to be interviewed as part of any investigation will be taken into consideration by both parties when mutually agreeing any required extension to the timeframes.

H. RAISING A GRIEVANCE DURING THE APPLICATION OF ANY OTHER COLLEGES' HUMAN RESOURCES POLICY – RELATED ISSUES

Where an employee has a complaint related to either the person applying and/or the application of another HR Policy, this policy will not be used and the complaint will be dealt with under the other colleges' HR Policy.

I. RAISING A GRIEVANCE DURING THE APPLICATION OF ANY OTHER COLLEGES' HUMAN RESOURCES POLICY – UNRELATED ISSUES

If the employee is currently being managed under any other colleges' HR Policy and has an unrelated complaint, then this Grievance Policy should be used to deal with the employee's complaint. As the matter is unrelated there will be no need to put any other process on hold as the application of any other policy can be dealt with in parallel.

J. ACCEPTABLE BEHAVIOUR

A model Acceptable Behaviour Policy is available for colleges to adopt. As well as providing clarity on acceptable behaviour, the Policy also puts in place a number of procedures which may be used to resolve a complaint including:

- Self Help
- Acceptable Behaviour Advisors
- Mediation.

The college has an Acceptable Behaviour Policy.

K. MEDIATION

Mediation is a process by which a neutral third party helps disputing parties work out an agreement. The Complainant and the Responder, not the Mediator, decide the terms of this agreement.

Mediation should be considered at the informal stage of all complaints, acknowledging that it may not be suitable in all circumstances. A Mediation Service is available to assist employees in resolving issues informally. Mediation is a process by which an impartial third party helps employees in a dispute to work out an agreement, focussing on the future rather than the past behaviour. Referral to the Corporate Mediation Service should be made via the Principal.

L. 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 college, 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 (colleges). There are similar expectations on support staff in colleges.

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 Complainant should raise his/her complaint formally with the Principal (Chair of Governors) by completing form FC1 (at Appendix A).

The parties may still agree to resolve the issue by means other than following this Policy e.g. mediation. This must be agreed in writing by the Complainant and does not exclude the Complainant from using this Policy at a later stage if the other means do not bring a resolution.

M. THE PROCEDURE FOR LODGING AND RESOLVING GRIEVANCES

M.1. Formal Grievance

COMPLAINANT'S RESPONSIBILITIES - FORMAL GRIEVANCE	
M.1.1	Ensure you read the 'Good Professional Relationships' section above.
M.1.2	You must have tried to resolve your grievance at the informal 'Good Professional Relationships' stage before lodging a formal grievance unless the circumstances are so serious and/or complex that informal resolution would be impossible. You must evidence why this is so. The Principal (Chair of Governors) may consider the evidence and reach a view on whether your grievance could have been dealt with by professional dialogue and recommend this is attempted before a formal process is considered.
M.1.3	Complete form FC1 (annexed to this policy). Provide a detailed account of the reason you are aggrieved, why you cannot resolve your grievance by professional dialogue and the remedy you seek. This should be a balanced, fact-based submission including where appropriate, dates and times of events and the names of any witnesses, You may wish to involve your professional association/trade union at this stage, if necessary or appropriate. You should submit the FC1 to the Principal (Chair of Governors).
M.1.4.	Meet with the Designated Investigator within ten days of lodging your FC1. This timescale can be changed by mutual agreement to allow enough time for the Designated Investigator to gather all the necessary information.
M.1.5	All information that you have, relevant to your grievance, should be provided to the Designated Investigator at least three consecutive days in advance of the meeting.
M.1.6.	Co-operate with the Designated Investigator to seek a swift remedy to your complaint.
M.1.7	Ensure you comply with the provisions detailed within this policy.

PRINCIPAL'S RESPONSIBILITIES – FORMAL GRIEVANCE	
M.1.8	Confirm receipt of the FC1 and any accompanying evidence or documentation within five consecutive days .

M.1.9	Review the information provided on the FC1 form and decide whether it is reasonable that an attempt is made to resolve the issues by professional dialogue under informal arrangements. If it is considered appropriate, advise the Complainant and refer to the section 'Good Professional Relationships/Practices'. Continue as detailed below for a Formal Grievance only.
M.1.10	Where it is not appropriate for the Principal (Chair of Governors) to act as the Designated Investigator, the Principal (Chair of Governors) will normally nominate a member of the senior leadership team or a member of the Governing Body to act as the Designated Investigator and carry out an investigation.
M.1.11	Where a complaint is particularly complex, the Principal (Chair of Governors) may arrange for a suitable person(s), not necessarily a member of the ELT or Governing Body, to be assigned to gather all the details and facts of the complaint on their behalf. The Principal (Chair of Governors) will confirm with the suitable person(s) the extent to which they will gather the facts and suggest the names of any staff who they should speak to.
M.1.12	Advise the Complainant who will be the Designated Investigator(s) and proposed timescale for meeting. Clarify with the Complainant any appropriate support that may be helpful.
M.1.13	It is good practice to advise the Complainant that s/he may be accompanied by a representative from their professional association/trade union or a work colleague
M.1.14	Inform the Responder of the grievance and provide a copy of this policy. Advise the Responder of the timescales and ensure support is available through an appropriate source.
M.1.15	Record all meetings and correspondence entered into in the course of dealing with the complaint, including dates and those present.
M.1.16	Ensure compliance with the provisions detailed within this policy

DESIGNATED INVESTIGATOR'S RESPONSIBILITIES – FORMAL GRIEVANCE

M.1.17	Review the information provided on the FC1 form and arrange to meet the Complainant within 10 consecutive days of receiving the FC1. The Complainant may be accompanied by a representative from their professional association/trade union or a work colleague if they wish. This timescale can be changed by mutual agreement to allow enough time for the Designated Investigator to gather any the necessary information
M.1.18	Meet the Complainant and his/her representative, if accompanied, in a calm, uninterrupted setting. Arrange for appropriate note-taking.
M.1.19	Explain his/her role within the Policy and the Complainant's recourse if s/he is dissatisfied with the outcome of this stage of the Policy.
M.1.20	Record all meetings and correspondence entered into in the course of dealing with the complaint, including dates and those present.
M.1.21	Listen carefully, clarify facts and the resolution or remedy the Complainant seeks.
M.1.22	Meet with the Responder to the grievance and provide a copy of this policy. Advise the Responder of the timescales and ensure support is available through an appropriate source.
M.1.23	Consider all the facts carefully; this may involve the questioning of witnesses where appropriate. If necessary seek advice from the College's HR Provider before responding. Seek to resolve the complaint personally but there may be a need to consult with other members of staff, if appropriate. Ensure that any witnesses are aware of the confidentiality clause contained in this policy.
M.1.24	Arrange to meet with the Complainant to provide the findings to the investigation into his/her grievance.
M.1.25	Meet with the Complainant and give the outcome of the investigation and whether the requested remedy can be achieved. Confirm in writing, within five consecutive days of the meeting, the facts and the reason for the decision. Reiterate in the letter the Complainant's right to appeal if s/he is dissatisfied with the response. If it is not possible to respond within the specified time period, the Complainant should be given an explanation for the delay and told when a response can be expected.
M.1.26	Meet with the Responder and provide feedback. In all but exceptional circumstances where the Designated Investigator believes it may be detrimental to do so, a copy of the Designated Investigator's report will be provided to the Responder.
M.1.27	Ensure compliance with the provisions detailed within this policy.

Should the Complainant accept the outcome then the matter ends at this point. However, should the Complainant not accept the outcome at the Formal Stage, they have the right of appeal against the decision to a Governor's Appeal Committee.

M.2. Appeal against the outcome of Formal Grievance

COMPLAINANT'S RESPONSIBILITIES – APPEAL STAGE	
M.2.1	If you are still aggrieved regarding your original complaint, you can lodge an appeal against the decision made at the formal stage. You should put in writing to the Clerk to Governors, within 5 consecutive days of receipt of a letter confirming the final decision made by the Designated Investigator, why you are unsatisfied with the decision from the Formal process and why you believe your grievance has not been resolved. You should explain the full reasons for continuing your complaint, why the decision was not acceptable, the remedy being sought and the grounds for appealing, which could be that: <ul style="list-style-type: none"> • you believe the findings at the Formal Stage were unfair and why; • new evidence has come to light • you consider this policy was not applied correctly.
M.2.2	Provide a copy of any documentation you wish the Appeal Committee to consider to the Clerk to Governors at least 10 days before the meeting.
M.2.3	Attend the Appeal hearing and present your case, arranging any witnesses where appropriate. You may be accompanied by a representative from your professional association/trade union or a work colleague.
M.2.4	Ensure you comply with the provisions detailed within this policy.

CLERK TO GOVERNORS' RESPONSIBILITIES – APPEAL STAGE	
M.2.5	On receipt of the Appeal letter, inform the Chair of Governors, so that an Appeal Committee can be convened.
M.2.6	Provide a copy of the Appeal letter to the Designated Investigator.
M.2.7	Arrange a meeting between the Complainant and/or representative, Designated Investigator and Appeal Committee within six weeks of receipt of the written appeal from the Complainant. Confirm with the Chair of Governors whether an HR Adviser should attend to give advice to the Appeal Committee.
M.2.8	Record issues discussed at the meeting and the decision reached. Provide the record to the Chair of the Committee and the HR Adviser.
M.2.9	Liaise with the Chair of the Appeal Committee so that confirmation of the decision is conveyed to the Complainant and his/her representative in writing within 5 consecutive days of this meeting. This letter should address all the issues raised by the complaint.
M.2.10	After the meeting, ensure all papers are filed confidentially and appropriately.

DESIGNATED INVESTIGATOR'S RESPONSIBILITIES – APPEAL STAGE	
M.2.11	On receipt of the Appeal Letter from the Clerk to Governors, advise the Responder and any witnesses that the Complainant has appealed.
M.2.12	Provide a copy of any documentation that the Appeal Committee should consider to the Clerk to Governors at least 10 days before the meeting.
M.2.13	Attend the Appeal hearing and present the findings of the Formal Grievance investigation, arranging any witnesses where appropriate.

CHAIR OF APPEAL COMMITTEE RESPONSIBILITIES

M.2.14	Chair the meeting in accordance with good practice ensuring everyone can contribute appropriately.
M.2.15	At the conclusion of the Appeal meeting, verbally advise the Complainant of the outcome. Liaise with the Clerk to Governors to ensure that written confirmation of the Committee's decision (signed by the Chair of the Appeal Committee) is sent to the Complainant within five consecutive days of the meeting. Advise that the decision of the Appeal meeting is the final stage in the grievance process.
M.2.16	After the conclusion of the Appeal process, meet with the Responder and provide feedback on the outcome of the hearing unless the Committee believes it is detrimental to do so.
M.2.17	Review and approve the accuracy of the record of the meeting prepared by the Clerk to Governors.

FORM FC1

Stage 2- FORMAL COMPLAINT FORM

PART A: To be completed by the Complainant raising the Grievance.

Complainant's Name:

Job Title:

College:

Principal.....

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.

Continue on a separate sheet 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 Principal (Chair of Governors) – keep a copy for your records.

PART B: To be completed by the Designated Investigator dealing with the complaint.

Name of Designated Investigator:

Job title/Governor:

College:

Contact details:
Telephone:
Mobile:
Email address:

Date complaint received:

Date Formal Complaint meeting held:

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

Designated Investigator's signature.....

Date.....

DOCUMENT CHANGE HISTORY

Amendments recommended by the Personnel Committee of Honiton Community College Academy Trust on 14th November 2012 and approved by the Full Governing Body on 5th December 2012:

- Devon County Council cover sheet replaced with Honiton Community College Academy Trust cover sheet
- References to Head teacher amended to Principal.
- References to School amended to College (where applicable).
- References to SLT amended to ELT.
- Item B2 – Bullet Points 'Fraud, corruption and malpractice' and 'Selection for redundancy' now refer to HCC's own policies.
- Item B3 – Typing error amended from 'Assess' to 'Access'.

Amendments recommended by the Personnel Committee of Honiton Community College Academy Trust on the 10th September 2014 and approved by the Full Governing Body on the 1st October 2014.

- Footer to be removed and an acknowledgement that the policy originated from Devon County Council to be included in document.



This policy originated from Devon County Council

- **B4. Designated Investigator** *'In exceptional cases it may be appropriate for the college to approach the Local Authority to request the assistance of a third party to undertake the investigation; in these circumstances there is likely to be an additional cost to the college.'* amended to *'In exceptional cases it may be appropriate for the college to approach a third party to undertake the investigation'.*
- **D. Equal Opportunities** *'of a person's race, colour, ethnic origin, nationality, gender, sexual orientation, religion, marital status, disability or age'* amended to *'of an employee's gender, age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation'.*
- **E.2 Human Resources Advice** *'The Schools' Personnel Service can provide advice and support to any college manager/governor throughout the process'* amended to *'Further advice and support can also be found from:*
www.gov.uk
www.acas.org.uk
www.pcaw.org.uk*'.*
- **E.3. Paragraph 3** *'Employees are encouraged to contact their Trade Union/Professional Association, for advice and support at the earliest stage as well as the Devon County Council Counselling Service via their confidential mailbox at: counsel@devon.gov.uk or by telephone to 01392 383277.'* amended to *'Employees are encouraged to contact their Trade Union/Professional Association, for advice and support at the earliest stage'.*
- **E.3. Paragraph 4, Sentence 1** - Sentence removed
'Further information on the Counselling Service can be found at: www.staff.devon.gov.uk/pp/er/healthsafetywellbeing/wellbeing/wawdetail/counsellingwelfare.htm.'
- **E.4. Recording of Information** *'In the event of any employee making an application under the Data Protection Disclosure Policy, a college can obtain advice from the Devon County Council Compliance Team. The Information Compliance Team can be contacted by emailing*

dpoffice@devon.gov.uk.' amended to *'In the event of any employee making an application under the Data Protection Disclosure Policy, a college can obtain advice from the HR Provider'*

- **E.8. Implicit Complaints**, Paragraph 2 *'the Schools' Personnel Helpline'* amended to *'their HR Provider'*.
- **F. TIME LIMITS** - additional paragraph added *'A 'day' is defined as any Monday to Friday excluding public holidays as defined by ACAS'*.
- **J. ACCEPTABLE BEHAVIOUR**
 - Sentence removed *'An employee can get advice and support for issues concerning discrimination, harassment or bullying at: <http://staff.devon.gov.uk/acceptablebehaviour.htm>'*.
 - *'The college has an Acceptable Behaviour Policy'* added.
- **K. MEDIATION**
 - Paragraph 2, Sentence 2 *'The Devon County Council'* replaced with *'A'*.
 - Paragraph 3 removed *'Further information and guidance on whether mediation is suitable as well as further guidance on how to access this resource is available from <http://staff.devon.gov.uk/atoz.htm/atoz.htm/mediation.htm>'*
- **M.1.23** - Sentence 2 *'the School's Personnel Service'* amended to *'the College's HR Provider'*
- **M.2.1** *'10 days'* amended to *'5 days'* to bring in-line with DCC LA maintained schools.

Amendments approved by the Resources Committee on the 15th May 2017 and noted by the Full Governing Body on the 24th May 2017.

- Amendment to M.1.2.4. The second sentence has been removed *"All relevant information gathered in the course of the investigation should be provided to the Complainant and their representative at least three consecutive days in advance of the meeting"* so that the item reads *"Arrange to meet with the Complainant to provide the findings to the investigation into his/her grievance."* College solicitors advice is that, from a best practice point of view, all relevant information gathered should be provided. However, there may be circumstances (i.e. protection of a witness, disclosing the information will cause more harm etc.) where some information/documents will be withheld, and instead, a summary of the evidence by way of a report will be (and can be) provided.