



GRIEVANCE & DISCIPLINARY POLICY

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Introduction

We believe that an open, honest dialogue between staff and managers is key so that expectations are clear and mutually understood and any misunderstandings or confusion are minimised. Occasionally expectations are not met, which can often be resolved informally through the “right word at the right time”. If an employee fails to meet the requirements of their job – in terms of their conduct, attitude, or performance – their manager will explain their shortcomings to them informally, explain expectations, listen to what they have to say and identify ways to help any improvements to be made.

In most cases this should be sufficient to avoid the need for formal procedures to be applied.

The disciplinary process will be used to manage both poor performance and conduct issues with the aim of bringing about improvement – remedying, rather than punishing. However, for cases of alleged gross misconduct a swifter process will be followed (as described below) and sanctions up to and including summary dismissal may be imposed. REACH Learning Provision will make reasonable adjustments to this Disciplinary Policy (the "policy") and the Disciplinary Procedure (the "procedure") and its operation to cater for employees (or their companions) who have a disability. If an employee thinks that such adjustments are required in their case, they should let the headteacher know.

Scope

The policy and the procedure apply to all employees who have passed their probationary period and do not form part of an employee’s contract of employment. They do not apply to freelancers/third party contractors or additional workers.

Guiding principles

1. Issues and concerns will be explained, and an opportunity will be provided to allow the employee to respond and agree how performance improvements or changes in behaviour can be achieved.
2. Where appropriate and relevant, additional training or coaching will be provided to help the employee meet the required improvement to be made.
3. A work colleague or trade union representative may accompany anyone subject to the formal disciplinary process. Third party representation (for example, by a solicitor) is not permitted.
4. All issues and allegations of misconduct will be investigated and discussed before any decisions are taken.
5. HR will not normally be involved in informal discussions but will assist if requested or appropriate. HR must always be involved in the formal disciplinary process and any meetings to ensure that the correct procedural steps are taken and to advise on fair application of the procedure.

6. File notes of meetings will normally be taken and shared with the employee upon request.
7. For performance issues and alleged misconduct, the procedure operates three levels of warnings described below, as well as dismissal:
 - Initial verbal warning
 - Written warning
 - Final written warning

Warnings will have an expiry date after which they will be removed from the employee's file. Verbal warnings will typically remain on file for up to six months, first written warnings for up to 12 months and final written warnings for up to 18 months. Only at the final stage will dismissal be an option. Depending on the circumstances of the case, REACH does not have to follow the sequence of warnings set out above and may proceed to whichever sanction it deems appropriate in the circumstances.

All employees subject to the process have the right to appeal against any decisions made. Another nominated member of staff who has had no prior involvement in the case will hear such an appeal.

Unsatisfactory Performance

- a) Unsatisfactory when compared with the standard required by REACH or other employees carrying out the same, similar, or equivalent work.
- b) Unsatisfactory through not meeting reasonable standards of performance where the work is of an unusual or specialist nature and where there are no comparators.

Misconduct

The examples below are given for illustration, in no order of importance and are not exhaustive.

- Not following the REACH Safeguarding Policy (keeping children safe is of the highest importance)
- Minor violation of REACH Learning Provision rules or procedures
- Absenteeism
- Persistent lateness
- Making excessive personal calls at REACH's expense
- Resistance to carrying out reasonable assigned tasks
- Carelessness, negligence, or idleness
- Misuse of company's email or Internet system
- Actions that would bring the provision into disrepute as well as the parent company REACH Learning Group Ltd

Gross Misconduct

The examples below are given for illustration, in no order of importance, and are not exhaustive:

- Theft, fraud, or deliberate falsification of records
- Deliberate damage to REACH's premises or property
- Harassment or bullying
- Physical assault
- Deterring, or attempting to deter, victimise or harass an employee raising a concern under the Whistle blowing Policy
- Raising a whistle blowing issue falsely or maliciously or in breach of contract
- Insubordination or passive resistance to instruction
- Incapacity at work brought on by alcohol or drug abuse
- Bringing REACHs into disrepute
- Negligence which causes or might cause loss, damage, or injury
- Breach of health and safety rules resulting in, or likely to cause, injury to others
- Repeated acts of misconduct
- Breach of rules on confidentiality
- Serious misuse of REACH's email or internet systems
- Loading unauthorised software onto REACH's computers
- Assisting competitors or conspiring to compete with REACH
- Criminal conviction which limits the employee's suitability to continue in their role
- Criminal conviction which brings REACH into disrepute
- Non-declaration of personal interests in competitors, customers, or suppliers

For alleged gross misconduct, REACH may at its discretion suspend the employee on full pay whilst an investigation is carried out and will hold a final meeting with the employee. If, on completion of the investigation we are satisfied that gross misconduct has occurred the actions which may be taken include:

- Issue of a Final Written Warning with or without sanctions*
- Dismissal with notice
- Dismissal without notice ("summary dismissal")

Disciplinary Procedure

This procedure sets out the steps that will normally be taken in managing performance or conduct issues after informal management has not achieved the required improvement or

where the issue concerns potential misconduct as defined in the Disciplinary Policy. The procedure applies to all employees who have passed their probationary period. This procedure should be read in conjunction with our Disciplinary Policy.

- REACH takes the disciplinary process seriously and; therefore, it is important to deal with issues fairly. There are several elements to this
- REACH and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions, or confirmation of those decisions.
- REACH and employees should act consistently.
- REACH should carry out any necessary investigations to establish the facts of the case.
- REACH management should inform employees of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.

Responsibilities

The Provision Manager is responsible for ensuring that their staff meet appropriate standards of conduct and performance and are therefore responsible for taking initial action when standards are not met.

At Final Written Warning stage, or in cases of suspected gross misconduct, the relevant Head of Department will usually assume responsibility for the process.

GRIEVANCE POLICY

WHO is this policy for?

- All REACH employees. (Freelancers, contractors, and agency staff should raise issues with their REACH contact)
- This policy does not form part of any employee's contract of employment, and we may amend it at any time.

If a member of staff has any issues, they are free to talk to their manager or the Headteacher.

WHAT are the details of the policy?

What constitutes a 'grievance'?

- Any complaint from an individual about a decision a manager has made (or is about to make) that relates to them
- Typical grievances about an employee's work, their working environment or working relationships include:
 1. Dissatisfaction with treatment by management or colleagues or dissatisfaction with pay and conditions

2. Dissatisfaction with working practices or conditions
3. Concerns about health and safety

HOW do you express a grievance and to WHO is responsible for what?

Employees

- Raising concerns informally with your manager first. That way, everyone can gain an understanding of the issue at hand and work towards resolving it informally
- Raising a grievance honestly, accurately, and without malice against anyone else. It goes without saying, you won't be victimised for bringing a grievance.

Asking your manager for advice on how to have a difficult conversation. They'll also support you in raising your complaint

Managers

- Recognising what constitutes a grievance and taking it seriously o Identifying the causes of an employee's grievance
- Encouraging employees to work towards resolving any concern

Asking your manager for advice and guidance – get them involved early on, and at the latest as soon as the complaint becomes formal

Heads Of Provision

- Making sure their managers understand the importance of good communication – so they can manage grievances effectively, and provide coaching and/or training where appropriate

Using Mediators

These can be used at any stage in the grievance process but are more effective if engaged early on. A mediator could be from REACH or someone else internally who's not involved in the issue. Or, depending on the circumstances, an external mediator may be used.

What happens next?

- If you're formally submitting a grievance, you should do this in writing to your manager. If your grievance is against your manager, you should submit this in writing to the headteacher.
- A formal grievance should include a summary of the complaint, details, and copies of any supporting evidence (including witnesses), details of any steps you've taken to resolve matters, and what resolution you'd ideally like to see.

- REACH will then find an appropriate manager to hear the grievance, arrange for a formal meeting to be held as soon as possible, and investigate (if necessary)
- At the formal meeting, the employee who's submitted the grievance will talk the hearing manager through their complaint.
- The employee has the right to be accompanied by a colleague or trade union rep (no practicing lawyers)
- REACH will be there to advise and ensure the process is correctly followed. There will also be a note-taker to record the meeting
- The hearing manager will then investigate the grievance
- Following the investigation, there will be an outcome meeting where the hearing manager will provide the person who submitted the complaint with a written copy of the outcome and talk them through it
- Employees will have seven days to appeal the decision.