



Passion Home British International School

COMPLAINTS POLICY AND PROCEDURE

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1. POLICY

What is the policy about?

Passion Home International School (PHBIS) is committed to creating and sustaining a working environment that is fair to all and free from unlawful discrimination, harassment, victimisation and bullying. Everyone is responsible for their own behaviour and should treat colleagues with dignity, respect and courtesy and ensure that they are valued for their skills and abilities.

The Grievance Policy is designed to ensure that concerns, problems and complaints arising in the course of employment can be raised and resolved quickly and in a fair and reasonable manner.

The Grievance Procedure exists to provide a mechanism for employees to raise concerns that are not covered by other procedures.

Who does the policy apply to?

This policy covers all stakeholders and **Passion Home British International School** employees.

Aim

The aim of the Complaints Policy and Procedure is to promote and encourage a working environment in which **Passion Home British International School** employees feel comfortable to raise their concerns without fear of reprisal or retribution.

It is fundamental to this procedure that no employee shall suffer any detriment as a result of raising a grievance in good faith.

The procedure provides a framework in which employees can have their concerns and grievances resolved in a fair and timely manner.

Exemptions :

This procedure is *not* intended to deal with:

- cases where a support staff member wishes to appeal against the grading of their post.
- cases when management has started proceedings under the disciplinary, capability, probation or sickness absence procedures.
- decisions of performance management/appraisal, which should be dealt by the School's performance management policy/pay policy/appraisal scheme.

1.4 Scope

The Grievance Policy and Procedure applies to all stakeholders and **Passion Home British International School** employees.

Grievance Policy and Procedure Updated by HRM Department - January 2024

1.5 Responsibilities

Employees are responsible for:

- attempting, where appropriate, to resolve issues informally with their principal/heads of department prior to invoking the formal stages of the procedure.
- arranging their own representation for all formal meetings under this procedure.

Principal/Heads of Department is responsible for:

As **Passion Home British International School** Principal, you will directly report to the school proprietress and the school Board of directors. Your main responsibility is to manage the school day-to-day activities and all school departments **EXCLUDING THE HUMAN RESOURCE AND ACCOUNTING DEPARTMENTS**. You will ensure that resources are properly utilised. Using strong leadership skills, you will guide teachers in creating a safe and effective learning environment. Your role will also include planning, directing and co-coordinating the academic, clerical and auxiliary services of the school.

School's Human Resources (HR) is responsible for:

- Recruit candidates
- Hire the right employees
- Conduct disciplinary actions
- Update policies
- Maintain employee records
- Conduct benefit analysis

2. Procedure

Introduction

Grievances are defined as concerns, problems and complaints that employees raise with their managers regarding their work, working conditions or relationships with colleagues. Where an employee wishes to complain about malpractice or any other serious matters as a protected disclosure they should use the Schools whistle blowing procedure.

Where the employees raise a grievance against a person other than an employee of the School, or an employee of a partner organisation, the grievance will be investigated in accordance with this procedure and appropriate action taken. However, the employee should be made aware of the limited remedies available to the School.

If the substance of the grievance relates to the activities of a trade union official or one of its members undertaking such activities, the principal/Heads of Department must contact School's HR before proceeding. Schools HR will normally arrange a meeting with the relevant regional officer before any action is taken.

General work issues

For example, issues regarding terms and conditions of employment, health and safety, working practices or working relationships.

Bullying

This is behaviour that is offensive, intimidating, malicious, insulting and the misuse of Power. It is behaviour that has created working conditions or an environment that is hostile, degrading and/or humiliating and that a reasonable person could justifiably complain about.

Harassment

This is unwanted behaviour which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Employees can complain of behaviour they find offensive even if it is not directed at them. Harassment differs from bullying in that it specifically refers to unwanted behaviour in relation to a protected characteristic.

Victimisation

Grievance Policy and Procedure Updated by HRM Department - January 2024

This occurs where a person is treated less favorably than another because they have brought proceedings, given evidence or information, rejected advances or complained about the behavior of someone who has been harassing, discriminating against or in some other way intimidating them.

Collective grievance

In circumstances where a grievance applies to more than one employee, it may be appropriate to raise a collective grievance, which can be raised by the relevant union, with the consent of the employees, using the School's collective disputes procedure.

Malicious grievances

All employees have the right to bring a grievance and it is a fundamental principle of this policy that no employee shall be subject to any detriment for having raised a grievance in good faith. Where a grievance is raised maliciously, i.e. where an employee raised a grievance on grounds which they knew to have been false with the intention of harming another person, disciplinary action may be taken against the employee raising the grievance. The principal/line manager should seek advice from Schools HR before taking any action.

Resolving a grievance

It is in the best interests of everyone to ensure that grievances are dealt with quickly, equitably and resolved informally wherever possible. In the first instance, employees are asked to try to discuss the issue with their principal/ Heads of department or the person concerned to try to reach an early resolution or where an employee alleges bullying/harassment/victimisation this will be investigated in accordance with the School's Disciplinary Policy and Procedure.

2.4 Timescales

2.4.1 The principal/Heads of department must as far as be practicable, adhere to the timescales as set out in this procedure. Exceptionally where there are compelling reasons for delay at the formal stages of this procedure, the principal/heads of department must write to the employee concerned to advise of these reasons; informing them of any reasonably revised timescales, which must not extend any stage of the procedure by more than 10 working days.

3. Informal stage

Raising an informal stage

Employees should attempt to resolve their grievance informally with the Principal/heads of department in the first instance, except where this is inappropriate having regard to the nature of the grievance. A grievance must be raised within 4 calendar months of the event or matter occurring.

When an employee raises an informal grievance, the principal/line manager will meet with the employee and discuss the issues(s) raised within 7 working days. If this is not possible, the employee should be advised of the delay. The principal/heads of department will establish the employee's desired outcome in an attempt to resolve the issue in a way that is acceptable to the employee.

The principal/heads of department will take appropriate action to follow up and clarify facts which may include discussions with other members of staff and seek advice from Schools HR.

The principal/ heads of department will advise the employee of the outcome of the grievance in writing within 5 working days of the initial meeting.

If at this stage, the employee does not feel that the matter has been resolved satisfactorily, they will be advised that they may proceed to the informal stage of the procedure.

4. Formal stage

Raising a formal grievance

Where an employee feels that their grievances is not been resolved satisfactorily at the informal stage, or where an informal approach would have been inappropriate, they may proceed to the formal stage of the procedure.

The employee should submit the reasons for their grievance in writing to their principal/ heads of department, or where the principal/ heads of department is the subject of the grievance, to either the Principal or the Managing Director as appropriate. The grievance should set out the basis for the complaint or concern, along with the employee's suggested remedies for resolution. Where an employee is raising a formal grievance without having sought an informal resolution, they should also set out the reasons why an informal approach would, in their opinion, have been inappropriate.

Upon receipt of the formal grievance letter the principal/ heads of department will invite the employee to a meeting to discuss their grievance. The employee will be entitled to be accompanied at the meeting by a trade union representative or a work colleague. The trade union or work colleague does not have the right to answer questions on the employee's behalf or address their meeting, this meeting shall take place within 10 working days of receiving the grievance. The principal/ heads of department may be accompanied by Schools HR officer.

Consideration will be given to adjourning the meeting for any investigation that maybe necessary. The investigation may include interviewing other members of staff. The employee will be invited to explain fully their complaint and suggest how they would like to see it resolved.

The emphasis of the investigation will be to find ways to resolve the grievance and alleviate the employee's concerns.

The principal/ heads of department should check the following:

- the exact nature of the grievance
- any potential witnesses
- the desired outcome

The principal/line manager will arrange for a note-taker to take notes of the meeting. A copy of the notes taken will be provided to the employee as soon as is reasonably practicable to be checked for accuracy.

The principal/ heads of department will also meet with any other persons they deem necessary.

The principal/ heads of department will advise the employee of the outcome of their grievance in writing within 5 working days of the completion of their investigation and within 20 working days of the raising of the formal grievance. The principal/ heads of department may also wish to meet with the employee to explain verbally their decisions/outcome, particularly where they have not upheld the grievance.

Where a grievance has been raised involving work colleagues, the principal/heads of department may opt to offer mediation as a means to improve working relationships where all parties are willing to cooperate with this. Guidance on mediation may be sought from Schools HR.

In the event that the principal/heads of department has not responded to the grievance within 20 working days of the grievance being raised formally and the employee has not received a written explanation for any delay, it

shall be open to the employee to take the grievance to the next stage (appeal).

5. Appeal/Second stage formal grievance

Lodging an appeal

If the employee is dissatisfied with the outcome of the grievance investigation at the formal stage, or if no response has been received within 20 working days, they may pursue the grievance to the next stage (appeal).

The employee must submit their written notice of appeal within 10 working days of receipt of the grievance outcome letter to the Principal/Managing Director. An employee may appeal in the event that the grievance outcome letter has not been received within 20 working days of the grievance having been raised formally.

The employee shall clearly state the reasons why they wish to continue to pursue their grievance to the appeal stage.

The appeal hearing

The Managing Director or his/her nominee shall arrange for the grievance to be heard by a panel of 3 members. The panel shall consist of 3 members who shall not have had any prior involvement in the case. The Chair of the panel shall be either trained or suitably experienced in chairing formal panels.

A hearing shall be arranged within 20 working days of notification of the appeal, and the employee shall receive a minimum of 5 working day-notice of the date of the hearing. The employee should be sent the documents to be considered at the appeal hearing. The employee should be advised to provide copies of any documentation and names of any witnesses at least 2 working days prior to the hearing.

The following shall attend a grievance appeal hearing;

- a panel of 3 members(judges) who will hear the case
- a Schools HR representative who shall act as an impartial advisor to the panel the employee and her/his representative

- the principal/heads of department presenting the case
- Schools HR adviser to the principal/heads of department any other employee called as a witness, who shall be present only to give their evidence;
- any other employee at the discretion of the panel
- a note taker

Order of business

The order of business at a grievance hearing will normally be:

- Introductions
- Presentation by employee/representative
- Questions to the employee/representative by management and the panel
- Presentation by management
- Questions to management by the employee/representative and the panel
- ▢ Summing up by employee/representative
- Summing up by management
- Decision of the panel
- Panel to confirm outcome in writing within 5 working days.

The panel may adjourn a grievance hearing in order to obtain additional information, in which case the hearing shall be reconvened within 10 working days on a date to be agreed between the panel and the employee prior to the adjournment.

At the conclusion of the hearing, the panel shall deliberate in private and shall consider all the evidence, documents and submissions. The panel may reconvene to inform the employee of their decision but this shall in any event be confirmed in writing within 5 working days of the conclusion of the hearing.

The decisions that may be arrived at by a panel are as follows;

- ▲ that the grievance is unfounded, in which case no action shall be taken
- ▲ that the grievance is upheld in full or in part, in which case the panel may recommend appropriate remedial action
- ▲ any other reasonable recommendation which does not impose a detriment to the employee

The letter notifying the outcome of the panel's decision shall confirm that this concludes the grievance procedure. The decision shall be final.

6. Overlapping grievance and disciplinary cases

Where an employee raised a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

7. Details of approval and variation process

Where the School wishes to amend or terminate this procedure, it will consult with the relevant trade unions with a view to reaching agreement over the proposed amendment(s)/termination. This procedure may be amended or terminated by agreement with the relevant trade unions at any time. Where agreement has not been reached with the relevant trade unions arising from consultations, the School reserve the right to implement its proposed amendment(s)/termination by giving 1 month-notice to employees of its proposal(s).