



2023-2024

Hampstead Fine Arts

Staff Complaints Policy

Our Aims

We endeavour to create a workplace in which all staff feel valued, safe and fulfilled. It is important that if a member of staff is dissatisfied with any matter relating to their employment at Hampstead Fine Arts, they should have an effective means to air a grievance and where appropriate resolve it. Staff should feel they can raise any matter informally with a line manager or the Principal or Head without the need for a written record. However, if the grievance is a serious matter it should normally be put in writing at the outset. Each member of staff is aware of the identity of their line manager. All tutors, for example, are allocated to one of six Directors of Studies. The Directors of Studies in turn are line managed by the Deputy Heads, who are line managed by the Head, who reports to the Principal. The Administrative staff are line-managed by the Principal.

WHISTLE-BLOWING

Whistle-blowers should understand that they are entitled to speak to a line manager or one of the SLT on any matter without fear of reprisal. (See also the Staff Safeguarding Code of Conduct). They may report safeguarding concerns directly to relevant staff at the local authority, the London Borough of Camden. Under certain circumstances, employees are protected from suffering any detriment or termination of employment if they make disclosures about organisations for whom they work. Please ensure you have read and understood the College Child Protection and Safeguarding Policy as well as the Staff Safeguarding Code of Conduct. All staff must read and sign Part One of the statutory *Keeping Children Safe in Education*. All of these documents are available from the College.

QUALIFYING DISCLOSURES

Certain disclosures are prescribed by law as “qualifying disclosures”. A “qualifying disclosure” means a disclosure of information that the employee genuinely and reasonably believes is in the public interest and shows that the company has committed a “relevant failure” by:

- a) committing a criminal offence.
- b) failing to comply with a legal obligation.
- c) a miscarriage of justice.
- d) endangering the health and safety of an individual.
- e) environmental damage; or
- f) concealing any information relating to the above.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The

company will take any concerns that you raise relating to the above matters very seriously. We encourage you to use the procedure if you are concerned about any wrong-doing at work. However, if the procedure has been invoked for malicious reasons or in pursuit of a personal grudge, then you will be liable to immediate termination of employment or such lesser disciplinary sanction as may be appropriate in the circumstances.

THE PROCEDURE

In the first instance you should report any concerns you may have to the Principal, Head or the Designated Safeguarding Officer who will treat the matter with complete confidence. If you are not satisfied with the explanation or reason given to you, you should raise the matter with the appropriate official organisation or regulatory body.

If you do not report your concerns to the Principal or the Head you should take them directly to the appropriate organisation or body.

TREATMENT BY OTHERS

Bullying, harassment or any other detrimental treatment afforded to a colleague who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to disciplinary action.

DISCIPLINARY PROCEDURES:

The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals. It is our aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and not be seen merely as a means of punishment. We reserve the right to amend these rules and procedures where appropriate. Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider to be unjust.

The following rules and procedures should ensure that:

- the correct procedure is used when requiring you to attend a disciplinary hearing;
- you are fully aware of the standards of performance, action and behaviour required of you;
- disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner;
- you will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case. On some occasions temporary suspension on contractual pay may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind;
- other than for an "off the record" informal reprimand, you have the right to be accompanied by a fellow employee at all stages of the formal disciplinary process;
- you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct; and
- if you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty.

DISCIPLINARY RULES

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown in the Staff Handbook, a breach of other specific conditions, procedures, rules etc. that are contained within the Handbook or that have otherwise been made known to you, will also result in this procedure being used to deal with such matters.

RULES COVERING UNSATISFACTORY CONDUCT AND MISCONDUCT

(These are examples only and not an exhaustive list.)

You will be liable to disciplinary action if you are found to have acted in any of the following ways:-

- failure to abide by the general health and safety rules and procedures
- smoking in College of the surrounding area
- unauthorised consumption of alcohol on the premises
- persistent absenteeism and/or lateness
- unsatisfactory standards or output of work
- rudeness towards parents, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language
- failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours
- unauthorised use of E-mail and Internet
- failure to carry out all reasonable instructions or follow our rules and procedures;
- unauthorised use or negligent damage or loss of our property
- failure to report immediately any damage to property or premises caused by you

SERIOUS MISCONDUCT

Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.

You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

RULES COVERING GROSS MISCONDUCT

Occurrences of gross misconduct are very rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct. Examples of offences that will normally be deemed as gross misconduct include serious instances of:-

- theft or fraud;
- physical violence or bullying;
- deliberate damage to property;
- deliberate acts of unlawful discrimination or harassment;
- possession, or being under the influence, of illegal drugs at work;
- breach of health and safety rules that endangers the lives of, or may cause serious injury to, employees or any other person.

(The above examples are illustrative and do not form an exhaustive list.)

DISCIPLINARY PROCEDURE

Disciplinary action taken against you will be based on the following procedure:

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION
UNSATISFACTORY CONDUCT	Formal verbal warning	Written warning	Final written warning	Dismissal
MISCONDUCT	Written warning	Final written warning	Dismissal	
SERIOUS MISCONDUCT	Final written warning	Dismissal		
GROSS MISCONDUCT	Dismissal			

We retain discretion in respect of the disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service you may not be in receipt of any warnings before dismissal but you will retain the right to a disciplinary hearing and you will have the right of appeal.

If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to you.

In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

DISCIPLINARY AUTHORITY

The operation of the disciplinary procedure contained, in the previous section, is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher or lower level of seniority, in the event of the appropriate level not being available, or suitable, progressing any action at whatever stage of the disciplinary process.

- **Formal verbal warning Principal/Head**
- **Written warning Principal/Head**
- **Final written warning Principal/Head**
- **Dismissal Principal/Head**

PERIOD OF WARNINGS

Formal verbal warning: A formal verbal warning will normally be disregarded for disciplinary purposes after a three-month period.

Written warning: A written warning will normally be disregarded for disciplinary purposes after a six-month period.

Final written warning: A final written warning will normally be disregarded for disciplinary purposes after a twelve-month period.

GENERAL NOTES

If you are in a supervisory or managerial position then demotion to a lower status at the appropriate rate may be considered as an alternative to dismissal except in cases of gross misconduct.

In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the person authorised to dismiss.

Gross misconduct offences will result in dismissal without notice.

You have the right to appeal against any disciplinary action.

We reserve the right to allow third parties to chair any formal hearings. You agree to permit us to share any relevant sensitive data where it is necessary for the purposes of that hearing.

CAPABILITY/DISCIPLINARY APPEAL PROCEDURE

You have the right to lodge an appeal in respect of any capability/disciplinary action taken against you.

If you wish to exercise this right you should apply either verbally or in writing to the Principal or the Head

It may be necessary, because of the size of our organisation, for the appeal to be heard by the person who took the original action and it is therefore important that your appeal gives details of why the penalty imposed is either too severe, inappropriate or unfair in the circumstances.

If you are appealing on the grounds that you have not committed the offence, it may be necessary for the person conducting the appeal to have a complete re-hearing so that there can be a reappraisal of all matters before a decision is made to grant or refuse the appeal.

You may be accompanied at the appeal hearing by a fellow employee of your choice and the result of the appeal will be made known to you in writing, normally within five working days after the hearing. This is the final stage of the appeal process.

We reserve the right to allow third parties to chair any formal hearings. You agree to permit us to share any relevant sensitive data where it is necessary for the purposes of that hearing.

GRIEVANCE PROCEDURE

It is important that if you feel dissatisfied with any matter relating to your employment you should have an effective means by which such a grievance can be aired and, where appropriate, resolved.

Nothing in this procedure is intended to prevent you from informally raising any matter you may wish to mention. Informal discussion can frequently solve problems without the need for a written record. However, if you wish to raise a formal grievance you should normally do so in writing from the outset.

You have the right to be accompanied at any stage of the procedure by a fellow employee who may act as a witness or speak on your behalf to explain the situation more clearly.

If you feel aggrieved at any matter relating to your work (except personal harassment, for which there is a separate procedure following this section), you should first raise the matter with the Principal or the Head, explaining fully the nature and extent of your grievance. You will then be invited to a meeting at a reasonable time and location at which your grievance will be investigated fully. You must take all reasonable steps to attend this meeting. You will be notified of the decision, in writing, normally within ten working days of the meeting, including your right of appeal.

If you wish to appeal, you must inform the Principal or Head within five working days. You will then be invited to a further meeting, which you must take all reasonable steps to attend. As far as reasonably practicable, the company will be represented by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting).

Following the appeal meeting you will be informed of the final decision, normally within ten working days, which will be confirmed in writing.

We reserve the right to allow third parties to chair any formal hearings. You agree to permit us to share any relevant sensitive data where it is necessary for the purposes of that hearing.

PERSONAL HARASSMENT POLICY AND PROCEDURE

Harassment or victimisation on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation is unacceptable.

Personal harassment takes many forms but whatever form it takes, personal harassment is always serious and is totally unacceptable.

POLICY

We deplore all forms of personal harassment and seek to ensure that the working environment is sympathetic to all our employees.

COMPLAINING ABOUT PERSONAL HARASSMENT

Informal complaint: If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser.

Formal complaint: Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the Principal/Head as a formal written complaint.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by a work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation which will normally be within ten working days of the meeting with you, a draft report of the findings and of the investigator's proposed decision will be sent, in writing, to you and to the alleged harasser.

If you or the alleged harasser are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within five working days of receiving the draft. Any points of concern will be considered by the investigator before a final report is sent, in writing, to you and to the alleged harasser. You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

GENERAL NOTES

If the report concludes that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary and disciplinary dismissal procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.

If you bring a complaint of harassment, you will not be victimised for having brought the complaint. However, if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

We reserve the right to allow third parties to chair any formal meetings. You agree to permit us to share any relevant sensitive data where it is necessary for the purposes of that hearing.

April 2024

Reviewed by: ES

