



Venture
Learning

Grievance and Disciplinary Policy

Venture Learning

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Introduction

Venture Learning is committed to high standards and expects all employees to be familiar with, and adhere to the Staff Code of Conduct, which should be read in conjunction with this policy.

The purpose of a grievance procedure is to enable individual employees to raise a work-related problem, concern or complaint and to have the matter dealt with as quickly and fairly as possible.

The purpose of a disciplinary procedure is to ensure the safe and effective operation of the provision and to promote the fair treatment of all employees. The following procedure provides a framework to address any lapses in conduct and encourages individual staff to achieve and maintain an acceptable standard.

Where concerns relate to the safeguarding of children, allegations against staff, volunteers, contractors or agency personnel will be managed in accordance with the organisation's Safeguarding Policy, Managing Allegations Policy and KCSIE requirements. The disciplinary process may be paused pending advice from the Local Authority Designated Officer (LADO), police or children's social care where appropriate.

This policy does not apply to dismissals, where the employment is terminated for a reason unconnected to disciplinary action, such as in the event of redundancy, retirement, or non-renewal of a fixed term contract. If these situations arise Venture Learning will follow a fair and reasonable procedure, which will include consultation with affected employees prior to any dismissal taking effect.

Where an employee has a disability or other condition that may affect participation in the process, Venture Learning will consider appropriate reasonable adjustments



Key Staff and Contacts

Provision Based Contacts

Name	Role
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Independent Advice & Support

The Citizens Advice Bureau can provide impartial information about employee rights when going through disciplinary proceedings: <https://www.citizensadvice.org.uk/>



Section 1: Grievance Procedures

Many issues can be resolved quickly and easily by taking informal action. If it is not appropriate to raise a grievance informally, or a grievance has not been resolved through informal action, employees should follow the formal grievance procedure.

Employees who raise grievances in good faith will not suffer detriment, victimisation or retaliation as a result of doing so.

Where a grievance is raised collectively by more than one employee, Venture Learning may adapt the procedure to allow representation and efficient resolution.

At any stage of the grievance procedure Venture Learning may recommend mediation where it is considered appropriate and both parties agree.

1.1 Stage 1

Grievances should be submitted in writing, without unreasonable delay and given to the immediate line manager. If a grievance involves the immediate line manager the grievance should be given to the Headteacher.

The person who takes responsibility for managing the grievance will arrange a meeting to discuss the details of the grievance and how it could be resolved.

If the grievance needs to be investigated further, the person who submitted the complaint will be advised of this and notified of the result when the grievance has been fully investigated.

1.2 Stage 2

If the person who submitted the complaint is dissatisfied with the handling of the grievance at Stage 1, they may choose to appeal in writing to the Headteacher (or the Chair Of The Proprietary Board if the Headteacher is concerned on the grievance/stage 1).

The investigation process will be the same as Stage 1, but will be conducted by a senior member of staff, where possible, with no involvement in Stage 1. There will be no further right of appeal.

1.3 Rights throughout the Grievance Process

During all stages of the formal grievance procedure, all employees involved must be provided with copies of notes and written confirmation of response.

Employees have a statutory right to be accompanied. Employees may be accompanied by a trade union representative, an employed trade union official or a workplace colleague at formal grievance meetings, which concern a complaint about a duty that we owe to them.

Venture Learning hopes that effective use of this procedure will negate the need for individuals to seek external resolution for complaints by way of an employment tribunal claim. However, we respect that employees may wish to exercise this right. Employees are advised that a failure to follow this procedure beforehand could result in a reduction in any compensation awarded of up to 25%.



Section 2: Disciplinary Procedures

Minor breaches of the Staff Code of Conduct may result in an informal warning being given by a manager. The objective of the warning is to help staff to improve conduct without invoking the formal procedure. A note may be kept of what was discussed and agreed in order to monitor conduct and respond appropriately to future breaches.

2.1 Investigation

If it becomes necessary to formally address issues regarding conduct or attendance the matter will first be investigated by an appropriate manager. Where practicable, the investigating officer, disciplinary decision-maker and appeal manager will be different individuals.

This investigation will be carried out thoroughly and as quickly as possible in all the circumstances. Confidentiality will be maintained, as far as is reasonably practicable, during the investigation and throughout the disciplinary process, should this be activated.

Under certain circumstances, including but not limited to harassment, bullying, theft and violence, Venture Learning may decide to suspend an employee on full pay, while the matter is being investigated. Suspension will only be considered where necessary and after alternative measures have been considered. Alternatives may include temporary redeployment, amended duties, remote working or increased supervision.

This is not a disciplinary sanction, but a way of ensuring that a full review of the circumstances can take place as effectively as possible and that safeguarding measures are observed.

2.2 Criminal Charges

Where an employee is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action. We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

All employees are required to inform Venture Learning immediately if they are the subject of a criminal charge.

2.3 Safeguarding Allegations and Low-Level Concerns

Venture Learning recognises its duty to safeguard and promote the welfare of children and young people and will manage concerns about staff in accordance with the organisation's Safeguarding Policy, Staff Code of Conduct, Managing Allegations and Low-Level Concerns Policy, and the requirements of *Keeping Children Safe in Education (KCSIE)*.

A safeguarding concern relating to an employee, volunteer, contractor, agency worker or any other adult working on behalf of Venture Learning will be considered separately from ordinary misconduct procedures where appropriate.

Allegations Meeting the Harm Threshold

Any allegation that a member of staff has:

- behaved in a way that has harmed a child, or may have harmed a child;



- possibly committed a criminal offence against or related to a child;
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

will be reported immediately to the Headteacher. Where the allegation concerns the Headteacher, it must be reported without delay to the Chair of the Proprietary Board.

The Headteacher (or Chair of the Proprietary Board where appropriate) will seek advice from the Local Authority Designated Officer (LADO) before commencing any internal investigation where required. Internal disciplinary investigations will not proceed where doing so could compromise a safeguarding, children's social care or police investigation.

Low-Level Concerns

A low-level concern is behaviour by an adult working in or on behalf of Venture Learning that does not meet the harm threshold but is inconsistent with the Staff Code of Conduct or gives rise to a sense of unease, concern or doubt regarding professional boundaries.

Examples may include, but are not limited to:

- inappropriate personal disclosures;
- over-familiar behaviour;
- inappropriate electronic communication;
- boundary violations; or
- behaviour that is inconsistent with professional standards.

All low-level concerns will be recorded, reviewed and managed in accordance with the Managing Allegations and Low-Level Concerns Policy. Repeated low-level concerns may indicate a pattern of behaviour and may result in formal management action, disciplinary action, or referral to external agencies where appropriate.

Suspension and Alternative Measures

Where a safeguarding allegation is being investigated, Venture Learning may consider suspension. Suspension is a neutral act and is not a disciplinary sanction. Before deciding on suspension, Venture Learning will consider whether alternative arrangements can adequately safeguard children and protect all parties involved. Such alternatives may include temporary redeployment, amendment of duties, increased supervision, remote working or restriction from specific activities.

Confidentiality

All safeguarding allegations and low-level concerns will be handled confidentially and information will only be shared on a need-to-know basis. Employees are expected to maintain confidentiality throughout any safeguarding investigation. Failure to do so may itself be treated as a disciplinary matter.

Outcomes



Following consultation with relevant agencies and completion of any necessary safeguarding investigation, Venture Learning may:

- take no further action;
- provide advice, training or support;
- implement management guidance;
- commence or continue disciplinary proceedings under this policy;
- make referrals to the Disclosure and Barring Service (DBS), Teaching Regulation Agency (TRA) or other relevant bodies where required; and/or
- take appropriate employment action up to and including dismissal.

2.4 Disciplinary Meeting

If, after an investigation has been carried out, it is considered that there is a case to answer, the subject of the disciplinary procedures will be notified in writing of the nature of the complaint.

They will be provided with details of any supporting evidence which may be available and will be invited to attend a disciplinary meeting. They will be advised that disciplinary action may be taken as a result of this meeting and of their statutory right to be accompanied at this meeting by a colleague or a trade union representative.

Employees should take reasonable steps to attend this meeting. If they are persistently unable or unwilling to attend, Venture Learning reserves the right to proceed in their absence.

The meeting will be conducted by an appropriate senior leader, director or manager who has not been involved in the investigation. Venture Learning may also have someone present at the meeting to take notes.

At this meeting, the nature of the alleged breach of the Staff Code of Conduct will be made clear to the subject of proceedings and they will be given the opportunity to state their case and call any relevant witnesses. If any additional issues arise during this meeting, an adjournment may take place to allow further investigation.

During the disciplinary process or appeal, the subject will be provided with copies of any notes, witness statements or interview transcripts that Venture Learning considers to be relevant as soon as they become available.

2.5 Disciplinary Action

If, at the conclusion of a disciplinary meeting, or shortly thereafter, it is decided that there has been a sufficient breach of the Staff Code of Conduct, formal disciplinary action will be taken.

If the subject is issued with a warning, they will be informed of the period for which the warning will remain in place. A copy of the written warning will be kept on record. If conduct or attendance has reached an acceptable level after the specified period, the warning will be disregarded for disciplinary purposes, but will be kept on record.



Employees have the right to appeal against any level of disciplinary action, including dismissal.

There are four stages of disciplinary action that may be taken:

- **Stage 1: Informal Management Action** - If conduct or attendance is unsatisfactory or there is no improvement, or another breach of the Staff Code of Conduct occurs, after an informal warning has been issued, an employee will be given a formal verbal warning, a note of which will be held on record. They will also be reminded that if there is no improvement, or a further breach occurs, within a specified period, further disciplinary action will be taken.
- **Stage 2: First Written Warning** - If the breach is more serious, or there is no improvement in conduct, or another breach occurs, an employee will receive a written warning. This will include the reason for the warning, give details of how they should improve and remind them that if there is no improvement, or a further breach occurs, within the specified period, further disciplinary action will be taken.
- **Stage 3: Final Written Warning** - If the breach is very serious, or there has been no improvement in conduct following stages 1 and 2 or still further breach occurs despite a previous warning, a final written warning will be given. This will include the reason for the warning, giving details of how they should improve, and remind them that if there is no improvement, or a further breach occurs, within the specified period, they may be dismissed.
- **Stage 4: Dismissal or Alternative Action** - If there is no satisfactory improvement in conduct or if a still further breach occurs, an employee may be dismissed. Alternative sanctions may include redeployment, demotion, loss of supervisory responsibilities, training requirements or a final written warning where appropriate and contractually permissible.
- They will be informed in writing of the decision, given details of the reason for the dismissal, or other disciplinary action, the termination date (if relevant), the appropriate period of notice or amount of pay in lieu of notice, and details of their right to appeal.

A decision to dismiss or impose other disciplinary action will normally be taken by a director and dismissal will only be applied if Venture Learning does not consider any alternative to dismissal would be appropriate.

If an employee is dismissed under this policy their employment will terminate on the date specified in writing. Their employment will **not** be suspended pending the outcome of any appeal procedure. Should an appeal reverse the decision to dismiss them, they will be reinstated with no break in service and any monies owing to them will be paid.

Any of the above stages of disciplinary action may be omitted, depending on the seriousness of the misconduct.

2.6 Gross Misconduct

If an employee is found guilty of gross misconduct Venture Learning is entitled to summarily dismiss. This means that the employee will be dismissed with immediate effect, without notice or pay in lieu of notice. Alternatively, Venture Learning may impose another penalty short of dismissal.



Examples of gross misconduct include, but are not limited to:

- breach of safeguarding procedures;
- failure to report safeguarding concerns;
- inappropriate relationships with pupils;
- unauthorised physical intervention;
- accessing, creating or sharing inappropriate material involving children;
- serious misuse of social media;
- deliberate breach of data protection requirements;
- conduct incompatible with suitability to work with children.
- theft, fraud or deliberate falsification of records;
- misuse, abuse or deliberate damage to property, including intellectual property, or that of other employees;
- the supply or possession of alcohol or illegal drugs, or being under the influence of alcohol or illegal drugs on the premises or during working hours;
- physical violence, actual or threatened;
- serious act of insubordination;
- inappropriate or illegal use of internet, intranet and email facilities;
- harassment or discrimination on any grounds;
- accepting or offering a bribe;
- disclosure of confidential information;
- serious breach of the health and safety rules;
- leaving the workplace without permission or reasonable excuse;
- serious disregard of rules and regulations; or
- bringing Venture Learning into disrepute.

2.7 Procedure for Appeal

Any appeal must be made in writing to the Chair Of The Proprietary Board or Finance Director within 5 working days of the decision being communicated, and they should detail their reason(s) for appealing against the disciplinary action.

The appeal will be considered by a senior manager or director, who, when practicable, will not have had any previous involvement in the case, within 5 working days of receiving the appeal. If it is anticipated that the appeal process will take longer than 5 working days from receipt of the appeal the employee will be informed of this and of the expected timescale.

Timescales in this policy are intended as guidelines. Reasonable extensions may be applied where necessary to ensure a fair process.

Employees must be notified of their statutory right to be accompanied at the appeal meeting by a colleague or a trade union representative. If additional issues or new evidence arise during this meeting, an adjournment may take place to allow for these to be investigated.

After considering the appeal, a decision may be taken to uphold the dismissal or other disciplinary action or to overturn the findings of the disciplinary meeting. They will be informed of the outcome of the appeal and the reasons for the decision in writing, as soon as possible. The decision which is reached is final.

A written record of all formal meetings will be maintained and retained in accordance with GDPR, data protection legislation and Venture Learning's retention schedule.

