

Swift Academies

Grievance Policy and Procedure for Teachers & Support Staff

Approving Body : Board of Directors July 2018

Committee : Standards

Review Cycle: 1 year

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Date for next review: October 2020

In this Grievance Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

- ‘Chair’ means the Chair of the Board of Directors appointed from time to time.
- ‘Clerk’ means the Clerk of the Board of Directors appointed from time to time.
- ‘Board of Directors’ means the academy trust and its Board of Directors.
- ‘Directors’ means the Directors appointed to the Board of Directors of the Trust, from time to time.
- ‘Academy’ means all schools operating within Swift Academies and includes all sites upon which the school undertaking is, from time to time, being carried out.
- ‘Vice-Chair’ means the Vice-Chair of the Board of Directors appointed from time to time.
- ‘Head Teacher/Head of School’ also refers to Chief Executive Officer.
- Companion means their trade union representative, workplace colleague or friend of their choice who does not have a conflict of interest.

1. SCOPE OF PROCEDURE

- 1.1 This Grievance Policy and Procedure is available to you insofar as any grievance relates to your work within the Academy and you are an employee of the Trust (hereinafter referred to as an “employee” or “you”). Grievances are concerns, problems or complaints that an employee has about unfair treatment in relation to their work, working conditions or relationships with colleagues.
- 1.2 This procedure **cannot** be used to:
 - (a) complain about the use of any other procedure or process (e.g. disciplinary, capability, restructuring etc) in relation to you whilst that procedure or process is being followed;

- (b) against any formal or informal disciplinary sanction;
- (c) appeal against any decision to terminate your employment whether on grounds of ill-health, incapacity, redundancy, poor performance or other grounds;
- (d) appeal against selection for redundancy;
- (e) complain about or appeal against any decision relating to pay or grading. Such matters are covered by the Trust's Pay Policy;
- (f) complain about or appeal against any decision relating to your pension. Separate Dispute Resolution Procedures have been set up by the Teachers' Pension Scheme and the local fund of the Local Government Pension Scheme;
- (g) complain about any matter that forms a collective grievance where the appropriate mechanism is for representations to be made by the appropriate trade union representatives;
- (h) complain about any matter which is properly the subject of a statutory consultation process;
- (i) complain about matters, which have been, or should have been, brought under a separate policy or procedure operated by the Academy, such as the Trust's Complaints/Whistleblowing policy and procedure and those of the Public Interest Disclosure.
- (j) complain about matters which are more than three months old (though this shall not prevent you referring to matters more than three months old in relation to a grievance which is otherwise live).

1.3 The Directors delegate their authority in the manner set out in this procedure.

1.4 The primary purpose of this procedure is to resolve the grievance(s).

1.5 The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievances).

1.6 The Trust's focus is on the remedial steps required to resolve a grievance.

1.7 The Trust does not speak of grievances being "against" any particular person but rather of grievances "relating" to a particular person.

1.8 The Trust shall seek to resolve any grievance raised by an employee during their notice period and/or garden leave period, using this procedure.

1.9 Where an employee has ceased to be an employee (for whatever reason), the Trust shall only consider post-termination grievances where it was not reasonably practicable for the employee to have raised such grievance during the course of their employment, subject always to paragraph

1.2(j).

1.10 There may be occasions where this procedure needs to be modified to comply with the requirements of the Trust's Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to Directors at appropriate stages.

- 1.11 In this policy “working day” means any day on which you would ordinarily work if you were a full time employee. In other words, it will be different for teaching and non-teaching staff but will not be different on the basis of whether an employee is full-time or part-time.

2. POLICY STATEMENT

- 2.1 The Trust values all of its employees and appreciates the essential role they play in delivering high quality education to its pupils.
- 2.2 The Trust also recognises that good employment relations practices – including those relating to recruitment, induction, training, communication and consultation – can prevent many grievances from arising.
- 2.3 The Trust aims to promote these areas through a number of proactive employment practices and initiatives.
- 2.4 The Trust asserts that all employees should be treated fairly and with respect. In cases where employees are unhappy about their treatment at work, or about any aspect of their work, they should raise their concerns immediately with their manager, who will try and resolve the situation on an informal basis.
- 2.5 If the concerns relate to the employee’s manager, employees should still raise them directly with their manager if they feel able to do so. Where this is not possible, employees should discuss their concerns with the Head Teacher/Head of School, or in cases where the grievance relates to the Head Teacher/Head of School with the Chief Executive Officer. If the grievance relates to the Chief Executive Officer concerns should be raised with the Chair of the Board of Directors.

3. INFORMAL RESOLUTION

Before raising a formal grievance under this procedure, you should try to resolve the matter informally either through your line manager or, where possible, with the other party.

RESOLUTION MANAGERS

The Resolution Manager should, where possible, be someone not personally involved in the matter which is the subject of the grievance and will be appointed in accordance with the table below depending on the subject matter of the grievance.

Your Grievance relates to	Stage 1 Resolution Manager Investigation	Stage 2 Resolution Manager Decision Maker	Stage 3 Resolution Manager Appeal
The CEO	Chair of Directors/Independent	Panel of 3 Directors	Panel of 3 or more Directors
Head Teacher/Head of School	The CEO	Panel of 3 Directors	Panel of 3 or more Directors
Deputy Head Teacher, Assistant Head Teacher	Head Teacher/Head of School	CEO	Panel of 3 Directors
Director of Central Functions (CFO)	CEO	Panel of 3 Directors	Panel of 3 or more Directors
All teaching staff	Deputy Head Teacher	Head Teacher, Head of School	CEO or Panel of 3 Directors
All support staff	Deputy Head Teacher/Assistant Head Teacher	Head Teacher/Head of School	CEO or Panel of 3 Directors
Pupils or Parents	Head Teacher/Head of School	Head Teacher/Head of School	CEO or Panel of 3 Directors
A Director/Governor or Directors/Governors (other than the Chair of Directors)	The Chair of Directors	Panel of 3 Directors	Panel of 3 or more Directors
The Chair of Directors (or a group of Directors including the Chair of Directors)	The Vice Chair of Directors or another non-staff Director (other than the Chair of Directors) nominated by the Clerk to Directors	Panel of 3 Directors	Panel of 3 or more Directors
The whole body of Directors/Local Governing Body	The Chair of Directors or an an independently appointed School Improvement Advisor	An independently appointed panel	An independently appointed panel

4. POWERS OF RESOLUTION MANAGERS

4.1 As part of the resolution of a grievance raised under the formal procedure at Paragraph 6 below, a Resolution Manager will carry out an investigation into the allegations made by the employee in their Form GRP1 and/or GRP2 or as a result of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting.

4.2 As part of the resolution of a grievance raised under the formal procedure at Paragraph 6 below, a Resolution Manager may, where he/she reasonably believes that such action will result in a partial or full resolution of the grievance:

- (a) Request an independent investigation be carried out into the allegations made by the employee in their Form GRP1 and/or GRP2 or as a result of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting. The Clerk will appoint the independent investigator within 5 working days of a request by the Resolution Manager;
- (b) Make a recommendation that the employee who has raised the grievance attend independent mediation with any other party who is the subject of the grievance;
- (c) Recommend any other reasonable course of action.

4.3 Nothing in this Paragraph 5 shall prejudice the Trust's general right to deal with grievances with the assistance specified in Paragraph 12.

5. FORMAL GRIEVANCE

5.1 Stage 1

5.1.1 If you have not been able to resolve a problem through informal discussions in accordance with Paragraph 3, you must use Form GRP1 (attached to this policy) and submit it to the Clerk.

5.1.2 The Line Manager/Clerk, as appropriate, will formally appoint a Stage 1 Resolution Manager following the guidance in the table in section 3 above.

5.1.3 The Stage 1 Resolution Manager will arrange to meet with you as soon as possible to discuss your grievance. This meeting is a Stage 1 Resolution Meeting and will normally be held within 10 working days of the Stage 1 Resolution Manager receiving your completed Form GRP1 from the Clerk.

5.1.4 The Stage 1 Resolution Manager will confirm the outcome of the Stage 1 Resolution Meeting in writing to you within 5 working days of the date of the Stage 1 Resolution Meeting ("the Stage 1 Resolution Letter").

5.2 Stage 2

5.2.1 In the event that you are not satisfied with the outcome of the Stage 1 Resolution Meeting as set out in the Stage 1 Resolution Letter, you can appeal by sending a completed Form GRP2 (attached to this policy) to the Clerk within 5 working days of the Stage 1 Resolution Letter being sent to you.

5.2.2 The Clerk will formally appoint a Stage 2 Resolution Manager (who will not be the Stage 1 Resolution Manager) following the guidance in the table in section 3 above.

5.2.3 The Stage 2 Resolution Manager will arrange to meet with you as soon as possible to discuss your appeal. This meeting is a Stage 2 Resolution Meeting and it will normally be held within 10 working days of receiving your completed Form GRP2 from the Clerk.

5.2.4 The Stage 2 Resolution Manager will confirm the outcome of the Stage 2 Resolution Meeting in writing to you within 5 working days of the date of the Stage 2 Resolution Meeting ("the Stage 2 Resolution Letter"). The decision of the Stage 2 Resolution Manager is final and there will be no further right of appeal.

6. DIRECTORS' APPEAL PANEL

6.1 The Directors' Staff Hearings and Appeals Committee shall comprise three non-staff directors not previously involved in the matter and shall not comprise the Chair or Vice Chair.

7. COMPANION

7.1 If you are an employee and have presented a completed Form GRP1 a Companion may accompany you at any meetings under this procedure.

Companion means their trade union representative, workplace colleague or friend of their choice who does not have a conflict of interest

7.2 You must let the relevant Resolution Manager know who your Companion will be at least one working day before the relevant Resolution Meeting.

7.3 If you have any particular reasonable need, for example, because you have a disability, a suitable helper may also accompany you.

7.4 Your Companion can address the Resolution Meeting in order to:

- a) put your case;
- b) sum up your case;
- c) respond on your behalf to any view expressed at the Resolution Meeting; and
- d) ask questions on your behalf.

7.5 Your Companion can also confer with you during the meeting.

7.6 Your Companion has no right to:

- a) answer questions on your behalf;
- b) address the meeting if you do not wish it; or
- c) prevent you from explaining your case.

7.7 Where you have identified your Companion and they have confirmed in writing to the relevant Resolution Manager that they cannot attend the date or time set for the Resolution Meeting, the relevant Resolution Manager will postpone the Resolution Meeting for no more than five working days from the date set by the Academy to a date or time agreed with your Companion provided that it is reasonable in all the circumstances. Should your Companion subsequently be unable to attend the rearranged Resolution Meeting, the Resolution Meeting may be held in their absence or written representations will be accepted.

8. CONFIDENTIALITY AND TRANSPARENCY

8.1 Proceedings and records of any grievance will be kept as confidential as possible but you must appreciate that circumstances can mean that grievances cannot always be dealt with on an entirely confidential basis.

8.2 A grievance you raise could result in the instigation of disciplinary action in respect of another employee and, to protect the confidentiality of that process, the Academy may not be able to inform you of the fact of the disciplinary process or of the disciplinary action which has been taken as a result of your grievance, if any.

8.3 You should not disclose the fact or content of any grievance to any employee or third party without the express consent of the Resolution Manager (except that you are allowed to approach a prospective Companion). Failure to comply with this clause may render you liable to disciplinary action under the Trust's Disciplinary Policy and Procedure.

8.4 At the conclusion of your grievance, and after any related disciplinary or other processes have been completed, a report will be presented to the non-staff Directors at a full meeting of Directors as a confidential item.

9. TIMING OF MEETINGS

9.1 Meetings under this procedure may:

- need to be held when you were timetabled to teach.
- exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation.
- be held after the end of the School day.
- not be held on days on which you would not ordinarily work;
- be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

10. VENUE FOR RESOLUTION MEETINGS

10.1 If your grievance raises sensitive issues, the relevant Resolution Manager may hold the meeting off the School site.

11. FALSE, VEXATIOUS OR MALICIOUS GRIEVANCES

11.1 Making a deliberately false, vexatious or malicious grievance under this procedure is a serious disciplinary offence, which could result in dismissal for gross misconduct.

12. PUBLIC INTEREST DISCLOSURE/WHISTLEBLOWING

12.1 You should be aware that a grievance may, in certain cases, amount to a protected disclosure under the Employment Rights Act (please see the Trust's Whistleblowing Policy for further details). You will not be allowed to raise the same matter under both procedures.

Swift Academies
GRIEVANCE POLICY AND PROCEDURE

NOTIFICATION OF FORMAL GRIEVANCE TO THE CLERK OF THE DIRECTORS

Submitted by	Name:	
	Job Title:	

1. I wish to formally lodge a grievance in relation to:

- Parents
- Pupils
- Staff (other than the Head Teacher)
- Head Teacher
- Directors
- Chair of Local Governing Body/Chair of Board of Directors
- The Governors/Directors as a whole

2. Summarised below are the details of my grievance (*where possible please identify dates, times and names*):

3. **EITHER** I have attempted to resolve my grievance informally by (please detail your attempts at informal resolution) **OR** I have not attempted to resolve this matter informally because (*delete where appropriate*):

4. In considering my grievance, I ask you to look at the following attached documents:

5. The outcome I am seeking to resolve this grievance is:

6. My grievance does/does not* include a complaint that I am subject to discrimination (Equality Act 2010), bullying or harassment.

7. My grievance does/does not* include a complaint that raises a child protection issue.

8. I will/will not* need special help at my Resolution Meeting.

9. My companion at the Stage 1 Resolution Meeting will be:

10. My companion cannot attend a Resolution Meeting on the following dates/times:

-
-
-

I have read the Trust's Grievance Policy and Procedure and am aware that deliberately false, malicious or vexatious grievances could result in disciplinary action against me for gross misconduct. I am aware that the GRP1 may be forwarded to the Designated Person for Child Protection. I am aware that a report on the outcome of this grievance will be submitted to the non-staff Directors.

Signed:

Print name:

Date:

OFFICE USE ONLY

Received by the Clerk to the Board of Directors:

Stage 1 Resolution Manager:

Received by Stage 1 Resolution Manager:

Resolution Meeting held:

Refer to DSC: YES/NO

Refer to Designated Person CP: YES/NO

** delete as appropriate*

FORM GRP2

Swift Academies

**GRIEVANCE POLICY AND PROCEDURE NOTIFICATION OF APPEAL AGAINST
GRIEVANCE RESOLUTION**

Submitted by	Name:	
	Job Title:	
Stage 1 Resolution Manager:		

1. I wish to formally appeal against the Stage 1 Resolution Manager's decision.

I attach:

A copy of my Form GRP1

The Stage 1 Resolution Letter

2. I disagree with the Stage 1 Resolution Letter because:

FORM GRP2 (cont.)

3. I will/will not* need special help at the Stage 2 Resolution Meeting.

4. My companion at the Stage 2 Resolution Meeting will be:

5. My companion cannot attend a Resolution Meeting on the following dates/times:

Signed:

Print name:

Date:

OFFICE USE ONLY

Received by the Governor Manager:

Stage 2 Resolution Manager:

Received by Stage 2 Resolution Manager:

Resolution Meeting held:

** delete as appropriate*