



Green Spring
Academy
SHOREDITCH

Grievance Resolution Policy

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GRIEVANCE RESOLUTION POLICY

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1. INTRODUCTION

- 1.1 Our aim is to provide an outstanding education to all the students taught by us and our ongoing mission is to help develop excellence in other schools and academies, sharing the educational practices which have been so successful at Green Spring Academy Shoreditch. Through the provision of an innovative curriculum and outstanding teaching, we are passionate about ensuring the best possible outcomes for young people, maximising their potential and equipping them with the skills they need for future success. All the Trust and Academy Policies support that ambition.
- 1.2 We delegate our authority in the manner set out in this document and it shall apply to all our schools. Authority rests with the Trust Board to amend this document.
- 1.3 There may be occasions where policies need to be modified to take account of the requirements of our Child Protection & Safeguarding policies e.g. by allowing the Local Authority Designated Officer to offer advice at appropriate stages.
- 1.4 In this document “working day” means any day on which in your role 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 be the same for full-time and part-time employees.

2. ATTENDEES AT FORMAL MEETINGS

- 2.1 For any process described as informal, there is no right to be accompanied and we may proceed without you having a companion present.
- 2.2 Where a policy allows you to be accompanied by a companion at a formal meeting, the provisions of this paragraph 2 will apply and **Permitted Companion** means a companion meeting the requirements of this paragraph 2.
- 2.3 You must let the relevant Manager know who your Permitted Companion will be at least one working day before the relevant meeting. The companion must be either a willing co-worker not involved in the substance of the issue under discussion at the meeting or a trade union representative. You do not have a right to legal representation at formal meetings.
- 2.4 If you have any particular need, for example, a disability, you may also be accompanied by a suitable helper.
- 2.5 Your Permitted Companion can address the meeting in order to:
- (a) put your case;
 - (b) sum up your case; and
 - (c) respond on your behalf to any view expressed at the meeting.

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- 2.6 Your Permitted Companion can also confer with you in private during the meeting.
- 2.7 Your Permitted Companion has no right to answer questions on your behalf, or to address the meeting if you do not wish it, or to prevent you from explaining your case.
- 2.8 Where you have identified your Permitted Companion to the relevant Manager and your companion has confirmed in writing to the relevant Manager that they cannot attend the date or time set for the meeting, the relevant Manager will postpone the meeting for no more than five working days from the date set by us to a date or time agreed with your companion provided that it is reasonable.
- 2.9 You do not have a right to be accompanied by a legal representative.
- 2.10 At a disciplinary meeting, the Disciplinary Manager or Appeal Manager may take advice from a legal representative.

3. TIMING OF MEETINGS

Formal meetings under these policies may:

- (a) need to be held when you were timetabled to teach;
- (b) exceptionally be held during planning preparation and assessment time if this does not impact on lesson preparation;
- (c) exceptionally be held after the end of the School day;
- (d) not be held on days on which you would not ordinarily work; and
- (e) for support staff, be held at any time during the working day.

4. RECORDING OF MEETINGS AND MINUTES

- 4.1 No one is allowed to make an audio or video recording of a formal or informal meeting or interview without the prior express written permission of all persons present.
- 4.2 We may have a note taker at any formal or informal meeting or interview to take the official note of the meeting. The note taker should be someone not involved in the subject matter of the meeting.
- 4.3 Minutes will be shared with you and you will be asked to confirm if they are accurate. No subsequent meeting, interview or decision will be delayed or postponed as a result of a dispute over minutes.

5. APPEAL MANAGER

A person is not prevented from being an Appeal Manager in the Disciplinary, Capability and Sickness Absence policies by virtue of having heard an appeal against any earlier decision in relation to you under that policy or any other policy.

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6. FREEDOM OF INFORMATION

This policy is disclosable under the Freedom of Information Act.

7. REVIEW

7.1 This policy will be reviewed on the date specified on the front cover, or earlier, if there reasonable justification, eg. material changes to legislation.

7.2 In drawing up this policy, we have considered the following documents:

- (a) the ACAS Code of Practice (March 2015);
- (b) the ACAS Guide "Discipline and Grievances at Work";
- (c) Teachers' Standards (July 2011);
- (d) Working Together to Safeguard Children (March 2015);
- (e) Keeping Children Safe in Education (September 2016);

8. SCOPE OF GRIEVANCE RESOLUTION POLICY

8.1 This policy is aimed at providing you with a structure to promptly resolve current grievances which are not covered by other policies.

8.2 This Grievance Resolution Policy cannot be used to:

- (a) complain about the use of any other policy or process (e.g. disciplinary, capability, restructuring, appraisal etc.) in relation to you whilst that policy is being followed (for the avoidance of doubt such concern can be raised within those other policies or processes).
- (b) appeal 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) appeal against any decision made under any policy which contains its own appeal process;
- (f) complain about or appeal against any decision relating to pay or grading. Such matters are covered by our Pay policy;
- (g) complain about or appeal against any decision relating to your pension. Separate Dispute Resolution Procedures have been set up by the Teachers' Pension Scheme (<https://www.teacherspensions.co.uk/public/contact-us/member-complaints-and-appeals.aspx>) and the local fund of the Local Government Pension Scheme;

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- (h) 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;
 - (i) complain about any matter which is properly the subject of a statutory consultation process;
 - (j) complain about matters which have been or should have been brought under our Public Interest Disclosure policy ; or
 - (k) 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).
- 8.3 The primary purpose of this policy is not to make findings of fact on historical matters (though this may be required in resolving some grievances where an investigation may be appropriate).
- 8.4 Our focus is on the remedial steps required to resolve a grievance.
- 8.5 We do not speak of grievances being “against” any particular person but rather of grievances “relating” to a particular person.
- 8.6 We shall seek to resolve grievances raised by you during your notice period, using this policy.
- 8.7 We shall not seek to resolve grievances raised after you have ceased to be an employee, under this policy. Any grievance raised after you have ceased employment, may be dealt with by a written response from the Stage 1 Resolution Manager without any right of appeal.

9. INFORMAL RESOLUTION

- 9.1 Before raising a formal grievance under this policy, you should attempt to resolve the matter informally either through your line manager or, where possible, with the other party. This will require you to state clearly what resolution you wish to achieve.
- 9.2 If your line manager is the person to whom the grievance relates you may raise the matter informally with your line manager’s line manager.
- 9.3 You may proceed to the formal process without attempting informal resolution but you will be asked to explain why you did not attempt informal resolution.
- 9.4 If there has been an informal resolution we may confirm it in writing.

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10. RESOLUTION MANAGERS

The table below sets out the normal level of delegation for dealing with formal grievances. The Resolution Manager should where possible be someone not personally involved in the matter which is the subject of the grievance.

<i>Your grievance relates to:</i>	<i>Stage 1 Resolution Manager (not previously involved)</i>	<i>Stage 2 Resolution Manager (not previously involved)</i>
Students, parents or staff (other than the Academy's Principal)	The Academy's Principal or a member of the Senior Leadership Team appointed by the Principal	Chair of Local Advisory Body or another non-staff LAB Member nominated by the Chair
The Academy's Principal or a LAB Member (other than the Chair of the LAB)	Our CEO	Trust Board or nominee
The Chair of the Local Advisory Body (or a group of LAB Members including the Chair of the LAB) or the Whole LAB or Non-Academy Trust staff (other than the CEO)	Our CEO	Trust Board or nominee
The Trust Chair	Trust Vice Chair's nominee	Trust Vice Chair or nominee
Our CEO or the Trust Board	Trust Chair's nominee	Trust Chair or nominee

11. FORMAL GRIEVANCE

11.1 Stage 1

- (a) If you have not been able to resolve a problem informally, you must use Form GRP1 (attached to this policy) and submit it to the Head of HR.
- (b) A Resolution Manager will be appointed following (wherever possible) the guidance in Paragraph 10 above.
- (c) The Resolution Manager will arrange to meet with you as soon as possible, normally within ten working days of us receiving the Form GRP1 from you.
- (d) After this Resolution Meeting, the Resolution Manager will confirm a response in writing (the "Resolution Letter") and inform you of your right to appeal.

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11.2 Stage 2

- (a) If you are not satisfied with the Stage 1 Resolution Manager's response, you can appeal by sending a completed Form GRP2 (attached to this policy) to the Resolution Manager within five working days of the response being sent to you.
- (b) A different Resolution Manager will be appointed following (wherever possible) the guidance in Paragraph 3 above.
- (c) The Stage 2 Resolution Manager will arrange for a meeting with you as soon as possible, but normally within ten working days of us receiving the Form GRP2 from you.
- (d) After this Resolution Meeting, the Stage 2 Resolution Manager will confirm a response in writing (the "Final Resolution Letter").
- (e) The decision of the Stage 2 Resolution Manager is final and there will be no further right of appeal and no fresh grievance may be issued in relation to the matter.

12. PERMITTED COMPANION

You may bring a Permitted Companion to any formal meetings under this policy.

13. CONFIDENTIALITY AND TRANSPARENCY

- 13.1 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 as a fair investigation may require disclosure of the existence and content of the grievance.
- 13.2 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, we will not be able to inform you of the disciplinary action, if any, which has been taken as a result of your grievance.
- 13.3 You should not disclose the fact of 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 or your trade union representative).
- 13.4 At the conclusion of your grievance and after any related disciplinary or other processes have been completed, a report will be presented to our Board and your Academy's Local Advisory Body (excluding staff LAB Members) as a confidential item. This report will not identify you but will identify, on an anonymous basis, the content of your complaint so that Trustees and LAB members are aware of any concerns that are being raised by staff and are assured that processes to resolve concerns are operating effectively.

14. VENUE FOR RESOLUTION MEETINGS

If your complaint raises sensitive issues, the Resolution Manager may decide to hold the meeting away from your normal place of work.

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15. INDEPENDENT MEDIATION

As part of a resolution of a grievance, a Resolution Manager may propose independent mediation particularly in situations where there are relationship difficulties and/or personality clashes between employees.

16. GUIDANCE TO RESOLUTION MANAGERS

The ACAS Guide “Discipline and Grievances at Work” contains the following guidelines:

“Preparing for the meeting, the [Resolution Manager] should:

- (a) “consider whether similar grievances have been raised before, how they have been resolved and any follow-up action that has been necessary*
- (b) consider arranging an interpreter where the employee has difficulty speaking English*
- (c) consider whether any reasonable adjustments are necessary for a person who is disabled and/or their companion*
- (d) consider whether to offer independent mediation.*

In conducting the meeting the [Resolution Manager] should:

- (a) remember that a grievance hearing is not the same as a disciplinary hearing and is an occasion when discussion and dialogue may lead to an amicable solution*
- (b) make introductions as necessary*
- (c) invite the employee to re-state their grievance and how they would like to see it resolved*
- (d) put care and thought into resolving grievances. They are not normally issues calling for snap decisions and the employee may have been holding onto the grievance for a long time. Make allowances for any reasonable “letting off steam” if the employee is under stress.*
- (e) consider adjourning the meeting if it is necessary to integrate new facts which arise*
- (f) sum up the main points*
- (g) tell the employee when they might reasonably expect a response if one cannot be made at that time.”*

17. FALSE OR MALICIOUS ALLEGATIONS

Making a false or malicious allegation under this policy is a serious disciplinary offence which could result in dismissal for gross misconduct.

18. PUBLIC INTEREST DISCLOSURE

You should be aware that a grievance may, in certain limited cases, amount to a protected disclosure under the Employment Rights Act (please see our Public Interest Disclosure policy for further details). You will not be allowed to raise the same matter under both this policy and the Public Interest Disclosure policy.

**PRIVATE & CONFIDENTIAL – FORM GRP1
NOTIFICATION OF FORMAL GRIEVANCE**

Submitted by	Name:	
	Job Title:	

I wish to formally complain about the behaviour, conduct or decisions of:

- Parents
- Students
- Staff (other than the Principal)
- The Principal
- A Governor
- The Chair of The Local Advisory Body
- The LAB and Trust Board
- A Trust employee not in the Academy
- The Trust CEO
- The Trust Chair
- The Trust Board

The details of my complaint are (where possible please identify dates, times and names):

**PRIVATE & CONFIDENTIAL – FORM GRP1
NOTIFICATION OF FORMAL GRIEVANCE**

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):

In considering my grievance, I ask you to consider speaking to the following:

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

In considering my grievance, I ask you to look for the following documents:

The outcome I am seeking to resolve this grievance is:

During the period in which you investigate my grievance, I would like you to consider taking the following steps (if any):

**PRIVATE & CONFIDENTIAL – FORM GRP1
NOTIFICATION OF FORMAL GRIEVANCE**

My grievance does/does not* include a complaint that I am subject to discrimination, bullying or harassment.

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

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

My Permitted Companion at the Stage 1 Resolution Meeting will be:

My Permitted Companion cannot attend a Resolution Meeting on the following dates/times:

I have read the Trust's Grievance Resolution Policy and am aware that false, malicious or vexatious grievances may result in disciplinary action against me for gross misconduct. I am aware that the GRP1 may be forwarded to the Designated Safeguarding Lead and the Local Authority Designated Officer. I am aware that a report on the outcome of this grievance will be submitted to the LAB/Trust Board. I acknowledge that I must not disclose the fact of or content of this Form GRP1 to any employee or third party without the express consent of the Resolution Manager.

Signed:

Print name:

Date:

OFFICE USE ONLY

Received on:

Stage 1 Resolution Manager:

Received by Stage 1 Resolution Manager:

Resolution Meeting held:

Refer to Designated Safeguarding Lead: YES/NO

Refer to LADO: YES/NO

* delete as appropriate

**PRIVATE & CONFIDENTIAL – FORM GRP2
NOTIFICATION OF FORMAL GRIEVANCE**

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

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 Manager's Resolution Letter

I disagree with the Resolution Letter because:

PRIVATE & CONFIDENTIAL – FORM GRP2
NOTIFICATION OF FORMAL GRIEVANCE

I want the Stage 2 Resolution Manager to:

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

My Permitted Companion at the Stage 2 Resolution Meeting will be:

My Permitted Companion cannot attend a Resolution Meeting on the following dates/times:

Signed:

Print name:

Date:

OFFICE USE ONLY

Received on:

Stage 2 Resolution Manager:

Received by Stage 2 Resolution Manager:

Resolution Meeting held:

* delete as appropriate