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| **GRIEVANCE POLICY AND PROCEDURE FOR**  **TEACHING AND SUPPORT STAFF**   |  |  |  | | --- | --- | --- | | This policy was agreed by the SRET Board on:  (and supersedes all previous policies relating to this area) | |  | | Signed by:……………………………………………….  **(Chair of the SRET Board)** | | | | Implemented: |  | | | Review date: | 01/09/2023 | | | Author: | Model Wiltshire Policy adopted in 2018 and reviewed by Tracey Allman, SRET HR Officer, on 18/01/2022 | |   This model procedure where adopted will apply to both teaching and non-teaching staff working in Academies and has been agreed with the following recognised unions: ATL, NUT, NAHT, NASUWT, ASCL, Unison and GMB. |

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## 1. Policy statement

* 1. Governing bodies of Academy Trusts have an obligation to adopt formal policies and procedures for dealing with staff conduct and discipline and for giving staff opportunities to seek redress of any grievances relating to their employment.
  2. This procedure is designed to enable grievances to be resolved quickly and to minimise any prospect of long-term damage to relationships at the Academy. It aims to ensure consistent and fair treatment for everyone and for matters to be dealt with speedily.
  3. This procedure is therefore recommended for adoption by the Governing Body of the Academy Trust and following its adoption, the procedure must be made known to all staff and remain accessible to them. It is available in alternative formats upon request.
  4. Academies are strongly encouraged to read this procedure in conjunction with the guidance notes provided.

## 2. Application of Procedure

* 1. This procedure is based on Sections 35(8) and 36(8) of the Education Act 2002, and the ACAS Code of Practice on Disciplinary and Grievance Procedures 2009. It is designed for use by ‘converted’ Academies to provide their employees with a procedure to follow when raising issues of concern formally with their management.
  2. The procedure should be used by employees who consider the Academy has failed to adequately apply their rights arising from their contract of employment, conditions of service or statutory entitlements for example:
* Terms and conditions of employment.
* Health and safety.
* Work relations.
* New working practices.
* Working environment.
* Organisational change.
  1. This procedure does not apply where there are matters of:
* **Grievances** that can be settled informally with the individual’s line manager during the course of everyday working relationships.
* **Group grievances** - matters raised by a group of staff.
* **Discipline** which is dealt with under a separate procedure adopted by the Academy’s Governing Body.
* **Competency or capability** for which there is a separate procedure adopted by the Academy’s Governing Body.
* **Ill health** for which there is a separate procedure adopted by the Academy’s Governing Body.
* **Job evaluation** - disagreements regarding job evaluations are dealt with under the Job Evaluation/ Appeals Procedure or the re-evaluation procedure as contained in the Wiltshire Council Collective Agreement on Pay and Grading - where this still applies to the Academy staff under TUPE arrangements or by readoption.
* **Bullying, harassment, discrimination and/or victimisation** which are dealt with in the first instance, under the Academy’s Dignity at Work Policy.
* Employment **raised by ex-employees** after their service with the Academy Trust has ended.
* **Whistleblowing** for which there is a separate procedure adopted by the Academy’s Governing Body.

2.4This Procedure also does not apply where the matter is outside of the Academy’s control. For example:

Issues regarding statutory adjustments to pay and allowances (e.g. national insurance, income tax, pension scheme).

Personal matters not directly related to employment. In these cases an employee should contact their Line Manager who may be able to assist. Advice can also be sought from Education Support’s Employees Assistance Programme on 08000 856148. Further information offered by the Employee Assistance Programme is available from the HR office or staffroom.

2.5An employee may, if they wish, be accompanied or represented throughout the process at each stage by a work colleague or designated Trade Union/Professional Association Official. However, this right does not extend to friends/family or professional persons such as solicitors and barristers.

## 3. Informal resolution

3.1 Employees should aim to settle most grievances informally with their manager/ supervisor or Head of School /Executive Principal. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly.

## 4. Mediation

4.1 Voluntary mediation may be available at any stage of this procedure if it is felt appropriate. It is a decision for the Academy and the individuals involved as to whether mediation is an appropriate method of resolving the dispute. If all parties agree to use mediation, then this Grievance Procedure will be temporarily suspended. A decision about whether to continue with the Grievance Procedure at the stage where it was suspended will be made by all parties once mediation has taken place. Please see the Academy HR Grievance Toolkit, Appendix 2 for more information about mediation.

## 5. Stage 1 - Raising a grievance

* 1. If an employee would like their grievance dealt with formally they must inform their Head of School/Executive Principal in writing by completing a Grievance Notification Form (G1).
  2. The Grievance Notification form should be sent to the Head of School/Executive Principal. If the grievance is regarding the Head of School or Executive Principal, the Grievance Notification form should be sent to the Chair of Governors. If the grievance is being raised by the Head of School or Executive Principal, the Grievance Notification form should be sent to the Chair of Governors (or the Vice Chair of Governors if the grievance is against the Chair of Governors).

## 6. Stage 1 – Grievance Meeting

* 1. Ideally, within 5 working days ofreceipt of the Grievance Notification Form, the Head of School/Executive Principal or Chair of Governors/Investigating Officer will arrange a meeting with the employee. The time, date and venue of the meeting will be confirmed in writing as well as the right to be accompanied / represented.
  2. The Academy will make provision for any reasonable adjustments to accommodate the needs of a person with disabilities at the meeting. The Academy needs to be informed of requirements at least 48 hours before the meeting.
  3. If the employee’s representative/person accompanying them cannot attend on a proposed date, the employee can seek to arrange another date as long as it is reasonable and is not more than 5 working days after the original date set.
  4. Notes of the meeting should be taken by a clerk to the Governing Body or another suitable person as arranged by the Academy and are retained as confidential to the members of the panel. Copies of the notes on the outcome only will be circulated to all parties as soon after the meeting as practicable. The clerk does not take any other part in the formal process.
  5. An exchange of all documents expected to be referred to at the meeting should take place at least 48 hours before the meeting.
  6. The meeting referred to in paragraph 6.1 may be adjourned if an investigation is deemed appropriate. In these circumstances, the Head of School/Executive Principal or Chair of Governors shall appoint an Investigating Officer. Timescales of the investigation will be explained to the employee. Wherever possible, the meeting outlined in paragraph 6.1 will be re-convened within 5 working days of the conclusion of the investigation.
  7. The meeting referred to in paragraph 6.1 may also be adjourned for a short period before a decision is taken even if there is no need for an investigation. This allows time for reflection and proper consideration of an employee’s grievance.
  8. When a conclusion is reached, the Head of School/Executive Principal or Chair of Governors/Investigating Officer will confirm the outcome in writing within 24 hours of the meeting referred to in paragraph 6.1 to the employee and the subject of the grievance, including the following information:

a. Whether the grievance has been upheld, either fully or in part.

b. If the grievance is not upheld, the reasons for this.

c. Any actions that are to be taken to resolve the grievance.

d. How any actions will be monitored and reviewed.

e. The employee’s right to appeal.

## 7. Witnesses

* 1. It is preferable that witnesses attend the grievance meeting. However, in some circumstances it may be impracticable or unacceptable for the witness to be present at the meeting and in which case a copy of the written statement will be provided. Witnesses can be accompanied but not represented by a Trade Union or Professional Association Representative or work colleague.
  2. Where a written statement only is to be produced the employee / representative may wish to submit a series of questions that they wish the witness to provide a written response to prior to the meeting. In instances where the witness refuses to participate, their statement will be disregarded.

## 8. Failure by the Employee to Attend

* 1. An employee who cannot attend a meeting should inform the Head of School/Executive Principal in advance whenever possible.
  2. If the employee fails to attend through circumstances beyond their control e.g. illness, the Head of School/Executive Principal should rearrange the meeting to another date taking into account the reason. The Academy may request for any sickness absence to be supported by a medical certificate**.**
  3. A decision to proceed may be taken in the employee’s absence if they fail to attend the rearranged meeting without good reason or the matter may be closed if it is not possible to proceed without the employee’s input. The employee should be notified of these possibilities in advance.

## 9. Stage 2 – Right of Appeal

9.1If an employee is dissatisfied with the outcome of the grievance decision they may lodge an appeal using the grievance appeal notification form (G3). This must be within 5 working days of receipt of the written outcome.

9.2To exercise their right of appeal employees should do so in line with the academy’s appeals.

## 10. Written records

10.1 A record of the documentation relating to the case will be retained and will include:

* The complaint / problem against the employee.
* What was decided and actions taken.
* The reason for the actions.
* Any grievances raised during the disciplinary process.
* Whether an appeal was lodged.
* The outcome of the appeal.
* Subsequent relevant developments.
* Notes of any formal meetings.

10.2 Records will be treated as confidential and kept in accordance with the General Data Protection Regulations and the Data Protection Act 2018 so that an employee has the right to request and have access to relevant information. In certain circumstance (for example to protect a witness) it may be appropriate for the school/academy to withhold some information. Information about how an employee’s data is used and processed is provided in the Academy’s Privacy Notice*.*

## 11. Raising a grievance during a disciplinary process

11.1 Where an employee raises 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. A discussion will therefore take place between Academy management, Human Resources and the employee (normally through their trade union representative or directly if they are not represented) about whether or not the disciplinary procedure should be suspended so that the grievance issues can be dealt with separately under the grievance procedure or whether the grievance should be raised by the employee at relevant disciplinary interviews, hearing or appeal.

* 1. Suspending the disciplinary procedure would normally take place when:
* The grievance relates to a conflict of interest that the investigator is alleged to have.
* Bias is alleged in the conduct of the disciplinary meeting.
* There is an allegation that management have been selective in the evidence they have supplied to the investigator.
* There is possible discrimination.

## 12. Related policies and other information

A comprehensive toolkit is available to support this Grievance Policy and Procedure:

**Appendix 1 –** Process flow-chart

**Appendix 2 –** Guidance notes for managers

**Appendix 3 –** Guidance notes for note takers

**Appendix 4** - Guidance notes for employees

**Appendix 5** – Model Grievance appeal report

**Appendix 6** – Model agenda and proceedings advice for grievance meetings

**Appendix 7** – Model letters

**Appeal Policy**

See other Academy HR policies referred to at **2.3** where these are more relevant to the issues raised including:

* Disciplinary Policy and Procedure
* Capability Policy and Procedure
* Collective Grievance Procedure
* Ill health Policy and Procedure
* Collective Agreement on Pay and Grading
* Dignity at Work Policy
* Whistle blowing Policy and Procedure