



Churchdown School Academy
ACHIEVING SUCCESS FOR ALL

Grievance Policy

Churchdown School Mission Statement

Our mission is to be a school where student development and learning are at the centre of everything we do. Students are expected to strive for personal excellence and demonstrate a commitment to learning as they fulfil their potential. Our community is a nurturing and caring one, where students are encouraged to show compassion, friendship and support towards one another. We aim to provide an education which is fully inclusive, where every child is valued for who they are and who they can become.

At Churchdown School the education we provide is guided by the values of integrity, resilience, respect, ambition and tolerance. These values are particularly important to us as we develop the students into lifelong learners and prepare them for a life beyond school.

Definitions

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

- i. 'School' means the school named at the beginning of this Capability Policy and Procedure and includes all sites upon which its activity is being carried out.
- ii. 'Board' Governing Body of Churchdown School;
- iii. 'Chair' means the Chair of Governors;
- iv. 'Clerk' means the Clerk to the Board or the Clerk to the Governing Body of the school appointed from time to time, as appropriate;
- v. 'Companion' means a willing work colleague not involved in the substance of the employee's performance under review by this Capability Policy and Procedure; an accredited trade union representative; an official employed by a trade union who will be expected to make themselves available for the periods of time necessary to meet the timescales under this Capability Policy and Procedure;
- vi. 'External Adviser' means a suitably skilled and/or experienced person who is appointed by the Governing Board to support the Governing Board to appraise the Headteacher in accordance with this Capability Policy and Procedure. The External Adviser must be familiar with the particular needs and ethos of the school;
- vii. 'Governing Board or Governing Body' means the Local Governing Body of the school.
- viii. 'Governors' means the governors appointed and elected to the Local Governing Body of the school, from time to time;
- ix. 'Standards' means the relevant standards incorporated into the Teacher's contract of employment which may be the Teachers Standards published by the DfE in 2012 or any subsequent revisions thereof;
- x. 'Teacher' means a teacher employed by the school and, where the context so admits, includes the Headteacher;
- xi. 'Vice-Chair' means the Vice-Chair of the Governing Body elected from time to time, as appropriate.

1. Scope of Procedure

- 1.1 This Grievance Resolution Policy and Procedure is available to you insofar as any grievance relates to your work within the School and you are an employee or worker at the School (hereinafter referred to as an “employee” or “you”).
- 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 is being followed;
 - 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, misconduct, 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 school’s Pay Policy;
 - f) complain about or appeal against any decision relating to your pension.
 - g) Separate Dispute Resolution Procedures have been set up by the Teachers’ Pension Scheme and the local fund of the Local Government Pension Scheme;
 - 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 a separate policy or procedure operated by the school, such as the School’s Complaints Policy and Procedure or Public Interest Disclosure/Whistleblowing Policy and Procedure; 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).
- 1.3 The school delegates its authority in the manner set out in this policy.
- 1.4 The primary purpose of this procedure is to resolve current grievances.
- 1.5 The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievance

- 1.6 The school’s focus is on the remedial steps required to resolve a grievance.
- 1.7 The school does not speak of grievances being “against” any particular person but rather of grievances “relating” to a particular person.
- 1.8 The school shall seek to resolve any grievance raised by an employee during their notice period and/or garden leave period, using this policy.
- 1.9 Where an employee has ceased to be an employee (for whatever reason), the school 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 school’s Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to the Governing Board 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 nonteaching staff but will not be different based on whether an employee is full- time or part-time.

2. Information 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.

3. 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:

<i>Your grievance relates to</i>	<i>Stage 1 Resolution Manager</i>	<i>Stage 2 Resolution Manager</i>
Pupils, parents or staff (other than the Headteacher)	Headteacher	Chair or another non-staff Governor nominated by the Chair
The Headteacher	Chair of Governors	Governors’ Appeal Panel appointed by the Vice-Chair
Governors (other than the Chair of Governors)	Chair of Governors	Chair of Governors Panel appointed by the Vice-Chair (or the Clerk if the matter relates to the Vice-Chair)

The Chair of Governors or the Trust Board(or a group of Directors/Governors including the Chair)	The Vice Chair or another non-staff Governor (other than the Chair) nominated by the Clerk	Governors' Appeal Panel appointed by the Vice-Chair (or the Clerk if the matter relates to the Vice-Chair)
The whole body of Governors	The whole body of Governors	A panel appointed by the Governors

4. POWERS OF RESOLUTION MANAGERS

- 4.1 As part of the resolution of a grievance raised under the formal procedure at Paragraph 5 below, a Resolution Manager will carry out an investigation into the allegations made by the employee in their Form GRP1 and/or GRP2 or because 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 5 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) Carry out request an independent investigation into the allegations made by the employee in their Form GRP1 and/or GRP2 or because 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 4 shall prejudice the School's general right to deal with grievances with the assistance specified in Paragraph 11.

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 2, you must use Form GRP1 (available on the school's Intranet or other relevant place as notified to you by the school) and submit it to the Clerk.
- 5.1.2 The Clerk will formally appoint a Stage 1 Resolution Manager following the guidance in Paragraph 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 (available on the School's Intranet or other relevant place as notified to you by the School) 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 Paragraph 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. GOVERNORS' APPEAL PANEL

- 6.1 The Governors' Grievance or Appeal Panel shall comprise two or three non-staff Directors/Governors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of non-staff Governors not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to a Governors' Appeal Panel.
- 6.2 In the event that there are insufficient numbers of Governors available to participate in a Governors' Grievance or Appeal Panel, the School Trust Company may appoint independent governors from within the MAT to participate in the appropriate Governors' Grievance

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 policy.
- 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 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 School 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 School 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 School'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/Governors at a full meeting of the Governing Board as a confidential item.

9. TIMING OF MEETINGS

Meetings under this procedure may:

- 9.1 need to be held when you were timetabled to teach;
- 9.2 exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation;
- 9.3 be held after the end of the school day;
- 9.4 not be held on days on which you would not ordinarily work;

9.5 Be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

10. VENUE FOR RESOLUTION MEETINGS

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

11. ASSISTANCE

11.1 Where a formal grievance relates to a matter concerning the religious character of the School, your completed Form GRP1 and any other relevant information will be sent by the School to the Local Authority or Department for Education who may appoint an adviser to assist the School in responding to your grievance.

11.2 In all cases, the School may seek assistance from the Local Authority or Department for Education.

12. FALSE, VEXATIOUS OR MALICIOUS GRIEVANCES

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

13. PUBLIC INTEREST DISCLOSURE/WHISTLEBLOWING

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

When this policy was reviewed, an equality impact assessment was conducted to ensure any changes did not have an adverse effect under the terms of the Equality Act 2010. Should you have any comments regarding this policy, please contact the school.