

Staff Grievance Procedure

Create Learning Trust



Approved by	Date	Review Schedule	Date of Review
Board of Trustees	7th July 2023	Annually	July 2024

CREATE LEARNING TRUST

The Board of Create Learning Trust has adopted this policy (July 2023). It will be reviewed annually by the Board of Trustees.

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1. Introduction

This procedure sets out the process for dealing with a grievance and helps to understand what is expected and what needs to be done by all parties. The framework has two broad stages – an informal stage and a formal stage as detailed below, and a process specifically where an employee has a grievance against the Headteacher.

1.1 Where a meeting or hearing is called to deal with a grievance, it is expected that the employee will attend.

2. Objectives

2.1 To enable an employee or group of employees, to raise a grievance relating to their employment and receive a timely and appropriate response from school leaders or governors, with a view to reaching a satisfactory outcome.

2.2 Where an employee or group of employees pursues a grievance in good faith that is not upheld then no action will be taken against the employee. However, if school leaders or governors find that an employee has knowingly misused the procedure for malicious or vexatious motives, then the employee concerned will be subject to disciplinary action.

3. Exclusions from application of the Grievance Procedure

There are instances where the application of the Grievance Procedure is not appropriate. Employees are excluded from using the Grievance Procedure in the following circumstances:

3.1 If a teacher (including a Headteacher) wishes to appeal against any decision of the Local Academy Board (LAB) in relation to his/her pay or any other decision taken by it under the School Teachers' Pay and conditions Document that affect his/her pay, s/he should invoke the school's Appeals Procedure which is in the school's Pay Policy. The Appeals Procedure performs the function of the school's grievance procedure on teachers' pay matters and therefore decisions under that procedure are final. This does not affect teachers' statutory employment rights.

3.2 Where an employee is the subject of the Disciplinary or Capability procedures. If an employee has a grievance about an unrelated matter, this may be pursued simultaneously but arrangements under the Disciplinary/Capability Procedure will take precedence over those relating to a grievance.

3.3 Where the employee brings or is the subject of a complaint under the Dignity at Work Procedure. If an employee has a grievance about an unrelated matter, this may be pursued simultaneously but arrangements under the Dignity at Work Procedure will take precedence over those relating to a grievance.

3.4 Where an employee makes a protected disclosure under the Confidential Reporting (Whistle blowing) procedure, unless the employee actually indicates that the making of the disclosure constitutes the raising of a grievance. An employee can choose whether to raise a concern as a grievance OR as a protected disclosure.

3.5 Where an employee seeks to express grievances about matters over which the employer has no control e.g. health & safety legislation.

3.6 Where a group of employees have grievances which amount to a collective dispute and which have not been subject to consultation or negotiation.

4. Procedural Timescales

4.1 Employees should raise grievances on a timely basis in order to ensure that the matter can be fully investigated and resolved satisfactorily. Any grievances which are not raised within 8 working week of the event occurring, or final event where there is a sequence of events, will be considered out of time, unless there are exceptional circumstances agreed by management e.g. in cases of sickness.

4.2 Time limits are specified at each stage of the procedure. These are intended to ensure the speedy resolution and to avoid delays. While the intrusion of school closure periods may make strict application of the timescales impractical, every effort should be made to adhere to them. In such cases timescales should if possible be extended by mutual agreement and where no agreement is reached, the school reserve the right to give notice in writing of an extension of the timescales and the reasons why

4.3 If a grievance is not dealt with within a specified time limit, the employee will have the right to proceed to the next stage of the procedure. Where an employee or their nominated representative fails to comply with a time limit, the application of the procedure will cease and the grievance will be considered settled or withdrawn, unless it is agreed that the failure was not the fault of the employee or their nominated representative. This will not apply if the Headteacher and the employee agree that the time limits should be extended.

4.4 The timing and location of meetings should be reasonable and the employee must take all reasonable steps to attend. If the person accompanying the employee cannot attend on a proposed date, the employee can suggest a suitable alternative date/location. This should not be more than 5 working days after the date originally proposed by the Headteacher. Headteachers may agree an alternative date if this timescale cannot be met but they are not required to do so.

4.5 Employees cannot restart the procedure in respect of a grievance which has been dealt with within the previous six month period.

5. Records

5.1 Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it.

6 Informal Stage

6.1 Most routine complaints or grievances are best resolved informally through discussion between the employee and their immediate line manager/ Headteacher (or Chair of the LAB where the aggrieved is the Headteacher). Dealing with grievances in this way can often lead to speedy resolution of problems. It is in everyone's best interests to resolve grievances quickly and fairly at the lowest level.

6.2 An employee with a grievance shall first raise it with their: -

- line manager
- Headteacher or

- Chair of LAB (where the aggrieved is the Headteacher)
- Chair of Trustees (where the aggrieved is the CEO)

Where reasonable and practical, a reply will be provided either orally, or in writing, within 5 working days of the grievance being raised.

Reasonable enquiries will be made to enable a response to be provided. Employees who are trade union members may wish to make contact with their trade union at this stage.

6.3 If the employee's immediate line manager (or the Chair of the LAB where the aggrieved is the Headteacher) is the subject of the grievance, the employee will have the right to have the grievance considered by the Headteacher (or proceed to Stage 2 of the formal procedure where the aggrieved is the Headteacher). The employee should submit the grievance in writing to the Headteacher (or Vice Chair of the LAB where the aggrieved is the Headteacher). In these circumstances the manager may be provide with the opportunity to express their views about the matter without the employee being present.

6.4 Where a grievance cannot be resolved informally, or the employee indicates they wish to proceed immediately to the formal stages, it should be dealt with as set out in paragraph eight. A copy of the grievance procedure will be provided to the employee at this stage.

7. Mediation

7.1 The School supports the use of mediation as a way forward to resolving grievances prior to the formal procedure.

7.2 Formal mediation may be offered to disputants before moving to the formal stage.

7.3 Not all forms of dispute are suitable for mediation and this will be assessed by the mediator(s) assigned to the case.

7.4 The mediator will liaise with the employee who has raised the grievance and any other parties with a view to resolving the grievance.

7.6 Where mediation is not available or has been unsuccessful, the formal grievance procedure is available.

8. Formal Procedure

8.1 Stage 1

In a written statement to the Headteacher (or Chair of the LAB where the aggrieved is the Headteacher) the employee must outline: -

- a) the nature of the alleged grievance;
- b) the evidence to support it and;
- c) the outcome which they are seeking.

The Headteacher (or Chair of the LAB where the aggrieved is the Headteacher) will acknowledge receipt of the grievance.

8.1.1 Where a grievance has not been previously considered under the informal stages of the procedure, the Headteacher (or Chair of the LAB where the aggrieved is the Headteacher) will undertake enquiries into the substance of the grievance. This may include meeting employees who bring or are the subject of a grievance.

8.1.2 Where a grievance has already been subject to consideration under the informal stages of the procedure the Headteacher (or Chair of the LAB where the aggrieved is the Headteacher) will arrange a grievance hearing as soon as practicable and inform the employee of their right to be accompanied by a trade union representative or work colleague. At the hearing the employee will be allowed to explain their complaint and there should be open discussion about how they think the grievance can be resolved. Where the grievance involves or is about another employee, they may also be present and accompanied at the hearing.

8.1.3 Where an employee's immediate line manager is the subject of the grievance, the Headteacher may provide the employee's line manager with an opportunity to express their views about the matter without obligation to do so in the presence of the aggrieved employee, in the first instance.

8.1.4 The Headteacher will provide a written response to the grievance as soon as practicable, within 28 working days of receipt of the grievance or within 7 working days of a hearing where applicable. The letter will advise the employee that they have a right of appeal against the outcome.

9. Right of Appeal

9.1 If the employee is still aggrieved, they should inform the Headteacher (or Chair of the LAB where the aggrieved is the Headteacher) of the reasons why in writing within 10 working days of receipt of the response to Stage One with reasons, that they want to appeal against the outcome.

9.2 Appeals will be heard by a Panel of the LAB.

9.3 The appeal should be arranged as soon as possible and the arrangements notified to the employee within 20 working days of receipt of the notice of appeal. The Appeal will take the form of a hearing and the format will be as set out below.

9.4 The conduct of the Appeal will be as follows:

- Introductions of all parties
- The employee (or their representative) will state their grievance and may call witnesses in support. Witnesses will only attend for the duration of their evidence.
- The Panel, Headteacher and/or Management representatives may then ask questions of the employee/their representative/witnesses.
- The Headteacher and /or management representative responds to the grievance and may call witnesses. Witnesses will only attend for the duration of their evidence.
- The Panel and the employee/their representative may then ask questions of the management representative and witnesses.
- The management representative then sums up.
- The employee (or their representative) then sums up

- Both parties withdraw.

9.5 The decision of the Panel will be confirmed in writing to the employee within 5 working days of the hearing and this will be the final.

10. Grievances against the Headteacher

10.1 Informal Stage

10.1.1 An employee with a grievance against the Headteacher shall first raise it with the Chair of the LAB who will be expected whenever reasonable and practicable, to provide a reply either orally, or in writing if the employee requests it, within 5 working days of the grievance being raised. The Chair of the LAB shall make reasonable enquiries to enable them to respond to the grievance, including advising the Headteacher of the details.

10.1.2 The Chair of the LAB has a duty to maintain mutual confidence and trust with the Headteacher and employees who are trade union members may wish to make contact with their respective trade union at this stage.

10.1.3 The Chair of the LAB shall provide the Headteacher with an opportunity to express their views about the matter without obligation to do so in the presence of the aggrieved employee.

10.1.4 Where a grievance cannot be resolved informally, or the employee indicates they wish to proceed immediately to the formal stages, the grievance will be dealt with in accordance with the following paragraphs. A copy of the grievance procedure and related guidance notes will be provided to the employee.

10.2 Formal Procedure

Stage 1

10.2.1 In a written statement to the Chair of the LAB the employee must outline:

- a) the nature of the alleged grievance;
- b) the evidence to support it and;
- c) the outcome they are seeking.

The Chair of Governors will acknowledge receipt of the grievance.

10.2.2 Where a grievance has not been previously considered under the informal stages of the procedure, the Chair of the LAB may undertake enquiries into the substance of the grievance. This may include meetings with the employee and the Headteacher and the Chair of the LAB will provide the Headteacher with an opportunity to express their views about the matter without obligation to do so in the presence of the aggrieved employee, in the first instance.

10.2.3 Where a grievance has already been subject to consideration under the informal stages of the procedure the Chair of the LAB may either undertake or arrange for the grievance to be investigated OR arrange a meeting to hear the grievance as soon as practicable and inform the employee of their right to be accompanied by an accredited trade union representative or work colleague.

10.2.4 Where a hearing takes place the employee will be allowed to explain their complaint and

there should be open discussion about how they think the grievance can be resolved. The Headteacher will also be present and represented and will have opportunity to respond.

10.2.5 The Chair of the LAB will provide a written response to the grievance as soon as practicable, within 28 working days of receipt of the grievance or within 7 working days of a hearing where applicable.

This process will be replicated in the event of a grievance against the CEO – this will be managed by the Chair of the Trust Board.

11. Appeals

11.1 If the employee is still aggrieved, they should inform the Chair of the LAB of the reasons why in writing within 10 working days of receipt of the response to the grievance, outlining, with reasons, that they want to appeal against the outcome.

11.2 Appeals will be heard by a Panel of the LAB.

11.3 The appeal should be arranged as soon as possible and the arrangements notified to the employee within 20 working days of receipt of the notice of appeal. The Appeal will take the form of a hearing and the format will be as set out below.

11.4 The conduct of the Appeal will be as follows:

- Introductions of all parties
- The employee (or their representative) will state their grievance and may call witnesses in support. Witnesses will only attend for the duration of their evidence.
- The Panel, Chair of the LAB, Headteacher or HR Officer may then ask questions of the employee/their representative/witnesses.
- The Chair of the LAB or Headteacher responds to the grievance and may call witnesses. Witnesses will only attend for the duration of their evidence.
- The Panel and the employee/their representative may then ask questions of the Chair of the LAB or Headteacher and witnesses.
- The Chair of the LAB or Headteacher then sums up.
- The employee (or their representative) then sums up
- Both parties withdraw.

The decision of the Panel will be confirmed in writing to the employee within 5 working days of the hearing and this will be the final.

12. Contact details

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