

Community First Academy Trust Employee Grievance Procedure



Community First
Academy Trust

ADOPTED AT THE MEETING OF DIRECTORS

HELD ON 15TH DECEMBER 2016

CHAIR OF BOARD: Mr J Pugh

This is a Trust-wide policy adopted and reviewed by either the Trust Board or Finance Committee and relates to all schools that are partners within the Trust.

Specific Academy policies, e.g. curriculum policies will be found on the individual school websites.

This policy was written in December 2016 and is to be reviewed every three years.

Contents

1. Introduction.....	1
2. Representation.....	1
3. Informal Stage.....	1
4. Formal Stage.....	2
5. Right of Appeal.....	3
6. Grievance against the Headteacher.....	3
7. Right of Appeal.....	4
Appendix 1 – Conduct of a Grievance Hearing.....	5

This procedure has been adopted by the Board of Trustees of Community First Academy Trust. This procedure supersedes any procedure previously in place at any of our partner schools either formally or through custom or practice

1. Introduction

- 1.1 The purpose of this grievance procedure is to provide a mechanism for dealing with individual grievance issues within the School. It aims to provide a systematic, consistent and positive approach to grievance issues.
- 1.2 This procedure enables a grievance to be resolved informally and without recourse to any subsequent stage; and where this fails, it sets out a formal procedure that can be followed.
- 1.3 It is recognised that grievances can arise from a variety of sources: other employees, school management, the Headteacher or a governors/trustees. They can also be of a relatively simple nature or particularly complex.
- 1.4 This grievance procedure is separate and distinct from the disciplinary procedure. The grievance procedure should not be used as a means of imposing and disciplinary penalty on the employee. If, however, the question of disciplinary proceedings arises as a result of the hearing of a grievance, it should be dealt with in accordance with the trust's disciplinary procedure.
- 1.5 Where there is a complaint against an officer of the trust or other person working in school, the matter should be referred to the Headteacher to address on behalf of the employee. If the employee is dissatisfied with the action taken to resolve the matter, section 4 of the Grievance Procedure may be applied.
- 1.6 It is intended that this is a flexible procedure and that, with the agreement of all parties, it may be varied in individual cases in order to settle matters quickly.

2. Representation

- 2.1 The aggrieved employee and respondent(s) involved in a grievance issue have the right to be accompanied at the formal stage of the procedure by a work colleague or Trade Union representative.

3. Informal Stage – Stage 1

- 3.1 Where an employee has a grievance, (s)he should first attempt to resolve the grievance by discussion with the member of staff directly which encourages agreement and understanding.

- 3.2 Where such discussions do not resolve the problem, or where the employee does not feel comfortable in making a direct approach to the member of staff concerned, the employee should bring the matter to the attention of the Headteacher / Head of School. Where appropriate, the Headteacher / Head of School may refer the matter to a Head of Department or other senior nominated officer to manage. In these circumstances, for the purposes of this procedure, any following reference to the Headteacher may also be taken to mean Head of Department or other nominated senior manager.
- 3.3 The aggrieved employee may also request a personal interview with an appropriate senior member of staff who (s)he wishes to act as a mediator between the respondent and him/herself. Where this is the case, the interview should usually take place within five school working days and the senior member of staff should then seek to resolve the grievance as soon as possible.
- 3.4 The aim of the informal stage is to resolve the grievance as quickly and positively as possible.

4. Formal Stage – Stage 2

- 4.1 Where the grievance cannot be resolved informally, the employee should submit a formal written notice detailing the grievance to the Headteacher or the Board of Trustees Chair together with any relevant documentation supporting the grievance.
- 4.2 The employee will then be invited to attend a Grievance Hearing where the matter will be considered in detail. With the notification of the hearing, the Headteacher will forward to the respondent a copy of the documentation provided by the aggrieved employee in support of the grievance.
- 4.3 The respondent will provide any relevant documentation in response to the grievance to the Headteacher at least five school working days before the hearing. The Headteacher / Chair will forward these immediately to the aggrieved employee.
- 4.4 Part-time employees shall normally be called to a hearing on one of their contractual days of work where reasonably practicable.
- 4.5 The hearing shall be conducted in line with the Appendix to this procedure.
- 4.6 The aggrieved employee and the employee against whom the grievance is lodged shall have the right to be accompanied by a work colleague or Trade Union representative.
- 4.7 The decision of this hearing shall be confirmed in writing by the Headteacher within five school working days to the aggrieved employee and the employee against whom the grievance has been lodged.

4.8 Following an initial meeting to determine the facts and following a full investigation a grievance outcome may be communicated to the aggrieved employee in writing and within a period of 14 calendar days depending on the complexity of the matter. The decision to determine the best way forward will be agreed between the aggrieved employee and appointed investigating officer before any grievance outcome is communicated. If the aggrieved employee remain dissatisfied, (s)he may appeal the decision of the communicated Grievance outcome at stage 3 of this procedure and a Grievance hearing will be call.

5. Right of Appeal – Stage 3

- 5.1 The aggrieved employee shall have the right of appeal against the findings of the grievance at stage 2.
- 5.2 The aggrieved employee wishing to exercise the right of appeal must write to the Clerk to the Local Academy Board (LAB) or Clerk to the Board of Trustee (whichever is most appropriate) within ten school working days of receiving written notification of the findings of the grievance hearing, stating the grounds on which the appeal is to be made and which of the original documents used at the first hearing (s)he wishes to re-submit.
- 5.3 At least five school working days prior to the appeal hearing, the respondent will indicate which of the original documents used at the first hearing/outcome are to be re-submitted.
- 5.4 If either side wish to deal with some aspect that was not included in the documentation previously provided, this is permissible. However, where this applies, the documentation should also normally be submitted to the Clerk at least five school working days in advance of the hearing in order that it may be forwarded to both parties.
- 5.5 The aggrieved employee and respondent shall have the right to be accompanied by a work colleague or Trade Union representative. The Trust's representative may be invited to attend the hearing to give advice to the Committee.
- 5.6 The appeal hearing will be carried out in line with the Appendix to this procedure.
- 5.7 The decision of this hearing shall be confirmed in writing by the Chair of the Appeal Committee within five school working days to the aggrieved employee and the respondent. The decision of the Appeal Committee shall be binding on both parties.

6. Grievance against the Headteacher or Head of School

- 6.1 In the event that the Headteacher is the subject of the grievance and the employee is unable to resolve the grievance informally or through mediation with the Chair, the employee should submit a formal written statement to the Chair of the Board.
- 6.2 A special committee meeting will be arranged following the provisions outlined in section 4 of this procedure.

7. Right of Appeal

- 7.1 The aggrieved employee shall have the right to appeal against the findings of the grievance hearing to the Appeal Committee of the Board.
- 7.2 The provisions outlines in section 5 of this procedure apply.

APPENDIX 1

Conduct of a Grievance Hearing

The Clerk or other officer appointed by the trust for this purpose shall minute the hearing.

1. The Headteacher or Chair of the Committee conducting the hearing will invite all parties into the room and introduce all persons present.
2. The purpose of the meeting and the order of proceedings will be explained.
3. The aggrieved employee or his/her companion will explain the grievance issues and refer to supporting information and call witnesses, if appropriate. Witnesses will only remain in the hearing to give their evidence and to answer any questions.
4. The Panel will be given the opportunity to ask questions.
5. The respondent or their companion will then be given the opportunity to ask questions.
6. The respondent or their companion will then be given the opportunity to present information in reply to the employee's grievance, using supporting documentation and calling witnesses, if appropriate. Witnesses will only remain in the hearing to give their evidence and to answer any questions.
7. The Panel will be given the opportunity to ask questions.
8. The aggrieved employee or his/her companion will be given the opportunity to ask questions.
9. The aggrieved employee or their companion will be given the opportunity to sum up his/her case.
10. The respondent or their companion will be given the opportunity to sum up his/her case.
11. Both parties will then leave the room to allow the person(s) conducting the hearing to give proper consideration to all matters raised. The Trust's representative will remain to offer advice to the Committee, acting in that capacity only.
12. The Panel conducting the hearing may recall either party to clear points of uncertainty on representation already given. Should this occur, both parties will be present.
13. When a decision has been made, both parties shall be recalled and informed of the decision and the action (if any) that is going to be taken.
14. The outcome of the hearing will be confirmed in writing within ten school working days and information about any right of appeal where applicable.