



## Grievance Policy

### Aim of The Langley Academy Trust

To provide an outstanding education for every child in the trust through high aspirations and through the principles of quality learning using curiosity, exploration and discovery.

This policy is linked with

- Equality Policy
- Whistleblowing Policy

### Introduction

If a member of staff has any grievance relating to any aspect of their employment, including any complaint about action which the Trust has taken or is contemplating taking, they should endeavour to have it settled in accordance with this procedure. This procedure is not appropriate for disciplinary or capability matters. The appropriate procedures for these matters are contained in the member of staff's contract.

### Flexibility

The Trust will usually follow this procedure in the event that a grievance is raised. However, there may be occasions depending on the circumstances of each case when the Trust considers it appropriate to change or omit parts of the procedure.

### Amendments

If the Trust amends this procedure from time to time, staff will be given advance notice of the amendments. Any amendments will be subject to consultation.

### Timescale

All steps under this grievance procedure should be taken without unreasonable delay.

#### 1. Preamble

- 1.1. It is essential that a fair and established procedure should exist in every academy whereby members of staff may air a grievance related to their employment and ensure that it is resolved.
- 1.2. The grievance procedure reflects:
  - The Equality Act 2010
  - the specific statutory obligations on school governing bodies in respect of grievance matters; and
  - the provisions of the ACAS Code of Practice on Disciplinary and Grievance Procedures

- 1.3. It is emphasised that the procedure set out in this document is designed to deal with individual grievances or disputes. It is not intended that it should be applied to collective disputes.

## **2. Application of this Grievance Procedure**

- 2.1. Members of staffs' grievances can arise from a variety of sources. They can arise among members of the teaching or support staff or with the Executive Principal/Headteacher. They can be of a relatively simple nature or of fundamental importance. They can involve the Governing Body of the academy or the administration of the Trust.
- 2.2. Unless the Trust has established a separate procedure, or the grievance is a protected disclosure/whistle-blowing complaint, the grievance procedure may be used by members of staff to raise any type of grievance, including (but not exclusively) complaints about unlawful discrimination, unauthorised deductions of wages, breach of working time regulations, paid suspensions, oral or written warnings and constructive dismissals.
- 2.3. The grievance procedure is only intended to be applicable to members of staff currently employed to work in the Academy Trust. In cases of grievances already under consideration before a member of staff leaves, the academy will usually see through to conclusion in accordance with this procedure. Grievances raised after a member of staff has left will be considered at the Trust's discretion and may not follow all aspects of this procedure.

### **2.4. Pay Appeals**

Separate procedures will be put in place to deal with pay appeals.

### **2.5. Workplace Bullying and Harassment Procedures**

The procedures set out in this policy will be used to deal with complaints of harassment or workplace bullying.

### **2.6. Whistle-blowing and Protected Disclosures**

Unless a member of staff chooses to raise the matter as a grievance, a member of staff wishing to make a "disclosure" is entitled to raise the matter under the Trust's Whistleblowing Policy.

## **3. The Role of the Executive Principal/Headteacher and Governing Body Committees**

- 3.1. The Executive Principal/Headteacher shall be responsible for considering all grievance cases referred to him/her. A staff grievance appeals committee shall also be established to consider appeals against decisions of the Executive Principal/Headteacher. This committee may be the same as those used for disciplinary matters.
- 3.2. The Chair of the Trust and Chair of Governors shall not sit on the staff grievance appeals committee. This allows them to be free to advise the Executive Principal/Headteacher when considering the grievances of staff other than the Executive Principal/Headteacher and to seek advice in cases involving the Executive Principal/Headteacher.
- 3.3. The following sections set out the procedures to be followed by members of staff who have a grievance. The procedures to be followed by the Executive Principal/Headteacher in his/her relations with his/her Governing Body are set out in Section 7.

#### **4. The Grievance Procedure**

The grievance procedure sets out:

- (a) steps which may enable grievances to be resolved informally and without recourse to any formal procedures; and
- (b) complete formal procedures where informal procedures are inappropriate or have failed.

#### **5. Informal Stage**

- 5.1 Where appropriate, the aggrieved member of staff shall approach any other member(s) of staff concerned to seek to resolve the grievance by discussion or, if necessary, in discussion with her/his line manager, a member of the Leadership Team, or other appropriate senior members of staff.
- 5.2 No member of staff shall be required to approach any person against whom they have a grievance if they feel uncomfortable about doing so. The member of staff may, instead, put their concerns to the person in writing.
- 5.3 Where the grievance is against the Headteacher, the aggrieved member of staff shall discuss the grievance with the Executive Principal. In such cases the Executive Principal will follow the procedure outlined below.
- 5.4 Where the grievance is against the Executive Principal, the aggrieved member of staff shall discuss the grievance with the Chair of Governors, who shall then raise the issue with the Executive Principal. In such cases the Chair of Governors will follow the procedure outlined below instead of the Executive Principal.
- 5.5 Where the grievance is against the Trust, the aggrieved member of staff shall discuss the grievance with the Executive Principal/Headteacher, who shall then raise the issue with the Chair of the Trust.
- 5.6 Where the member of staff requests a personal interview with a senior member of staff to discuss a grievance, the request shall be granted within 5 working days.

Where appropriate, the senior member of staff shall seek to resolve the problem personally or, by mutual agreement, in consultation with other members of staff. The Executive Principal/Headteacher may also, by mutual agreement, seek consultation with the Chair of Governors, or with representatives of the member of staffs' union(s) concerned, as may be appropriate.

#### **6. Formal Stage**

##### **6.1 Step 1 – Written Statement of Grievance**

Where informal procedures are inappropriate or have failed the aggrieved member of staff may submit a formal written notice of the grievance to the Executive Principal/Headteacher, copied if appropriate, to any other person(s) directly concerned. This written notice of grievance should explain the nature of the grievance and the outcomes being sought, along with any supporting documentation. If necessary, a member of Leadership shall forthwith make a formal written report to the Executive Principal/Headteacher, including all necessary supporting documents

## 6.2 Step 2 – Investigation

On receipt of the written notice of grievance the Executive Principal/Headteacher will nominate a senior member of staff to undertake a thorough investigation into the grievance. All witnesses should be interviewed as part of this investigation and the person expressing the grievance should be informed 10 days after submitting the grievance of the outcome of the investigation. Where possible a meeting should be held after the investigation to continue to try and resolve the grievance. If this is not possible a formal hearing date should be set.

## 6.3. Step 3 - Grievance Hearing

All relevant documents shall be submitted to the Executive Principal/Headteacher who shall seek to resolve the matter. The Executive Principal/Headteacher will hold a formal Grievance Hearing within a reasonable time of the submission of the grievance. The Executive Principal/Headteacher shall invite the aggrieved member of staff to the meeting. All parties shall have the opportunity to make submissions at the meeting.

A member of staff required to attend a Grievance Hearing will be given written notice of the hearing. The notice of hearing will be sent out at least five working days in advance to allow the individual concerned the time to arrange representation. This timescale may be shortened with the agreement of both parties. The Executive Principal/Headteacher should be sympathetic to a request for postponement where there are extenuating circumstances. It should be noted that the member of staff has the statutory right to seek a postponement for up to five working days for the purposes of organising appropriate representation.

The format for the hearing will be as follows:

- Members of staff and work colleagues/representatives enter together
- Executive Principal/Headteacher describes procedure. Any procedural questions are resolved at this point.
- Member of staff submitting the grievance and/or work colleague/representative states concerns about the member of staff against whom the grievance has been made (witnesses may be called).
- Member of staff against whom the grievance has been made and/or work colleague/representative questions the member of staff submitting the grievance (and witnesses) on statement(s).
- Member of staff against whom the grievance has been made and/or work colleague/representative makes statement (witnesses may be called).
- Member of staff submitting the grievance and/or work colleague/representative questions the member of staff against whom the grievance has been made or friend/representative (and witnesses) on statement(s).
- Executive Principal/Headteacher questions the member of staff against whom the grievance has been made or work colleague/representative (and witnesses) on statement(s).
- Member of staff submitting the grievance or work colleague/representative summarises and concludes.
- Member of staff against whom the grievance has been made or work colleague/representative summarises and concludes.
- Members of staff and friends/representatives withdraw whilst the Executive Principal/Headteacher considers the case.

## 6.4 Step 4 – Grievance Appeal

The Executive Principal/Headteacher shall inform the aggrieved member of staff in writing of his/her decision and of the member of staff's right to appeal against the decision. If the member of staff wishes to appeal, he/she shall submit his/her grounds of appeal in writing within 5 working days to the Staff Grievance Appeal Committee. If appropriate, the Executive Principal/Headteacher shall submit a full written report (including supporting documents) to the Staff Grievance Appeal Committee, who shall meet to resolve the issue within 10 working days of the submission of the notice of the appeal. The Committee shall invite the aggrieved member of staff to the meeting. All parties shall have the opportunity to make submissions at the meeting. The Staff Grievance Appeal Committee shall inform the aggrieved member of staff of its decision. The decision of the Staff Grievance Appeals Committee shall be final.

- 6.5 If the grievance results in a decision to take disciplinary action against a member of staff, the staff disciplinary procedure must be invoked.
- 6.6 All parties to grievances shall have the right to be accompanied at any grievance and appeal hearings by a union representative or work colleague.

## **7. Headteachers**

- 7.1 Where the Headteacher has a grievance, he/she shall first of all endeavour to resolve the matter by direct approach to the person(s) directly concerned.
- 7.2 Where the matter remains unresolved, the Headteacher shall discuss it with the Executive Principal or Chair of Governors who may, by mutual agreement, seek consultation with the representatives of the member of staffs' union(s) concerned, as appropriate.
- 7.3 Where the matter is not resolved under 7.1 and 7.2 above, the Headteacher shall submit a formal written notice of the grievance to the Executive Principal. The Executive Principal shall forthwith make a formal written report to the Staff Grievance Committee.
- 7.4 Where a formal written notice of a grievance is submitted by the Headteacher, the procedure under paragraphs 6.2 to 6.5 above shall apply.

## **8. Executive Principal**

- 8.1 Where the Executive Principal has a grievance, he/she shall first of all endeavour to resolve the matter by direct approach to the person(s) directly concerned.
- 8.2 Where the matter remains unresolved, the Executive Principal shall discuss it with the Chair of Trustees who may, by mutual agreement, seek consultation with the representatives of the member of staffs' union(s) concerned, as appropriate.
- 8.3 Where the matter is not resolved under 8.1 and 8.2 above, the Executive Principal shall submit a formal written notice of the grievance to the Chair of Trustees. The Chair of Trustees shall forthwith make a formal written report to the Staff Grievance Committee, to be set up by the Governing Body/Trust Board.
- 8.4 Where a formal written notice of a grievance is submitted by the Executive Principal, the procedure under paragraphs 6.2 to 6.5 above shall apply.

**Review Date: March 2019**

**Ratified Date: March 2019**

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**Date of next review: March 2022**