



This policy applies to all schools in CDAT

Grievance Procedures for Staff

1 Introduction

- 1.1 This policy is to ensure that all employees of the Trust have a procedure to resolve any grievance relating to their employment fairly and without any delay.
- 1.2 Grievances can arise from a variety of sources. They can arise among members of staff or with senior managers or Governors. They can be of a relatively simple nature or complex involving a number of issues.
- 1.3 Wherever possible an attempt should be made to resolve grievances informally. Where this fails to produce a satisfactory resolution, or the informal approach is not appropriate, the formal process will be used.
- 1.4 This procedure has been drawn up with the aim of settling grievances fairly and promptly keeping as near as possible to the point of origin.
- 1.5 This procedure is separate from disciplinary procedures and should not be used to complain about disciplinary action or dismissal.
- 1.6 The Trust has separate policies covering Harassment and Bullying. There is also a Whistleblowing procedure designed for reporting illegal activities.

2. Representation

- 2.1 Both sides have the right to be represented at all stages of the formal grievance procedure. Members of staff may be represented by a member of a recognised trade union or another person of their choice. The name(s) of any representatives should be made known to the Clerk at least 2 full working days prior to the hearing.
- 2.2 Either party may request a representative during the informal procedure but must do this at least 2 days in advance of any meeting so that the other party has time to also arrange representation.

3, Informal Stage

- 3.1 Where a member of staff has a grievance which involves another or other members of the staff, the first approach should be to endeavour to resolve the matter by direct approach to the staff involved.

- 3.2 A member of staff may seek a personal interview with their line manager, senior member of staff or Headteacher to seek their assistance in resolving the grievance informally.
- 3.3 The person whose assistance has been sought should seek to resolve the problem personally or, by mutual agreement, in consultation with the other member(s) of staff. The Headteacher may also, by mutual agreement, consult with the Chair of Governors and/or representative of any recognised employees' association, as appropriate.
- 3.4 Where a member of staff has a grievance involving the Governing Body of the school, he or she may also seek a personal interview in accordance with paragraph 3.2 above and may request the interview to be with the CEO of the Trust. In such cases, and by mutual agreement, an attempt will be made to resolve the grievance in consultation with the Chair of Governors, having particular regard to the nature and level of involvement necessary for resolution of the specific grievance.
- 3.5 Where the matter has not been resolved under the informal procedure to the satisfaction of both parties the member of staff may decide to invoke the formal stage of the Grievance Procedure.

4. **Formal Stage - Notices**

- 4.1 The member of staff should submit a formal written notice of the grievance indicating that it is a formal grievance to their line manager or to the Headteacher with a copy to the other party concerned.
- 4.2 The written notice should give full details of the grievance together with any supporting documentation and should include the steps which have already been taken to resolve the matter.
- 4.3 The other party to the grievance will make a formal written response to the Headteacher within five working days of receipt of the original written notice of the grievance.
- 4.4 If the grievance is with the Headteacher the written notice should be sent direct to the Chair of the Governors of the Local Governing Body with a copy to the Headteacher. In such a case "Headteacher" shall be replaced by "Chair of the Governors" in succeeding sections. If the grievance is with the Chair of Governors, then the grievance should be sent to the Chair of the Trust Board with a copy to the CEO of the Trust. In this case "Headteacher" will be replaced by "Chair of Trust Board"

5. **Formal Stage – Grievance Meeting**

- 5.1 The other party will be invited to respond to the notice within 5 working days.
- 5.2 The school will determine the appropriate person to conduct the grievance meeting and any others who will form a panel to determine the outcome of the grievance, In

nominating the person(s) the school will take into account the nature of the complaint and the person(s) to whom it relates.

- 5.3 The nominated person will normally arrange the grievance hearing within 10 working days but may request an extension if there are particular circumstance that make it impossible to keep to the time scale.
- 5.4 Both parties to the grievance should be invited to attend the hearing and may each be accompanied by a representative of their choice.
- 5.5 The procedure to be followed at the hearing is detailed in Appendix A.
- 5.6 The Headteacher has the right to attend all hearings called under the formal grievance procedure.

6. Formal Stage – Investigation

- 6.1 It may be necessary to carry out an investigation into the grievance. The investigation may be carried out before the Grievance meeting in which case the meeting may not be able to take place within 10 working days.
- 6.2 The need for an investigation may be held after the Grievance meeting if the need for the investigation is identified at the meeting.
- 6.3 The extent and nature of the investigation will depend on the particular circumstances of the grievance. The investigation may involve interviewing witnesses and taking statements from the parties involved. It may also be necessary to examine and review relevant documents.
- 6.4 All parties are expected to co-operate fully with any investigation process.

7. Grievance Outcome

- 7.1 Following any investigation and the Grievance meeting the person appointed to determine the grievance will write to all parties to inform them of the outcome and, if appropriate, any further action that the school intends to take to resolve the grievance.
- 7.2 Where appropriate the appointed person may hold a further meeting to give the determination in person but will confirm in writing after such a meeting.
- 7.3 The right of further appeal and the process to be used will be contained in the determination letter.

8. Formal Stage - Appeal

- 8.1 Both parties to a grievance shall have a right of appeal against the Headteacher's or Committee's decision.

- 8.2 The appeal will be heard by a committee of 3 Governors none of whom have been involved in any of the earlier stages in the grievance procedure. If the grievance is against the Headteacher or the Chair of Governors, the appeal committee will consist of 3 members of the Trust Board.
- 8.3 In the first instance any appeal must be made in writing to the Clerk to the Governors within ten working days of receipt of written notification of the conclusion of the Grievance meeting. If there is any conflict of interest the appeal should be sent to the CEO or Chair of the Trust.
- 8.4 The letter should make the wish to appeal the decision clear and also give the reasons for the appeal.
- 8.5 Within five working days of receipt of a notice of appeal the Governors' Clerk will arrange for an Appeals Committee to hear the matter in accordance with the procedure in Appendix A. Such a hearing will take place within fifteen working days of receipt by the Clerk of a written notice of appeal. In exceptional circumstances either party to the grievance or the Appeals Committee may request the Chair of the Appeal Committee allows an extension to the timescale in this paragraph.
- 8.6 All correspondence will be signed on behalf of the panel representing the Governing Body.
- 8.7 The matter will end after the appeal conclusion.

Agreed by the CDAT Board on 20th May 2022

**Procedure to be Followed at a Hearing Under the
Formal Grievance Procedures**

1. Both parties will be notified in writing with at least five working days notice.
2. Reference to the member of staff means the person who initiated the formal grievance procedures. Reference to the respondent means the other party to the grievance. Both references shall include their personal representatives. At appeal stage the "appellant" will take the place of the "member of staff" as designated under the procedure. If an Appeal is to be held that Appeal shall be a re-hearing.
3. The written reports of both parties shall be submitted to the Headteacher or Committee setting out details of the grievance and any steps already taken to resolve the matter. Copies of all documentation shall be sent to the parties and those responsible for the hearing at the same time as the notice of the date and time of the meeting. Both parties shall be entitled to attend the hearing and to be represented and to call witnesses and produce relevant documents. The name(s) of any representatives should have been made known to the Clerk at least 2 full working days prior to the hearing as must the intention to call witnesses.
4. The Chairman hearing the grievance will introduce those present, explain the purpose of the hearing and the procedure to be followed.
5. The Chairman will confirm whether witnesses are to be called by either side. If either party wishes to call a witness, this should have been made known to the Chairman, together with the reason, at least two full working days before the hearing, unless the Chairman determines otherwise having consulted the other party. A working day shall mean Monday to Friday (excluding Public Holidays).
6. The member of staff shall state the case in the presence of the respondent and may call such witnesses as he considers appropriate.
7. The respondent shall have the opportunity to ask questions of the member of staff and of the witnesses on the evidence given by them.
8. The respondent shall put his/her case in the presence of the member of staff and call such witnesses as their wish.
9. The member of staff shall have the opportunity to ask questions of the respondent and the witnesses called.
10. Those holding the hearing shall have the opportunity to ask questions of both parties and their witnesses.
11. Both parties shall have the opportunity to sum up their cases if they so wish, the respondent's side have the right to do so last.

12. The member of staff and the respondent and any witnesses shall withdraw.
13. The Headteacher or Committee shall deliberate in private, only recalling both parties together to clear points of uncertainty on the evidence already given. If recall is necessary, both sides are to return even if only one is concerned with the point giving rise to doubt.
14. Having heard both parties to the grievance the Headteacher or Committee will make a judgement having regard to the substantial merits of both sides. In this respect they may wish to give a determination on a particular matter having regard to the possible recurrence in the future of similar circumstances.
15. The Headteacher or Committee shall announce the decision and/or recommendation to both sides, personally or in writing as they may determine. Findings shall in any event be confirmed in writing within five working days together with reasons for any action taken, and any right of appeal.
16. Individuals who have previously been concerned in the grievance should not be involved in the deliberations of the Committee or the Appeals Committee although they may appear before the Governors either as witnesses or to present the case.