



**LAURUS**  
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TRUST

# Staff Grievance Procedures

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# **STAFF GRIEVANCE PROCEDURE**

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## **1. Introduction**

- (i) The following Grievance Procedure has been produced in accordance with the Employment Rights Act 1996 and the ACAS Code of Practice on Grievance Procedures after consultation with the Associations representing Headteachers and teachers and trade unions representing support staff employed by The Laurus Trust .
- (ii) The Laurus Trust recognises the need for an appropriate procedure for dealing with employee grievances and that a fair and established procedure exists in the Trust whereby employees may air a grievance related to their employment and ensure that it is resolved.
- (iii) Any employee having a grievance related to his or her employment will have the right to express that grievance and to be represented by a trade union or other work colleague at all stages of the procedure and is advised to contact his or her representative at the earliest opportunity.
- (iv) These grievance procedures are to be used where an individual employee has a grievance with another employee, the head of school, the Governing Body or the Trust. Most grievances will be capable of resolution at school level. Exceptionally some grievances may involve the Trustees and thus may not be capable of resolution at school level.
- (v) 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.
- (vi) Although every effort will be made to deal with complaints as speedily as possible the time limits defined below may be extended by mutual agreement to allow time for full investigation.

## **2. INFORMAL PROCEDURE**

- (i) Where an employee has a grievance which involves other members of staff including the head of school, she/he should first of all endeavour to resolve the matter by a direct approach to the member of staff involved or in discussion with their line manager, other senior members of staff or, if appropriate, with the Head of School. Where a member of staff requests a personal interview, it should be granted within five school days of receipt of the request.
- (ii) The line manager or other appropriate senior member of staff or the head of school should seek to resolve the problem personally or, by mutual agreement, in consultation with other member/s of the staff. The head of school may also, by mutual agreement, seek consultation with the CEO, the Chair of the Governing Body, or with representatives of the trade union concerned as may be thought appropriate.
- (iii) In circumstances where the head of school has not been involved and where the employee is dissatisfied with the outcome of any action under para 2(ii) the employee may request a personal interview with the head of school. The interview should be granted within five school days and the head of school should respond orally as soon as possible bearing in mind the possible need either to consult with the CEO.
- (iv) In circumstances where the head of school has been involved at an earlier stage, or where the grievance is against the head of school, para 2(iii) should be disregarded and if unresolved the matter should be referred to the formal stage. In all cases a genuine attempt should be made by all parties to resolve the grievance at the informal stage before it will be considered at the formal stage.
- (v) Where an employee has a grievance against the Governing Body, he/she should first of all attempt to resolve the matter by a direct approach to the head of school and then either to the Chair of Governors or the CEO as appropriate. Where the employee requests a personal interview it should be granted within five school days. The Chair of Governors or the CEO should seek to resolve the grievance.

### **3. FORMAL PROCEDURE**

- (i) Where the matter has not been resolved under any of the procedures referred to above, the member of staff concerned may submit a formal written notice of the grievance to the head of school, with a copy to the person/s concerned if other than the head of school. Where the matter involves a grievance against an individual governor or the governing body as a whole then formal written notice should be submitted to the Chair of the Governing Body with a copy to the CEO. When an employee intends to register a formal grievance, he/she must do so within 3 months of the occurrence which led to their grievance.
- (ii) The head of school or nominated senior leader will arrange a hearing with the CEO to consider the grievance. Such a meeting should be arranged within ten school days of receipt of such a request. Copies of all relevant documents will be made available to all parties five school days before the hearing. The parties should be allowed to make their submissions personally, accompanied by a representative of their trade union or a work colleague. The decision of the CEO will be confirmed in writing within five days of the hearing. Under most circumstances this will be the final stage of the procedure.

### **4. APPEALS**

- (i) There should be a right of appeal on the part of any person or body involved in the issue to an Appeals Sub-Committee of the Trustees. Any Trustees, including the Chairperson, having previously been directly involved in the grievance should be excluded from the appeal process. All appeals must be submitted in writing to the Chairperson of Trustees within 10 school days of receipt of written notification of the outcome of the original hearing.
- (ii) All relevant documents should be circulated to all parties at least five school days prior to the hearing or as soon as practicable thereafter and should allow the parties concerned, if they so wish, to make their submission, each of them being accompanied by a work colleague or official representative of his/her union or association. The decision of the Trustees will be confirmed in writing within five school days and other interested parties will be informed as appropriate.
- (iii) An appeal under this procedure will not affect the right of an employee to appeal to an Employment Tribunal, in appropriate circumstances, nor will it affect the time limits for such a procedure.

## **5. HEAD OF SCHOOL**

- (i) Where a head of school has a grievance, he/she should first endeavour to resolve the matter by informal discussion with the person concerned.
- (ii) Where the matter remains unresolved, the head of school should discuss it with the Chair of the Governing Body or CEO.
- (iii) Where the matter is not resolved informally the head of school should submit a formal written notice of the grievance to the CEO. Where a Head of School intends to register a formal grievance she/he should do so in writing within 3 months of the occurrence which led to their grievance.
- (iv) Where a formal written notice of the grievance is submitted by the head of school the procedures under paragraphs 3(ii) and 3(iii) should then apply.
- (v) The procedures outlined in paragraphs 4(i) to 4(iv) will apply should a head of school wish to appeal against a decision made under paragraph 3(iii) of the procedure.

# PROCEDURE FOR HANDLING GRIEVANCE HEARINGS

## Introduction

The employee may attend any hearing and may be accompanied by an appropriate representative who may be a trade union representative or work colleague together with any witnesses he/she may require.

Witnesses should only be present when their evidence is required and written evidence should be submitted only if previously circulated to all parties in accordance with the Governing Body's grievance procedure.

## 1. PROCEDURE

### (i) Introduction

The Chairperson will introduce the parties to the hearing and the members of the sub-committee.

### (ii) Employee

(a) The employee or his/her representative will make an opening address outlining the employee's case.

(b) The employee's witnesses will be asked to give evidence and the employee's representative will be able to ask questions of the witness.

(c) The management representative will be able to cross examine each witness and the employee, if called to give evidence.

(d) The Chairperson and members of the panel can question witnesses as necessary for the purpose of clarification.

(e) The employee's representative will re-examine each witness, as necessary.

### (iii) Management

(a) The management representative will make an opening address outlining his/her case.

(b) Management witnesses will be asked to give evidence and the management representative will be able to ask questions of the witness.

- (c) The employee or his/her representative will be able to cross-examine each witness.
- (d) The Chairperson and members of the panel can question witnesses as necessary for the purpose of clarification.
- (e) The management representatives will re-examine each witness as necessary.

(iv) **Summing Up**

The management representative and the employee or his/her representative will have the opportunity to sum up their cases if they wish.

(v) **The Decision**

- (a) The management representative(s), the employee and his/her representative together with any remaining witnesses shall then withdraw from the meeting.
- (b) The Chairperson / Panel will deliberate in private. When a decision is reached the management representative, the employee and his/her representative shall be asked to return and the Chairperson will announce the panel's decision. That decision shall be confirmed in writing in accordance with the Trust's grievance procedure.

**2. GENERAL GUIDANCE**

- (i) The management representative, employee or his/her representative may request an adjournment at any stage and such requests should be considered by the sub-committee.
- (ii) In the event that the chairperson / panel needs to recall anyone, during the decision making process to clarify points of uncertainty on evidence previously given, then both management and the employee and his/her representative will return, notwithstanding that only one is concerned with the point requiring clarification.
- (iii) In the event of any appeal being lodged to an appeal sub-committee of the Trust the same procedure shall be followed. The membership of any appeal sub-committee must differ from that at the original hearing.