



The Circle Trust Document: **Staff Grievance Policy**

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Approver:	Trustees
Owner:	Human Resources
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Changes History:

Version	Date	Amended by:	Substantive changes:	Purpose
1.0	05.18	Exec Head	New Document	First release
1.1				
1.2				
1.3				

Purpose of the Policy

The Circle Trust is committed to treating all employees fairly and equitably. As part of that approach, this procedure provides a means for hearing and settling all grievances promptly, fairly and by as simple means as possible

This procedure is applicable to all employees of The Circle Trust, it applies to all employees both teaching and support staff.

1 Introduction

- 1.1 A grievance is defined as a matter raised by an employee on their own behalf which has been discussed with their manager but has not, in the opinion of the employee, been satisfactorily settled in a reasonable timescale. The Circle Trust accepts the principle that if individuals have a grievance relating to their employment, they have a right to express it. This includes allegations of acts or statements of discrimination by managers or employees which contravene legislation and The Circle Trust policies on matters of equality.
- 1.2 This document is designed to deal with grievances or disputes concerning individual members of staff employed by The Circle Trust, and does not apply to collective disputes regarding important issues of principle, for which separate arrangements exist.
- 1.3 Staff grievances can be relatively simple or more complex in nature. They can arise from a variety of sources. The Grievance Procedure cannot be invoked by an individual against the application of either the Disciplinary Procedure please refer to [The Circle Trust's Disciplinary Policy here](#) or the Capability Procedure please refer to [The Circle Trust's Capability Policy here](#) because both those procedures contain rights of representation and appeal.
- 1.4 Grievances can be best resolved by raising the issue informally and directly with the member of staff concerned. The use of the formal procedures should only be where the informal approach is inappropriate or has been unsuccessful.
- 1.5 It is in the interests of all parties to resolve any grievance as quickly as possible. The time periods referred to in this policy are the maximum and every effort should be made to complete the processes as quickly as is practicable in the individual case. An example timescale is attached at [The Circle Trust's Staff Grievance Timeline here](#)

2 The Aims and Objectives of the Staff Grievance Policy

- 2.1 Handling matters of grievance fairly is important for the efficient management for employees' morale and for our Trust and a school's reputation.

3 The management of the Staff Grievance Policy

- 3.1 The Trustees have a fundamental role to:
 - Review this policy to approve changes

- Be satisfied that any grievance procedure is followed as set out in this policy and understood by Headteachers/school leaders and employees
- Only in the case of a Grievance against the Executive Headteacher; form a Grievance Hearing Committee and Appeals Panel if required (made up of 3 Trustees who have no previous knowledge of a case, one of whom will be appointed as Chair)

3.2 The Executive Headteacher will:

- Implement this policy
- Promote and ensure that all Headteachers/school leaders understand and follow the grievance procedures as set out in this policy
- Seek and follow advice from The Circle Trust HR providers at all stages of any grievance process

3.3 The Local Advisors have a fundamental role to:

- Be satisfied that any grievance procedure is followed as set out in this policy and understood by the Headteacher/school leaders and employees
- To form a Grievance Hearing Committee and Appeals if required (made up of 3 Local Advisors who have no previous knowledge of a case, one of whom will be appointed as Chair)

3.4 A Headteacher/School Leader with the oversight of Local Advisors will:

- Follow this policy when dealing with matters relating to grievance
- Promote and ensure all employees understand and follow the grievance procedures set out in this policy.
- Seek and follow advice from The Circle Trust HR providers at all stages of any grievance process.
- Inform the Executive Headteacher when stage 3 has commenced of the grievance procedure

4 Grievance Procedure

- 4.1 A grievance may be raised by an employee personally, or on behalf of the employee by a trade union representative or work colleague, by whom the employee may be accompanied at all stages of the procedure.
- 4.2 A grievance may not be progressed beyond Stage 1 without the exact nature of that grievance having been made clear to the Headteacher referred to in Stages 1 and 2 by the aggrieved party or the representative.
- 4.3 If new complaints are registered at a later stage of the Procedure, these will be dealt with by referring those matters back to Stage 1.
- 4.4 All parties in the procedure must conform to the principle of mutual confidentiality.

4.5 The status quo will be maintained until the final outcome of any grievance is settled.

5 Grievance Procedure Stage 1 - Informal stage

5.1 It is desirable for a grievance to be resolved informally where possible and it is hoped that every attempt will be made to achieve this. Where an employee has a grievance he/she should first endeavor to resolve the matter by direct approach to the member of staff concerned or, if this is not possible, the employee may discuss the matter with his/her line manager or other appropriate senior member of staff or, if appropriate, with the Headteacher. It may be advisable for the employee to involve his/her professional association or trade union at this stage. When the grievance is against the Executive Headteacher, the Headteacher will also have a right to involve a representative of his/her professional association.

5.2 Where it has not been possible to resolve the matter informally Stage 2 should be invoked. Where this grievance is against a Headteacher or Executive Headteacher stage 3 of the procedure should be invoked.

6 Grievance Procedure Stage 2 - Referral to Headteacher

6.1 The employee should request a meeting with the person concerned and the Headteacher.

6.2 The request may be made orally or in writing, and the meeting should take place on a mutually convenient day, normally within ten working days of the request being made. Both parties may be accompanied by a work colleague or representative.

6.3 The Headteacher will attempt to resolve the grievance.

6.4 At the meeting both parties should seek to resolve the problem by mutual agreement, in consultation with the Headteacher. The Headteacher may also, with agreement of all parties, seek to resolve the dispute by consulting a HR Adviser, or such representatives of professional associations or trades union as may be thought appropriate.

6.5 If the issues cannot be resolved, the Headteacher will invite and assist the parties to the grievance to prepare a mutually acceptable statement of facts, with the assistance of a HR Adviser.

7 Grievance Procedure Stage 3 - Referral to the Local Advisors

7.1 Where the matter has not been resolved under Stage 2 above, within five working days of the meeting the employee may submit a formal written notice of the grievance to the Headteacher, with a copy to the person concerned. The Headteacher should then issue a formal written notification to the Chair of the Local Advisors who will convene a Grievance Hearing Committee made up of three Local Advisors and appoint a Clerk to the meeting.

7.2 Executive Headteacher will be informed that Stage 3 has commenced.

- 7.3 Within five working days of the Headteacher receiving the formal written notice of grievance, a letter should be sent to both parties stating that a Local Advisory Board's Grievance Committee will be convened to discuss the matter on a mutually convenient day (normally within fifteen working days of the Headteacher receiving the formal written notice of the grievance). Where the grievance lies with the Executive Headteacher, a panel of three Trustees will be convened. Grievance Committee members should, where possible, have had no previous detailed involvement in the case.
- 7.4 The letter sent on behalf of the Grievance Committee will cover the following points:
- State that Stage 3 of the Grievance Procedure has commenced
 - Summarize the nature of the grievance to be heard
 - Give a minimum of ten working days' notice of the date, time and place of hearing before the Grievance Committee
 - Remind both parties of the right to be accompanied by a work colleague or representative
 - State that all relevant documents should be exchanged at least five working days before the hearing;
 - State that the Headteacher (or in the case of a Headteacher the Executive Headteacher) has a right to attend for the purpose of giving advice, where he/she is not one of the two parties concerned.
- 7.5 The Clerk to the Grievance Committee will send copies of any documents which are to be submitted, to the Grievance Committee, the employee (and his/her representative or work colleague), and the HR Adviser at least five working days before the hearing. Nevertheless, with the agreement of all parties, any new documentation relevant to the case may be accepted at the commencement of the hearing itself: in such an event sufficient copies should be provided for all parties and an adjournment may be necessary.
- 7.6 The Grievance Committee should seek to settle the problem. The Grievance Committee should be advised by the Headteacher, where he/she is not one of the two parties concerned, and a HR Adviser who may be present throughout the hearing.
- 7.7 Where the Headteacher is one of the parties concerned the Committee can only be advised by the Executive Headteacher and/or HR Adviser. Where the Executive Headteacher is one of the parties concerned the panel should only be advised by a HR Adviser.
- 7.8 The Grievance Committee hearing should be conducted as follows:
- i)
 - (a) the grievance will be presented by the aggrieved party (or his/her representative or work colleague);
 - (b) the aggrieved party (or his/her representative or work colleague) may call witnesses individually in the presence of the other party (and his/her representative or work colleague);

- (c) the other party (and/or his/her representative or work colleague) may question the aggrieved party (and/or his/her representative or work colleague) and the witness(es);
 - (d) the Committee may, through the Chair, ask questions of both parties and any witness(es);
 - (e) the witness(es) should then withdraw;
- (2)
- (a) the other party (or his/her representative or work colleague) will then present his/her case;
 - (b) the other party (or his/her representative or work colleague) may call witnesses individually in the presence of the aggrieved party (and his/her representative or work colleague);
 - (c) the aggrieved party (and/or his/her representative or work colleague) may question the other party (and/or his/her representative or work colleague) and the witness(es);
 - (d) the Committee may, through the Chair, ask questions of both parties and any witness(es);
 - (e) the witness(es) should then withdraw;
- (3)
- (a) the aggrieved party (or his/her representative or work colleague) may sum up his/her case;
 - (b) the other party (or his/her representative or work colleague) may then sum up his/her case.
- (4) the Committee will then consider the matter in private. Only those members of the Committee who have been present throughout the hearing will take part in the deliberations leading to a decision or determination of the Committee. Any advisors to the Committee will remain but both parties (and their representatives or work colleagues) will withdraw;
- (5) the Committee may recall the parties only to clear points of uncertainty on information already given. If recall is necessary, then both parties are to return, even if only one is concerned with the point giving rise to doubt;
- (6) the Committee will come to a decision;
- (7) once the decision has been reached, the Chair will immediately inform both parties and the Headteacher (if not otherwise notified) of the decision. This will be confirmed in writing to both parties, Headteacher (if not otherwise notified) and the HR Adviser and, the Executive Headteacher, within five working days of the end of the hearing. The letter of confirmation should state that the case has been properly considered, state what the decision is and give reasons for the decision.

7.9 The aggrieved party should be informed of his/her right of appeal to the Appeal Committee of the Local Advisory Board (or, where the grievance is against the Executive Headteacher, to an

Appeals Committee of the Trustees). Any appeal must be lodged within five working days following receipt of the written confirmation of the determination.

8 Grievance Procedure Stage 4 – Appeals

- 8.1 The Appeal Committee will consider an appeal within fifteen working days of the lodging of an appeal. An Appeal Committee should be advised by a HR Adviser
- 8.2 Both parties must be informed in writing of the date, time and venue of the appeal hearing at least ten working days before the hearing. Details of the hearing and copies of any documents which are to be submitted by either party must be sent to members of the Appeal Committee and both parties may be accompanied by a representative or work colleague. The hearing will be conducted as in section 7 above.