

# Looe Community Academy

## Staff Grievance Policy and Procedure

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Looe Community Academy Trust, Sunrising, East Looe, PL13 1NQ  
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# Policy

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## 1. Introduction

- 1.1. This Grievance Procedure and policy is based fully on the Local Authority procedure agreed with recognised trade unions and teachers' associations. This procedure is recommended to schools and academies for adoption by the Local Authority.
- 1.2. It is recognised that management structures/administrative arrangements will vary according to the size of the academy and therefore, in small schools and academies, the procedure may be limited to two formal stages only ie with the procedure commencing at Stage Two.
- 1.3. 'Academy days' refers to days on which the academy is open to pupils.
- 1.4. This procedure does not cover all circumstances regarding individual grievances and the Headteacher and Governors will take professional advice where there is doubt on matters of procedural interpretation.

## 2. PURPOSE

- 2.1. To promote the early, effective and satisfactory resolution of individual employment related grievances, by providing a structured framework through which individual members of staff can seek redress.
- 2.2. Broadly, a grievance may be raised about any matter arising from employment, including grievances amongst members of staff, with the Headteacher or the Governing Body.
- 2.3. However, the following matters are excluded for resolution under this procedure:
  - Disciplinary or capability decisions with the exception of oral warnings (as separate appeals procedures exist under both of these procedures);
  - Collective Disputes;
  - Pay and grading (separate appeals procedures exist also);
  - and Complaints relating to sexual, racial or disability harassment.

## 3. SCOPE

- 3.1. The procedure applies to all staff employed at Looe Academy.

## 4. POLICY STATEMENT

- 4.1. The Governing Body of Looe Academy recognises that situations may arise where a member of staff may wish to seek redress for grievances arising from their employment. Accordingly, the Governing Body is committed to ensuring that staff are able to raise grievances in the first place, and where possible, have them resolved without unreasonable delay and to the satisfaction of all concerned.
- 4.2. Most issues should be discussed and can be dealt with satisfactorily within the course of normal working relationships where staff should feel that their problems and opinions can be discussed frankly and freely with each other and/or with their line manager.

- 4.3. However, where an employment-related individual grievance has not been resolved informally or where it is considered inappropriate to resolve the issue on an informal basis, the staff member will:-
- be given a fair hearing on any grievance;
  - and have the right to take the issue to senior management where appropriate;
  - or if still not satisfied, have the right to appeal.
- 4.4. The Grievance Procedure is not an appropriate procedure for resolving differences in opinion of professional judgement.
- 4.5. Where the procedure is invoked, the Governing Body/ Headteacher is committed to ensuring that the grievance is settled as quickly as is reasonably practicable and as near to the source as possible, with staff not needing to fear suffering a detriment due to their having raised a grievance.

## Procedure

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### 5. INFORMAL APPROACH

- 5.1. Attempts should always be made to resolve workplace grievances on an informal basis. Even if the problem relates to senior management or decisions made by senior management, attempts should still be made to resolve the issue on an informal basis and directly with the person(s) concerned.
- 5.2. The formal Grievance Procedure detailed in **6** below should not be used unless normal workplace communications have been shown to be ineffective or where the problem or issue is inappropriate to be dealt with through informal or normal channels.

### 6. FORMAL PROCEDURE

- 6.1. Where an employment problem is considered by the member of staff to be of a sufficiently serious nature to be termed as a 'grievance', the matter has not been resolved as a result of an informal approach or it is considered inappropriate to deal with the matter on an informal basis, the member of staff may invoke the Grievance Procedure. This procedure is designed to achieve the objectives referred to in the above policy statement in an effective and efficient manner.

#### 6.2. Application of the Procedure (applies to ALL elements of the Procedure)

- 6.2.1. At all stages of the procedure, the member of staff raising the grievance is entitled to take advice from and be accompanied or represented by a workplace colleague or trade union representative. Staff are encouraged to consult their trade union representatives or professional associations prior to invoking the grievance procedure.
- 6.2.2. Where the member of staff chooses not to be accompanied or represented by a workplace colleague or trade union representative it will be noted in the written summary that representation was offered and declined.
- 6.2.3. The parties may, by mutual agreement, modify the time limits referred to in this procedure and the procedure will end at the Governing Body.
- 6.2.4. To avoid delay the staff member may elect to proceed to the next stage of the procedure if the complaint has not been dealt with within **twenty academy days** at any stage.

### 6.3. Stage One

6.3.1.If a member of staff has a personal work-related grievance or problem he/she should raise the matter initially with his/her line manager e.g. the Head of Department or other appropriate senior member of staff, specifying that he/she wishes to utilise the formal stage of the procedure, giving details of the grievance and the remedy sought (if appropriate).

This would normally be carried out by a written note, but does not preclude a direct personal approach, particularly if the issue involves a sensitive or personal matter.

6.3.2.On notification of a formal grievance, a meeting will be arranged with the member of staff as soon as is reasonably practicable. Even if the first meeting is of an exploratory nature it should normally take place within **five academy days** of notification of the grievance.

6.3.3.At the meeting the line manager will listen to the details of the grievance and will endeavour, in conjunction with the staff member, to devise an appropriate resolution.

6.3.4.A written summary of the contents of the meeting must be made by the line manager, signed by both parties and a copy kept confidentially on file.

(Alternatively, the staff member may consider that the issue is not appropriate to raise with his/her own immediate line manager. In this event the staff member may submit his/her grievance at Stage Two without utilising Stage One).

### 6.4. Stage Two

6.4.1.If the staff member is not satisfied with the progress made after the first meeting, disagrees with the decision that was made at the meeting or cannot accept the proposed period before action is to be taken he/she may decide to refer the matter to Stage Two of the procedure.

6.4.2.Stage Two grievances must be put in writing to the Headteacher (Deputy) giving full particulars and stating what remedy the staff member seeks. The Headteacher (Deputy) will arrange, where practicable, a meeting within **ten academy days** of receiving notification the grievance.

6.4.3.The Headteacher (Deputy) will seek to resolve the problem personally and/or in consultation with other relevant staff. After due consideration, the Headteacher will give a decision (on action to be taken) in writing, within **five academy days** of the meeting. In reaching a decision, the Headteacher (Deputy) may, with the member of staff's agreement, consult with the Chair of the Governing Body or the member of staff's trade union representative.

### 6.5. Stage Three

6.5.1.Should the grievance continue to be unresolved, the staff member may proceed to Stage Three of the procedure by referring the matter to a Committee of Governors (established for the purpose of hearing the grievance). The grievance should be referred by the staff member to the Committee in writing, via the Headteacher (Deputy) or if the Headteacher is the subject of the grievance, to the Chair of the Governing Body, within **five academy days** of receiving written notification of the decision/outcome of the meeting with the Headteacher (Deputy) at Stage Two.

6.5.2.A hearing by the committee should be arranged (by the Chair of the Governing Body) where practicable within **ten academy days** of receipt of the written grievance.

6.5.3. The parties concerned will make their submissions to the Committee who should be sent all relevant documents in advance of the hearing within a timeframe determined by the Committee.

6.5.4. The decision regarding the outcome of the grievance will be given at the hearing and confirmed in writing within **five academy days** of the hearing.

See **Appendix 1** - Procedure to Be Followed at a Stage Three Grievance Hearing.

## 7. GENERAL APPEALS MATTERS

7.1. Should the staff member wish to appeal against a decision of the governors' Committee made at Stage Three, he or she may do so within **ten academy days** of the meeting. The appeal will be heard by an Appeal Committee of Governors who have not previously been involved in the case. The Appeal Committee will hold the appeal, where practicable, within **ten academy days** of the receipt of the written request for an appeal.

The Appeal Committee may invite a professional advisor to attend as appropriate.

7.2. The decision of the Appeal Committee of Governors will be given at the appeal hearing and will be confirmed in writing within **five academy days** of the hearing having taken place. The decision of the Appeal Committee of Governors will be final.

## 8. HEADTEACHER'S GRIEVANCES

8.1. Where the Headteacher has a grievance, he/she should first endeavour to resolve the matter by direct approach to the relevant person. If the grievance remains unresolved and arises from actions/decisions of the Governing Body, he/she should initially seek to resolve it in discussion with the Chair of the Governing Body.

8.2. Should the grievance remain unresolved, the Headteacher should submit a formal written notice of the grievance to the Chair of the Governing Body and any other person(s) concerned.

8.3. A hearing by a Committee of Governors as per paragraph 6.5 (a) above (Governors must not be employed at the academy) should be arranged by the Chair of the Governing Body, where practicable, within **ten academy days** of receipt of notification of the grievance. The Headteacher, and any other staff member who may be involved, is entitled to be accompanied at the meeting, by a workplace colleague or a trade union representative.

8.4. If the grievance is still unresolved, the Headteacher may appeal to the Governing Body in writing, within **five academy days** of receipt of the Committee's decision. An Appeal Committee established in accordance with **paragraph 7.1** will hear the appeal, where practicable, within **ten academy days** of receipt of the notification of appeal. The decision of the Appeal Committee of Governors will be given at the hearing and confirmed in writing within **ten academy days**. The decision of the Appeal Committee of Governors will be final.

8.5. At any stage of the procedure, the Headteacher is recommended to seek advice from an appropriate source such as their professional association. For the advice to be as informed and effective as possible, it may be necessary to provide to them copies of all documentation associated with the grievance.

**PROCEDURE TO BE ADOPTED AT GRIEVANCE HEARING HEARD BY A HEADTEACHER (DEPUTY) OR COMMITTEE OF THE GOVERNING BODY**

- 1 The aggrieved employee (or his/her representative) shall put forward the complaint.
- 2 The line manager shall have the opportunity to ask questions of the aggrieved employee (or his/her representative) and any witnesses called in support.
- 3 The Headteacher (Deputy) or Committee of the Governing Body may ask questions of the aggrieved employee (or his/her representative) and witnesses.

Witnesses called by the aggrieved employee shall withdraw after having given evidence.

- 4 The line manager shall respond, giving the reason for not upholding the grievance at an earlier stage in the procedure.
- 5 The aggrieved employee (or his/her representative) shall have the opportunity to ask questions of the line manager and witnesses called in support.
- 6 Headteacher (Deputy) or Committee of the Governing Body may ask questions of the line manager and witnesses.

Witnesses called by the line manager shall withdraw.

- 7 The aggrieved employee (or his/her representative) shall have the opportunity to sum up the case, if desired.
- 8 The line manager shall sum up his/her views on the matter, if desired.

The aggrieved employee, representative and line manager shall withdraw.

- 9 The Headteacher (Deputy) or Committee of the Governing Body and adviser shall deliberate in private, only recalling the line manager and the aggrieved employee to clear points of uncertainty on evidence already given. If recall is necessary both parties shall return, even if only one party is concerned with the point giving rise to doubt.
- 10 The Headteacher (Deputy) or Committee of the Governing Body may announce their decision at the hearing, but will confirm their decision in writing within **five school days** of the hearing.