



Staff Grievance Policy – DCP 007

Policy Owner: Stephen Beeson

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Introduction

The success of the schools within the Drapers' Multi-Academy Trust depends on their staff. It is our intention to recruit high quality teachers, create a rewarding, supportive and safe environment in which to work and then set challenging targets for the development of both their pupils and themselves.

Within any environment it is to be expected that problems and grievances will arise from time to time. This policy sets out the approach for dealing with these.

Scope

This policy applies to all directors, governors and staff of the Drapers' Multi-Academy Trust.

Each school within the MAT must ensure that the contents of this policy are communicated to all staff. This communication must be evidenced in writing and refreshed on an annual basis.

Each school within the MAT must publish this policy on its website.

Definitions

COO Chief Operating Officer

Grievance A problem in the workplace, relating to employment matters, that requires to be resolved in a formal manner.

LGB Local Governing Body, with delegated powers of governance from the board of the MAT.

MAT Drapers' Multi-Academy Trust.

Mediation An intervention by an impartial third party to help resolve a dispute, conflict or other issues that affects personal relationships.

Staff Anyone employed by the MAT.

Policy

1. Wherever possible, staff are expected to resolve problems in an informal manner before using the formal processes. Usually, this is best done directly with the other party or parties concerned or with their line manager. Issues relating to a line manager should be taken up with the latter's line manager.
2. If the problem cannot be resolved through an informal process, then the member of staff concerned should consider whether mediation would be



effective. Mediation requires all parties to enter the process voluntarily and to have equal autonomy to reach agreement.

Mediation

3. The role of a mediator is to propose solutions that all parties will find acceptable. It is not the role of a mediator either to express opinions or to make judgements.
4. Any member of staff, or their representative, may request mediation. It is the responsibility of the person making the request to ensure that the other party or parties concerned are willing to participate.
5. The request must be submitted to the Principal, outlining the issue to be resolved and the other party or parties who have agreed to participate. If all concerned have agreed upon a person to act as mediator, then that person should be named in the request.
6. Upon notification, the Principal has absolute discretion to determine whether mediation is appropriate or whether a more formal process is required. The Principal must inform all parties of his/her decision.
7. Assuming mediation is appropriate, the Principal should then appoint a mediator, either the person named by the parties or another independent person who is acceptable to all concerned. Where practicable, the person appointed should be trained in mediation.
8. The mediator is then responsible for arranging the mediation process with the parties. He/she has absolute discretion as to how this should be done. All discussions within the mediation process are confidential and no other person, including the Principal, will be informed of the proceedings or the outcome without the agreement of all parties. Any notes taken during the mediation must be destroyed, other than any agreed record setting out an agreed resolution (which must be retained on the employee's personnel file).
9. The only exception to the confidentiality requirements set out in section 8 is if the mediator determines that there has been a breach of statutory obligations, where there is evidence of serious misconduct, or risk to health and safety. In these cases, the mediator must immediately suspend the mediation, inform the parties and then inform the Principal of his/her concerns. It is then for the Principal to determine the appropriate course of action.
10. Because mediation is a voluntary process between individuals, the parties may not be accompanied, or represented, by either a trade union representative or a work colleague.



Grievance

11. Grievance is a formal process and applies to all members of staff, including the Principal, or former members of staff who were employees at the time of the alleged grievance. The grievance process does not apply to non-employees such as agency staff or contractors who are subject to their own organisation's terms and conditions of employment.
12. Volunteers who work regularly at the school may, at the discretion of the Principal, be treated as members of staff for the purposes of the grievance process set out in this policy.
13. All grievances will be treated seriously. Full and proper consideration will be given to all grievances that are raised.
14. It is the responsibility of the Principal of each school within the MAT to develop a formal Grievance Procedure in line with HR recommendations. This must be approved by the LGB, which has fully delegated authority from the MAT to take decisions relating to this policy. Once approved, the Principal has direct responsibility for ensuring that its provisions are followed.
15. As part of this procedure, it is the responsibility of the Chair of the LGB to select suitably appointed governors to represent the LGB and to take decisions on its behalf.
16. The Grievance Procedure should include the following points:
 - a. A requirement for staff to cooperate with the procedure in good faith, to arrange for any witnesses to attend on their behalf and to respond in a positive manner to management efforts to resolve the grievance.
 - b. Full provision for the relevant union or a colleague (but not a legal representative) to support the member of staff throughout the process, including accompanying or representing their member at any hearings.
 - c. Provision for appeal where the findings or actions resulting from the Grievance Procedure are disputed.
17. Staff may only raise a grievance in respect of employment-related matters, or conditions or situations that affect their ability to perform their job.
18. No member of staff will be penalised or victimised for raising a grievance. Any form of discrimination arising from raising a grievance will be treated as a serious disciplinary offence. Equally, staff who repeatedly make frivolous, vexatious or malicious claims may be subject to disciplinary action.
19. Grievances may not be raised once three months has elapsed since the incident, or last in the series of incidents, took place. The Chair of the LGB has the authority to waive this requirement, but only in exceptional circumstances – of which he or she is the sole judge.



Matters not covered by the Grievance Procedures

20. The following areas are not covered by the Staff Grievance Policy and should be addressed by the procedures set out under the relevant policy or procedure.
 - i. Disciplinary Proceedings
 - ii. Performance Management
 - iii. Capability
 - iv. Competency
 - v. Sickness
 - vi. Salary and Grading

In situations where there is a potential overlap between one of the above policy areas and the Grievance Procedure, then the decision of the Chair of the LGB as to which procedure should apply is final.

21. A grievance cannot be raised for employment matters that are outside the control or responsibility of the MAT.
22. Once the full Grievance Procedure has been completed, including any appeal to the LGB, there is no right of further appeal.
23. Grievances cannot relate to directors or governors because they do not exercise management control. In cases where it appears that the director or governor is acting in a managerial role, the Principal should raise it with the Chair of the MAT or the LGB as appropriate.

Procedural Requirements

24. The Grievance Procedures must address the following situations:
 - i. Where the grievance concerns an accredited representative of a recognised trade union, the COO should be advised and any potential action discussed with a higher-level official of the relevant trade union.
 - ii. Where the employee is disabled, the Principal must ensure that the procedures accommodate the nature of the disability so that process remains fair.
 - iii. Where the employee has difficulty in expressing themselves, either verbally or in writing, specific advice should be given to seek help from a friend, colleague or trade union.
 - iv. Grievances against the Principal must be referred to the Chair of the LGB and the Chief Operating Officer.
 - v. Grievances against the Chief Operating Officer must be referred to the Chairman of the MAT.



Review

24. The policy owner must keep up to date with relevant legislation and government guidance and update this policy whenever necessary. The board of the MAT must approve the revised version.
25. The policy owner must review the policy at the end of July each year and either submit a revised policy for board approval or confirm in writing to the COO that the current version of this policy is still fit for purpose.
26. The COO must submit a list of all confirmed policies to the board at the first meeting of each new academic year.
27. The MAT board must formally review and re-approve this policy every five years.