

Inspire Partnership Academy Trust

Grievance Policy and Procedure

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Contents

1. Introduction	3
2. Exclusions	4
3. Governors/Headteachers/Line Managers role and responsibilities	4
4. Employee’s role and responsibilities	5
5. Role of the Human Resources (HR) Team	5
6. Grievances made during the course of a disciplinary process	5
7. Confidentiality	6
8. Bullying and Discrimination	6
9. Grievance Procedures	6
9.1 Stage 1 - Informal Stage	6
9.2 Stage 2 - Formal Stage;	7
9.3 Stage 3 - Appeal	8
Appendix A: Code of Practice on Discrimination and Workplace Bullying	9
1. Discrimination	11
Workplace Bullying	13
Appendix B: Grievance Form – Stage 2	15
Appendix C: Grievance Form Stage 3 - Appeal against outcome at Stage 2	16
Appendix D – Appeals Procedure	17
Appendix E - Summary of Grievance Procedure	18

1. Introduction

- 1.1. All Trustees, governors, headteachers, and employees of Inspire Partnership (“the Trust”) are expected to establish and maintain good relationships with each other but it is understood that problems may sometimes arise concerning work issues and relationships. It is hoped that in most cases these problems will be resolved by informal discussion but this procedure has been designed to deal with grievances which remain unresolved after the normal management process has been exhausted.
- 1.2. The procedure aims to settle grievances fairly and promptly, as near to the point of origin as possible, and sets out a formal procedure for individual employees to raise grievances about matters that remain unresolved.
- 1.3. Every attempt should be made to resolve problems quickly and informally, by discussing the matter openly and honestly, and only when this fails should the formal procedure be used. The aim of this procedure is to resolve problems as fairly and speedily as possible.
- 1.4. At every stage of this procedure, for support employees will have the right to be accompanied by a union representative or work colleague. However the chosen individual will not be permitted to speak on behalf of the employee.
- 1.5. It is the Trust’s policy that everyone should be treated fairly and without discrimination in relation to their human rights regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- 1.6. The Trust will not tolerate processes, attitudes and behaviour that amount to any form of discrimination, including harassment, victimisation and bullying through prejudice, ignorance, thoughtlessness and stereotyping. This commitment will be demonstrated across all positions within the Trust. In practice this means:
 - there will be clear and effective ways of raising any complaint, in confidence and without fear of recrimination;
 - wherever appropriate, necessary steps will be taken to ensure the individual safety of the complainant;
 - complaints shall be properly investigated;
 - employees making a complaint can choose to be represented/accompanied;

- employees will be informed of any complaints made against them. They can be represented/accompanied and respond at any time during the investigation;
 - there is a right to appeal.
- 1.7. This Grievance Procedure is part of the contract of employment between the Trust and employees in our schools and this is stated in the written particulars of employment.
- 1.8. If as part of an investigation, it is found that an employee has made a false allegation for malicious reasons, formal disciplinary action against the employee may be recommended under the Trust Disciplinary Policy and Procedure.
- 1.9. The Grievance Procedure applies to all staff employed by the Trust.
- 1.10. Where staff members or governors wish to make a complaint against a governor or a Trustee, this matter should be raised with the Clerk to the Trustees.
- 1.11. Where a staff member has a complaint against the Chief Executive Officer, this matter should be raised with the Chair of Trustees.

2. Exclusions

2.1 The Grievance Procedure will not apply to complaints or grievances which:

- allege that the employee has been or will be dismissed (whether or not this is for a discriminatory reason) or that the Trust has decided to take disciplinary action for reasons of conduct or capability which falls short of dismissal (e.g. complaints of suspension without pay, demotion or reduction of pay). Such complaints will be dealt with under the Trust Disciplinary Policy Procedure;
- are over three months old; however, an employee may refer to earlier matters if they believe that they support the complaint or grievance;
- relate to recruitment shortlisting or non-appointment;
- are covered by statutory controls such as Income Tax, National Insurance and Pension Schemes;
- are covered by other national or local appeals procedures.

2.2 It should be noted that there is no recourse to the grievance procedure as a result of information arising from witness statements from all appeal processes. If employees

are not satisfied with the content of witness information, they can challenge this as part of the relevant process. This does not prevent the appeal officer from requesting further investigation of certain issues.

3. Governors/Headteachers/Line Managers role and responsibilities

3.1 Trustees, Governors, Headteachers and Line Managers will:

- implement this procedure according to the timescales set out in this procedure;
- set and monitor standards of behaviour in the Trust and/or its schools;
- provide advice and support to employees making a complaint;
- make every effort to deal with complaints informally;
- ensure that they are seen to be fair and equitable in their dealings with employees.

4. Employee's role and responsibilities

4.1 Employees will:

- state clearly their desired outcome from the commencement of the process;
- where possible make every effort to resolve the problem or complaint informally before commencing the formal grievance procedure;
- bring any grievance complaint within three months of the issue or incident occurring;
- follow the stages of the procedure in sequence.

5. Role of the Human Resources (HR) Team

- 5.1. For the purposes of this policy, the HR Team refers to the Trust Head of HR and the school's HR Lead.
- 5.2. The Human Resources Team has responsibility for advising governors, headteachers and line managers on all aspects of the operation of this procedure and for helping to maintain consistency in its application. The HR Team may, at the request of both the

employee and the manager, assist in resolving the grievance on an informal basis. This may include advice on obtaining external support for the process of mediation.

6. Grievances made during the course of a disciplinary process

- 6.1. Grievances lodged at any time up to any appeal hearing, which concern or are connected to disciplinary matters will be dealt with as part of the Trust's Disciplinary Policy and Procedure. However, managers are advised to consult with the HR Team for further guidance in relation to these matters.
- 6.2. Any grievances raised after any dismissal or warning stage, but before an appeal stage will be considered at the appeal hearing under the Trust's Disciplinary Policy and Procedure. Insofar as grievances brought by an employee are unconnected to matters concerning the disciplinary process, the Grievance Procedures will apply in relation to those unconnected complaints. Governors/ headteachers and line managers are advised to consult with the HR Team for further guidance in relation to these matters.

7. Confidentiality

- 7.1. Strict confidentiality must be maintained when dealing with grievances. Governors, headteachers, line managers and employees involved in cases must not discuss or disclose facts or matters relating to the complaint to others who do not have a legitimate interest in the grievance.
- 7.2. Records should be kept detailing the nature of the complaint raised, the response, any action taken, and the reasons for it. These records should be kept confidential and retained in accordance with the Data Protection Act (2018).

8. Bullying and Discrimination

- 8.1. The Trust operates a zero-tolerance stance to any form of unlawful discrimination, harassment, or bullying. Refer to Appendix A for The Code of Practice on Discrimination & Workplace Bullying.

9. Grievance Procedures

9.1. Stage 1 - Informal Stage

9.1.1 If an employee has a complaint relating to their employment then the first stage in the procedure is to raise this informally with their line manager. If the grievance is against their line manager, then it should be raised with the line manager's line manager.

9.1.2 It is anticipated that most complaints can best be resolved informally after discussion with the immediate line manager. Such informal procedures concentrate on conciliation, not sanctions. For example, asking someone to stop doing something or to apologise, rather than issue disciplinary warnings.

9.1.3 Most issues can be resolved in this way, sometimes by acknowledging that although a matter may have created annoyance, it can best be handled by simply talking it through and agreeing how to improve the situation.

9.1.4 The decision/resolution will normally be communicated to the complainant verbally within 10 working days. In the event that the complainant does not find the decision acceptable, they may request that the line manager provides a written decision.

9.1.5 If after a discussion with the Headteacher or line manager the employee decides they wish to deal with the matter formally due to the nature of the issues raised, then the employee will not be prohibited to proceed to Stage 2 of the procedure.

9.1.6 The Trust supports the use of mediation as a means to resolve complaints. Mediation, supported by a trained and independent workplace mediator, is a proven and effective means to resolve conflict and can be used at any stage in the grievance process. Mediation should be offered to all cases moving to Stage 2 of the grievance process if it has not already been explored. The Trust's HR team can advise on the provision of a qualified mediator.

9.2. Stage 2 - Informal Stage

9.2.1 Where the employee has raised the grievance under Stage 1 and they are not satisfied with the outcome of this informal stage, or in situations where they have decided to proceed directly to the formal stage, they must register the grievance formally in writing using the Grievance Form – Stage 2 (see Appendix B.)

9.2.2 The written statement must set out the full details of the grievance; why the employee is dissatisfied with the response at Stage 1 of the procedure (where applicable); and what it is that the employee thinks would be a satisfactory remedy.

9.1.3 Investigating a grievance at Stage 2:

- (I) The grievance should be submitted in writing to individuals outlined in Appendix E, the Regional HR Lead will then nominate another senior manager in the Trust who will then become the Stage 2 Manager.
- (II) The Stage 2 Manager shall:
 - o No later than 10 working days of receipt of the Stage 2 form convene a meeting with the employee to explore possible resolutions to the grievance, and elicit any further information or seek clarification on any matters which are unclear. The employee will be notified of the date and of the right to be accompanied by a trade union representative or work colleague;
 - o Investigate the complaint and interview all other parties as appropriate;
 - o Write to the employee notifying them of whether or not the grievance has been upheld within 15 working days of the initial meeting being held. If it is not possible for the Stage 2 Manager to meet this deadline, they must explain in writing to the employee why it has not been possible to comply with the deadline, and an update on when an outcome will be shared.

9.3. Stage 3 - Appeal

9.3.1 An employee who remains dissatisfied with the outcome of the Stage 2 process may appeal against the decision by submitting a written statement within 15 working days of being notified. This must be done using the form Appeal Against Grievance Decision – Stage 3 (See Appendix C). The employee may submit other documentation for consideration at the appeal.

9.3.2 The employee should submit their grievance appeal form to the individual specified in Appendix E who will liaise with the Trust Head of HR.

9.3.3 The HR representative will provide a copy to the Stage 2 Manager, along with any documentation submitted with the appeal form, and confirmation of the names of any witnesses they wish to call for the hearing together with the outcome of the original grievance and notes of any further meetings. Late submission of documentary evidence from the employee will only be considered where the employee can show that it was not possible to submit them at the time the appeal was lodged or if those documents were not in existence at the relevant time.

9.3.4 The appeal will be heard by a panel of at least three persons from across the Trust, who have not previously had involvement in the matter.

9.3.5 Working with the HR Representative, the Appeals Panel will convene a hearing within 15 working days of receipt of the Stage 3 Appeal form involving the Stage 2 manager who dealt with the grievance, the employee and their Trade union representative or work colleague.

9.3.6 A member of the HR Team should also be present at the meeting to give advice where appropriate and take notes.

9.3.7 Meeting of Appeals Panel:

The arrangements for the Appeal Panel can be found at Appendix D. Panel members will have had no prior involvement in the case. Where applicable, the Appeals Panel shall designate one of its members to act as Chair of the Appeal Committee. Appendix D sets out the procedure to be followed at the Meeting of Appeals Panel.

9.3.8 The decision from the Appeals Panel will then be issued within 10 working days of the hearing and will be the final response of the Trust.

Appendix A: Code of Practice on Discrimination and Workplace Bullying

The damaging effects of discrimination and bullying

Discrimination and bullying exact a high price from both employees and employers. Employees can be subject to fear, stress and anxiety, which can put great strains on personal and family life and the result can also be illness, absenteeism, poor performance and resignation from the workplace. The damage, tension and conflict which they create

should not be underestimated. The result is not just poor morale but higher labour turnover, reduced productivity, lower efficiency and divided teams.

The Trust Assurance

The Trust will not tolerate any form of unlawful discrimination, or discrimination in contravention of Trust policy, or bullying. The management response to such discrimination will take account of the fact that it can be either intentional or unwitting, and, that in either case it is against the law where committed on certain grounds.

The Trust will take appropriate action in respect of existing employees who commit such acts of discrimination or bullying against other Trust employees, service users or anyone else on the Trust premises. The Trust will also take appropriate action in respect of behaviour which is committed outside the workplace, if the behaviour incites violence or aggression on any of the grounds mainly covered by this Code and if it is judged that workplace harmony could be undermined as a result. The Trust will also consider debarring prospective employees who have engaged in such activities.

All complaints will be taken seriously. Extreme care will be taken during an investigation into allegations of discrimination or bullying to seek to protect the interests of both the complainant and the employee complained against, whilst establishing the true nature of the problem.

Careful consideration will be given to the redress desired by the complainant and as far as is reasonable, managers will be sensitive to the outcome desired by the complainant. However, the interests of the Trust must not be subordinated to the interests of any individual and, therefore, it may not always be possible to grant what is desired.

The Trust will make every attempt to protect employees who participate in a complaint from intimidation and victimisation. Retaliating against an employee for making a complaint is a disciplinary offence.

It should also be observed that the Trust expects its managers to manage in a fair and proper manner and that employees cannot avoid the expectations upon them to perform to an acceptable standard by making false allegations of bullying. The making of such false allegations may result in the disciplinary procedure being invoked.

Responsibilities

Everyone has a responsibility to ensure that they do not behave in a way that could be offensive to others, or is in any other way unjust to others. Everyone can contribute by developing an awareness and sensitivity towards the issues and by ensuring that they maintain a proper standard of conduct.

No-one should allow others to behave in a way that contravenes this Code without taking appropriate action to resolve the matter: An employee who is the target of discrimination or workplace bullying should act in accordance with the employee guide: 'dealing with complaints and grievances' which is available from the HR Team. An employee who is not the target of such behaviour but who has observed such behaviour to another person should report the matter to their line manager, or, if this is not appropriate, to their line manager's manager.

Any employee who is called upon to make a statement and/or give evidence in relation to discrimination or bullying is required by the Trust to cooperate.

All employees should be aware that a breach of this Code could lead to disciplinary action, including dismissal. Employees should also be aware that discrimination on the grounds of gender, race or disability is unlawful, and therefore, behaviour which amounts to a breach of the law may render them liable to legal consequences.

Managers and supervisors have a particular responsibility for implementing this Code, communicating it, investigating any instances of discrimination or bullying in accordance with the Trust arrangements and resolving them as quickly as possible.

Managers are required to investigate behaviour which they consider may constitute discrimination or bullying and to take appropriate action whether or not a grievance has been lodged.

Managers need to recognise the prevailing situation within their areas of operation and seek to find means of overcoming difficulties to avoid a culture where discrimination or bullying can develop.

Definitions/descriptions

Discrimination and bullying take many forms. They may be directed at one person or many people. They can be described as unwanted behaviour which causes disadvantage, which a person finds intimidating, upsetting, embarrassing, humiliating or offensive.

1. Discrimination

This occurs on a variety of grounds. This part of the Code applies to discrimination mainly on the grounds of race or ethnic origin, gender, disability, sexuality, age or social background. It is mainly on these grounds that people suffer discrimination - although it is recognised that there are also other grounds.

Discrimination may be overt or subtle from person to person, or it may be institutional, i.e. seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and stereotyping which disadvantage people on the above grounds.

In some cases, employees behave unreasonably or react improperly to a colleague or manager for no reason other than that the colleague or manager is of a different race or ethnic origin, or from a different culture, or is of a different gender, or is disabled, or is lesbian or a gay man, or is of a different age or social background.

Whilst all or most managers may experience resentment from time to time, the experience of a higher proportion of black and women managers is that they are more judged and commented on, are more exposed to false allegations and/or grievances, and that the reason for this type of behaviour is born out of resentment on the grounds of race or gender. Such behaviour is sometimes dishonestly presented by the perpetrators as 'professional concerns.

Discrimination is also sometimes applied so as to give people advantages over others on the above grounds, such as favouring a person in one's own image.

1.1 Race, including cultural background, skin colour or religious belief

A racial incident is any incident which is perceived to be racist by the victim. Unlawful racial discrimination is conduct or words or practices which disadvantage or advantage people because of their race or ethnic origin, culture, colour or religious belief and would include the following: racial abuse or a physical, verbal or prejudicial nature; racist innuendo, jokes, insults, ridicule or name calling; display of racially

offensive written or visual material including graffiti and open hostility. More subtle forms could include unfair allocation of work, unequal treatment in the application of conditions of employment, unreasonable pressure to complete tasks, exclusion from conversations and normal workplace activities or social events.

It is often the case that people who are black or from a visible ethnic minority who challenge these types of behaviour are said to be “aggressive”, “over-sensitive” or to “have-a-chip-on-their-shoulder” or to be “playing-the-race-card”.

1.2 **Gender, marriage, marital status or gender reassignment**

Unlawful sex discrimination is treating a person less favourably than another on the ground of a person’s gender, marital arrangements/status or because of the fact that, under medical supervision, a person intends to change, or is undergoing change, or has changed from one sex to the other.

Such discrimination would include conduct of a sexual or sexist nature which affects the dignity of women and men at work such as brushing against another person’s body, the invasion of another person’s body space; verbal conduct such as unwelcome sexual advances, propositions, pressure for sexual activity, suggestive remarks, innuendoes or lewd comments; jokes of a sexist or sexual nature, unwanted comments on dress or appearance; non-verbal conduct including display of pornographic or sexually suggestive pictures, objects or written material; leering, whistling or sexually suggestive gestures.

1.3 **Disability**

Unlawful disability discrimination is less favourable treatment which cannot be justified in relation to a person’s disability (physical, sensory or hidden impairment, learning difficulties or mental distress). Such discrimination includes: offensive, threatening or patronising language, action or behaviour including inappropriate jokes, comments and questioning about a person’s disability; the denial of an individual’s identity as a disabled person; a continual failure to provide reasonable facilities to assist a disabled person to perform their duties.

1.4 **Sexuality**

Discrimination against lesbians and gay men is less favourable treatment based upon the idea that lesbians and gay men are abnormal in comparison to heterosexuals. Such discriminatory behaviour include: offensive jokes, ridiculing or name calling, comments or actions that are hostile to lesbians or gay men, or which stereotype them; display or circulation of offensive written or visual material; verbal abuse, threats or derogatory comments about people who are, or are assumed to be, lesbian or gay; using intrusive questioning about a person's partnership or domestic circumstances; the systematic exclusion of lesbians or gay men from workplace activities; the "outing" of a person by deliberately revealing their sexuality.

1.5 Age

Individuals are sometimes labelled "middle-aged" or "old" with derogatory intent and at times suffer overtly offensive references to their age. The unemployment rate for those aged between forty-five and sixty-four is disproportionately high and people within this age range are at times made to feel that because of their age, they do not have anything meaningful to contribute.

Younger people can also suffer age discrimination, e.g. purely because of their age they are sometimes allocated the least popular tasks. Promotional and other opportunities may not be afforded to them as to others because of perceptions about their domestic/financial commitments based upon their age.

1.6 Social background

Many people suffer disadvantage by reason of class, income or employment status. In the context of recruitment, selection and promotion, opportunities are denied because of unreasonable requirements pertaining to educational attainments. Jobs which offer good prospects are sometimes unfairly reserved for those who have attended certain educational establishments which can normally only be afforded by relatively few people.

1.7 Other examples

The above list is not exhaustive as there are other grounds on which individuals are subjected to discrimination, e.g. HIV status. The conduct and behaviour of offenders follow a similar pattern to the detailed examples given above.

2. Workplace Bullying

This can be defined as persistent actions, criticism or personal abuse either in public or private, which humiliates, undermines or demeans the victim and would include any form of inappropriate behaviour that had these results.

Some types of bullying behaviour are subtle and therefore harder to define. However, a pattern of inappropriate behaviour, whether overt or subtle indicates that bullying may be taking place. Some examples of bullying behaviour include use of abusive language, unreasonably removing areas of responsibility, continually ignoring or excluding an individual, persistently setting objectives with impossible deadlines or persistently picking on an individual and finding ways of belittling them.

Bullying is often, but not always carried out by a person who has power over another as in the case of a manager over an employee. However, research has shown that in a substantial number of cases bullying has occurred between employees at the same or similar levels of authority. Occasionally, it is the employee who bullies the manager.

Research has also shown that there are key indicators which may act as a guide to where bullying is likely to develop. These are:

- an extremely competitive environment
- uncertainty and organisational change
- job insecurity
- authoritarian style of management
- lack of training
- lack of participation
- no clear guidelines for acceptable conduct
- excessive workloads and unreasonable demands
- a culture of envy
- absence of structures to deal with complaints

Bullying is not, however, proper management action that is designed to achieve proper standards of work, conduct or attendance. False allegations made against a manager for the purpose of deflecting proper management action would be regarded very seriously.

Appendix B: Grievance Form – Stage 2

It is hoped that most grievances will be resolved by informal discussion as set out in Stage 1 of the Grievance Procedure. Where an employee is dissatisfied with the outcome of the Stage 1 or they wish to commence Stage 2, then this form should be used to submit a formal grievance.

Name: _____ Job title: _____

Pay Roll No: _____ School: _____

Contact Number _____

What is your complaint? (Please continue on separate sheet if required)

When did you speak informally to your manager about this complaint?	Date:
Why are you dissatisfied with the response?	
What do you think should be done to put things right?	
Signature	
Date	

Appendix C: Grievance Form Stage 3 - Appeal against outcome at Stage 2

This form should be used where an employee has completed Stage 2 of the Grievance Procedure, however they are dissatisfied with the outcome of this stage.

Name: _____ Job title: _____

Pay Roll No: _____ School: _____

Contact Number _____

On _____ I raised a grievance under Stage 2 of the Grievance Procedure. I am not satisfied with the response and wish to appeal under Stage 3 of the procedure
Reasons for appealing against the decision at Stage 2
Please confirm any documentary evidence you are submitting as part of this appeal, as well as any witness you wish to call.
What action are you seeking to resolve your grievance?
Signature
Date

Appendix D – Appeals Procedure

1. The Chair of the Appeals Panel shall state the purpose of the hearing, and be satisfied the appellant is aware of their right to be represented by a trade union representative or a work colleague, and to call witnesses.
2. Everyone present should introduce themselves and confirm their role at the meeting.
3. The Chair of the Appeals Panel must ensure that formal notes of appeal hearings are always taken.
4. The Chair shall invite the appellant to submit the appeal in the presence of the Stage 2 Manager, and, where necessary, to call upon their witnesses (individually) to give evidence and refer to documentary evidence in support of their ground(s) of appeal.
5. The Appeals Panel may ask questions of the appellant.
6. The Stage 2 Manager shall be given the opportunity to ask questions of the appellant.
7. The appellant may introduce any witnesses in support of their case.
8. The Appeals Panel may ask questions of each of the appellant's witnesses.
9. The Stage 2 Manager shall be given the opportunity to ask questions of each of the appellant's witnesses.
10. Each witness shall withdraw after giving evidence and answering any questions put to them.
11. The Appeals Panel shall invite the Stage 2 Manager to present a response to the appeal in the presence of the appellant and where necessary, call upon their witnesses (individually) to give evidence and refer to documentary evidence in support of the response
12. The appellant shall be given the opportunity to ask questions of each of the Stage 2 Manager's witnesses.
13. The Appeals Panel may ask questions of each of the Stage 2 Manager's witnesses.
14. Witnesses shall withdraw after giving evidence and answering any questions put to them
15. The Stage 2 Manager may sum up their case if they so wish.
16. The appellant may sum up their case if they so wish.
17. The appellant and the Stage 2 Manager shall withdraw whilst the case is deliberated. If any recall is necessary, to clarify points of uncertainty, both parties are to return.
18. The Appeals Panel must decide one of the following:
19. That the appeal is not upheld, and the decision of the Stage 2 Manager is confirmed.
20. That the appeal is upheld, and the panel must decide an appropriate course of action in relation to the grievance.
21. The decision of the Appeals Panel shall be confirmed in writing to both parties within 10 working days of the hearing. The employee shall be advised that there is no further right of appeal within the Trust.

Appendix E - Summary of Grievance Procedure

Stage 1 – Informal		
Time Limit for Stage 2 (within 3 months of act)		
Grievance Raised by	Authority to act	Time Limit for Stage 1 Outcome from date of receipt
Staff Members	Headteacher/Line Manager	10 working days

Stage 2 – Formal		
(Time Limit within 3 months of act)		
Grievance Raised by	Authority to act (No later within 10 working days of receipt of the Stage 2 form)	Meeting date within 15 days, of receipt, outcome within 30 working days of receipt of the form
Staff Members	Headteacher/Line Manager	Regional HR Lead or Trust Head of HR

Stage 3 – Appeal					
Grievance Raised by	Authority to act	Stage 3 form to be submitted within 10 working days of receipt of Stage 2 outcome to	Appeal Heard by	Appeal Hearing Held	Time Limit for Grievance Appeal Outcome
Staff Members	Headteacher/Line Manager	Trust Head of HR	Panel of 3, Chaired by a Trust or Education Lead, with 2 other SLT Members	Within 15 working days from receipt of form.	Within 10 working days after the hearing