



STAFFING POLICY STATEMENT

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REVISIONS

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1.0		First approval	23.11.2021
1.1	P5/4.1 (and various)	LGB amended to Local Governance Committee	13.10.2022
1.2	p.5/4.1	Added refence to Trust-wide HR manasger	12.10.2023
	p.7/9.1	Removal of reference to virtual meetings during COVID	
	p.8/9.3.3	Additional reference to confidentiality and not recording meetings.	
	p.9/9.5.1	Removal of 'whichever is the greater'	

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1. Introduction

- 1.1. OWN Trust is committed to the employment of high calibre employees who support school improvement through exceptional work performance. It is expected that all employees will contribute towards clearly defined organisational standards and objectives. Employees will be supported in doing this by a set of staffing procedures, all of which follow the guiding principles set out in this document.
- 1.2. This Staffing Policy Statement should be read and implemented in conjunction with the appropriate staffing procedure.
- 1.3. Collectively the Staffing Policy Statement and staffing procedures are referred to as OWN Trust's Staffing Policy and Procedures.

2. Staffing Policies

- 2.1. OWN Trust is committed to having Staffing Policy and Procedures that are:
 - Supportive of school improvement
 - Comprehensive and fit for purpose

- Legally compliant
 - Clear, consistent and easy to understand
 - Fair to the employer and employee
 - Regularly reviewed with the review date clearly stated
 - Supported by templates and guidance as appropriate
- 2.2. The Staffing Policy and Procedures are non-contractual and may be amended at any time following consultation unless it is stated otherwise in an individual Staffing Procedure.
- 2.3. The Staffing Policy and Procedures apply to all employees of OWN Trust unless it is stated otherwise in an individual Staffing Procedure.
- 2.4. The processes that are set out in the Staffing Policy and Procedures, including any time limits, may be varied as appropriate in any case.

3. Accountabilities

- 3.1. The Board of Trustees is accountable for OWN Trust's Staffing Policy and Procedures.
- 3.2. The Chief Executive Officer is responsible for the implementation of OWN Trust's Staffing Policy and Procedures, ensuring that they are applied consistently and communicated to employees appropriately.
- 3.3. The Headteacher will ensure that:
- The Staffing Policy and Procedures are readily available and accessible to all employees
 - New employees are given access and made aware of the Staffing Policy and Procedures during their induction period
- 3.4. Cases against the Chief Executive Officer will be managed by the Board of Trustees in accordance with the process set out in the appropriate Staffing Procedure.
- 3.5. Cases against a Headteacher will be managed by the Chief Executive Officer in accordance with the process set out in the appropriate staffing procedure.

4. Definitions

- 4.1. The following terms and definitions apply in all staffing policies in which they are used:

Board of Trustees: The Trustees of OWN Trust. This may refer to a panel of trustees formed to manage a process rather than the full board of trustees.

Chief Executive Officer: The Chief Executive Officer of OWN Trust. This also refers to any other title used to identify the Chief Executive Officer, or other senior manager delegated to deal with a matter by the Chief Executive Officer, as appropriate

Local Governance Committee: The Local Governance Committee of a School within OWN Trust. This may refer to a panel of governors formed to manage a process rather than the full Governance Committee.

Headteacher: The Headteacher of a School within OWN Trust. This also refers to any other title used to identify the Headteacher, or other senior manager delegated to deal with the matter by the Headteacher or Chief Executive Officer, as appropriate.

Trust Senior Manager: A member of the Trust Senior Leadership team.

Trust HR Director/Manager: A member of the Trust Senior Leadership Team with Trust-wide responsibility for staffing.

School Senior Manager: A member of a School's senior leadership team within OWN Trust. This may be a Deputy Headteacher, Head of Department, School Business Manager, or other senior employee delegated to deal with a matter by the Headteacher or Chief Executive Officer.

Line Manager: An employee with line management responsibility for an employee.

Teaching Staff: Those employed by OWN Trust whose terms and conditions are covered by the Conditions of Service for School Teachers in England and Wales (the Burgundy Book).

Support Staff: Those employed by OWN Trust whose terms and conditions are covered by the National Joint Council for Local Government Services Conditions of Service (the Green Book).

Companion: A representative of a Trade Union or workplace colleague chosen by the employee to accompany them to a formal meeting, where this provision is stipulated in the relevant staffing procedure. A companion may make representations and ask questions but should not answer questions on the employee's behalf.

HR Adviser: A HR professional appointed to support a process being followed. This may be a member of OWN Trust's HR team or an external adviser.

Investigating Officer: A senior manager or external person appointed by the Headteacher to investigate an allegation.

5. Trade Union Officials

- 5.1. OWN Trust's Staffing Policy and Procedures apply to all employees. Where an employee is a trade union representative, wherever possible, no formal action will be taken until the circumstances of the case have been discussed with the relevant professional trade union officer.

6. Probation

- 6.1. Concerns raised during an employee's probationary period may be taken into account in determining whether or not the probationary period is completed satisfactorily. Where this is the case, the matter will normally be dealt with in accordance with the Trust's Probation Procedure and not the individual Staffing Procedure to which the issue relates, for example, Sickness Absence, Disciplinary.

7. Confidentiality

- 7.1. All parties must treat information relating to cases being dealt with in accordance with the Staffing Policy and Procedures as confidential, unless there is recourse to legal action or if there is police or (Local Authority) Designated Officer involvement in which case appropriate information will be shared by OWN Trust in accordance with Data Protection policies.
- 7.2. The employee and anyone accompanying the employee (including witnesses) must not make electronic recordings of any meetings or hearings conducted under this procedure. Failure to observe confidentiality could be a reason for disciplinary action under the School's disciplinary procedure unless expressly authorised and agreed by all parties.

8. Equalities

- 8.1. The Staffing Policy and Procedures will be operated in accordance with OWN Trust's Equality and Diversity Policy. The Trust is committed to developing, maintaining and supporting a culture of equality and diversity in employment. The impact of OWN Trust's Staffing Policy and Procedures will be monitored in accordance with the Equality Act 2010.

9. Formal Meetings

- 9.1. The following arrangements relate to formal meetings, convened in accordance with a Staffing Procedure. The individual Staffing Procedure indicates when a meeting constitutes a formal meeting.

9.2. Arrangements Prior to the Formal Meeting

- 9.2.1. An employee invited to a formal meeting convened in accordance with a Staffing Procedure will be provided with:

- a) 5 working days' notice of the meeting
- b) The date, time and location of the meeting
- c) Information about the purpose of the meeting, including allegations, where appropriate
- d) Possible consequences of the meeting, including dismissal, where appropriate
- e) Notification of their right to be accompanied by their companion
- f) Copies of documents to be discussed
- g) Names of people attending the meeting and their role
- h) An additional copy of correspondence for the employee's companion where requested
- i) The opportunity to request special arrangements, e.g. relating to disability, language requirements

- 9.2.2. An employee invited to a formal meeting is required to confirm their attendance, provide the name of their companion where relevant and provide any other requested information at least three working days prior to the meeting.

- 9.2.3. The employee must take all reasonable steps to attend meetings. Failure to do so without good reason may be treated as misconduct.

- 9.2.4. If the employee is unable to attend a formal meeting at the scheduled time, the Trust will make a reasonable attempt to re-schedule it on an alternative date. In the event that the employee is unable to attend a rescheduled formal meeting, they may be given alternative options to provide information and be advised that it may go ahead in their absence. Alternatives may include the following, as appropriate to the circumstances of the case:

- Meet in another venue or at their home
- Attend via telephone conference

- Send a companion to represent them, providing appropriate written consent
- Provide a written submission
- Request that the meeting takes place in their absence

9.2.5. Any manager visiting an employee's home will be accompanied by another manager.

9.2.6. A meeting may be adjourned if the chair of the meeting is awaiting receipt of information, needs to gather further information or give consideration to matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

9.2.7. If the employee's chosen companion is unavailable to attend a formal meeting at the scheduled time and will not be available for more than five working days afterwards, the employee will normally be required to find an alternative companion.

9.3. Procedure During a Formal Meeting

9.3.1. The Chair of a formal meeting, hearing or appeal may be accompanied by an HR Adviser, including during any deliberations. The HR Adviser will not have a vote in any decision that is reached.

9.3.2. An employee's companion may make representations and ask questions but should not answer questions on the employee's behalf.

9.3.3. The employee, and anyone accompanying the employee (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure. Failure to observe confidentiality could be reason for disciplinary action under the Trust's Disciplinary procedure.

9.4. Outcome of a Formal Meeting

9.4.1. The Chair of the meeting will confirm the outcome of a formal meeting in writing to the employee as soon as possible and usually within 5 working days of the meeting.

9.4.2. The record of the meeting will include the outcome and the details of people present.

9.5. Dismissal

9.5.1. If a decision is taken to dismiss an employee, the Chair of the formal meeting at which the decision was reached, will inform the employee, and their companion, that the employee is dismissed, with the required contractual or statutory notice.

9.5.2. The written confirmation of the dismissal will include:

- Confirmation that the employee has been dismissed
- The grounds for the dismissal and the reasons
- The required contractual or statutory notice due (or payment in lieu of notice where applicable) and the date the dismissal will be effective
- The employee's right of appeal

9.5.3. Termination of employment will normally be with full notice or payment in lieu of notice. In some cases, it may not be appropriate for the employee to work during their notice. Further, the contract may provide that the employee remains at home on 'garden leave' or this may be agreed between the parties.

9.5.4. Where dismissal has been on the grounds of gross misconduct, the employee may be dismissed without notice or pay in lieu of notice and this will be confirmed in the outcome letter.

9.5.5. A Fit Note must be provided to cover the employee's notice period when they are absent due to sickness.

9.6. Appeals

9.6.1. Appeals constitute formal meetings and should be conducted in accordance with 9.2, 9.3 and 9.4 above.

9.6.2. Appeals will be heard by a panel who have not had prior involvement with the case.

9.6.3. The Appeals Panel may be advised by a person engaged by the Trust.

9.6.4. The purpose of an appeal hearing is to review the decision made during the formal process and to decide if the decision was reasonable in all the circumstances.

9.6.5. Individual staffing procedures state where an employee has the right to appeal a decision that has been made.

9.6.6. An employee will be advised of their right to appeal a decision taken during a formal meeting, in writing, when the outcome is communicated to them.

- 9.6.7. Appeals should be made in writing, stating the grounds for appeal in full, within 5 working days of the date of the written decision.
- 9.6.8. All appeal hearings will be held as soon as possible and, in normal circumstances, within 10 working days after receipt of the appeal.
- 9.6.9. Individual staffing procedures state who the appeal should be submitted to and who is responsible for hearing it.
- 9.6.10. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.
- 9.6.11. Upon conclusion of the appeal process, there is no further right of appeal