



LIGHTHOUSE SCHOOLS PARTNERSHIP

GRIEVANCE POLICY

Policy Approved by the Board of Trustees

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Date 20.05.21

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This Policy applies to all schools and employees within the Lighthouse Trust Partnership.

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1. Aims

This policy aims to enable employees to raise concerns about workplace issues without fear of victimisation and repercussion, and to ensure all grievances are dealt with fairly and objectively and in a timely manner. See appendix 1 for the grievance flowchart.

1.1 Definition

A grievance is a concern, problem or complaint raised with the School/Trust by an employee. It can be caused by issues such as working conditions, health and safety conditions, health and safety concerns, bullying, harassment, discrimination, victimisation or work relations.

Process

2. Stage One (Informal Stage)

- 2.1 In all but the most serious of grievances, it is strongly encouraged that employees raise a grievance informally first and as soon as they can. Raising an informal grievance does not mean that it is not important, rather that open honest dialogue may be an easy and appropriate route to solve a concern before it escalates further.
- 2.2 Employees should endeavour to approach the member of staff about whom they are raising a grievance, to see whether the grievance can be resolved by informal discussion. If the employee wishes to be accompanied by their trade union representative, an official employed by a trade union, or a work colleague they may do so. A trade union representative must have been certified by their union as being competent to accompany a worker. Should an employee require support to assist with overcoming a disability, or if the individual has a difficulty understanding English, the employee should request this at the earliest possible opportunity.
- 2.3 If the grievance is about their line manager or the Headteacher, the employee should still endeavour to approach them to see whether the grievance can be resolved through informal discussion. In the circumstances of a grievance being raised informally against a Headteacher, the employee may, if they wish to, bring this to the attention of the Chair of Governors or Chief Executive who will then seek to resolve the matter informally.
- 2.4 If the matter is resolved informally, no records will appear on the employee's personnel file, and the issue will remain confidential.

3. Stage Two (Formal Stage)

- 3.1 If the employee considers that their grievance has not been resolved, they should complete the Grievance Form (appendix 2), and upon completion send it to the appropriate person as outlined in *Table 1*.

Table 1

Grievance relates to:	Grievance Form is sent to:	Copy of Grievance Form is sent to:
Another employee	Line Manager	Trust's Head of HR
Line Manager	Headteacher or Chief Executive (if in Central Team)	Trust's Head of HR
Trust's Head of HR	Chief Executive	Chief Financial and Operating Officer
Headteacher	Chief Executive	Trust's Head of HR
Chief Executive	Chair of Trustees	Trust's Head of HR

- 3.2 The School/Trust will appoint an Investigating Officer to investigate the grievance and this will normally be the person to whom the Grievance Form has been sent, as identified in Table 1 (above), or will be nominated by that person. The investigation will be thorough, impartial and objective, and will be carried out with sensitivity and with due respect for the rights of all parties concerned. All employees are expected to co-operate with the investigation, including providing names of any relevant witnesses, disclosing any relevant documents and attending interviews. See appendix 3 for guidelines.

The investigation should be completed in a timely manner and in strict confidentiality. An investigation should aim to be completed within five working days. If access to a witness or information necessitates a delay all parties should be informed along with the likely timescales. The Investigating Officer should seek advice from the Trust's Head of HR on the process for carrying out investigations within the Trust.

- 3.3 Upon completion of the investigation, the Investigating Officer will arrange a grievance meeting within five working days. The Investigating Officer will determine the appropriateness for sharing the information gathered as part of the investigation.
- 3.4 Employees have a statutory right to be accompanied and can be accompanied by their trade union representative, an official employed by a trade union, or a work colleague. A trade union representative must have been certified by their union as being competent to accompany a worker. Should an employee require support to assist with overcoming a disability, or if the individual has a difficulty understanding English, the employee should request this at the earliest possible opportunity.

If the companion is unavailable on the scheduled date, an alternative date should be arranged within five working days of the originally scheduled date or another companion will need to be sought.

- 3.5 At the grievance meeting the Investigating Officer will invite the employee to state their case and how they would like to see it be resolved. See appendix 4 for guidelines on the grievance meeting.

The Investigating Officer will listen to all the points raised, and consider the information gathered as part of the investigation and may adjourn the meeting to make a decision.

- 3.6 When a decision is reached the Investigating Officer will, where possible communicate this to the employee in person at the meeting. The Investigating Officer will confirm their decision in writing. The written decision should be issued to the employee raising the grievance within three days of the completion of a grievance meeting.

- 3.7 The outcome letter will confirm:

- Whether the grievance is upheld in full, rejected, or partially upheld - i.e. the Investigating Officer agrees with some of the employee's concerns, but not others.
- The reasons for the decision.
- Any recommendations or agreed actions for the parties to take regarding resolution of the grievance (although the employee does not have the right to know what action will be taken in relation to another employee).
- The employee's right to appeal the decision, and the timescales involved in so doing (within 5 working days of receiving the outcome letter).

- 3.8 In addition to the above, the parties can be referred to mediation in agreement with the Trust's Head of HR.

- 3.9 Notes must be taken at all meetings (an independent note taker will be arranged by the Investigating Officer) and these will be shared with the subjects of the meetings afterwards.

4. Stage Three (Appeal) - see appendix 5 for process guidance

- 4.1 If the employee is dissatisfied with the decision from the grievance meeting (stage two), they may appeal the decision to a panel of Governors or Trustees (maximum 3 members) who have not previously been involved in the case.

- 4.2 The employee must put in writing, their wish to appeal, stating the grounds for their appeal, within 10 working days of receipt of the grievance decision (stage two).

- 4.3 The appeal will take the form of an appeal hearing. Each party to the grievance will be expected to attend the hearing.

- 4.4 The Appeal Panel will consider the grievance and the evidence presented by each party before making its decision.

- 4.5 This appeal process is the final stage of the grievance procedure.

- 4.6 The decision of the appeal will be communicated to each party in writing within three working days of the hearing.

5. Notes on Procedure

- 5.1 During the procedure, the time limits referred to can be altered provided that all parties agree or, in special circumstances, at the discretion of the Trust's Head of HR.

6. Mediation

- 6.1 During any stage, Informal or Formal, mediation may be explored if the parties involved are in agreement. This would involve the appointment of an impartial mediator and will be arranged through the Trust's Head of HR.

7. Collective Disputes

- 7.1 There may be circumstances in which actions or decisions by the Headteacher/Chief Executive and/or Governors/Trustees result in concerns being raised by groups of staff or even the whole staff, rather than being raised as individual concerns that are dealt with under the grievance procedure above. In such circumstances the process detailed in appendix 6 will be followed.

8. Support for Employees

- 8.1 Employees are encouraged to seek support from their trade union or professional body. In addition to this the Trust has in place an Employee Assistance Program which can be accessed via LSP Gateway, or through the Trust's HR team.

9. Malicious Complaints

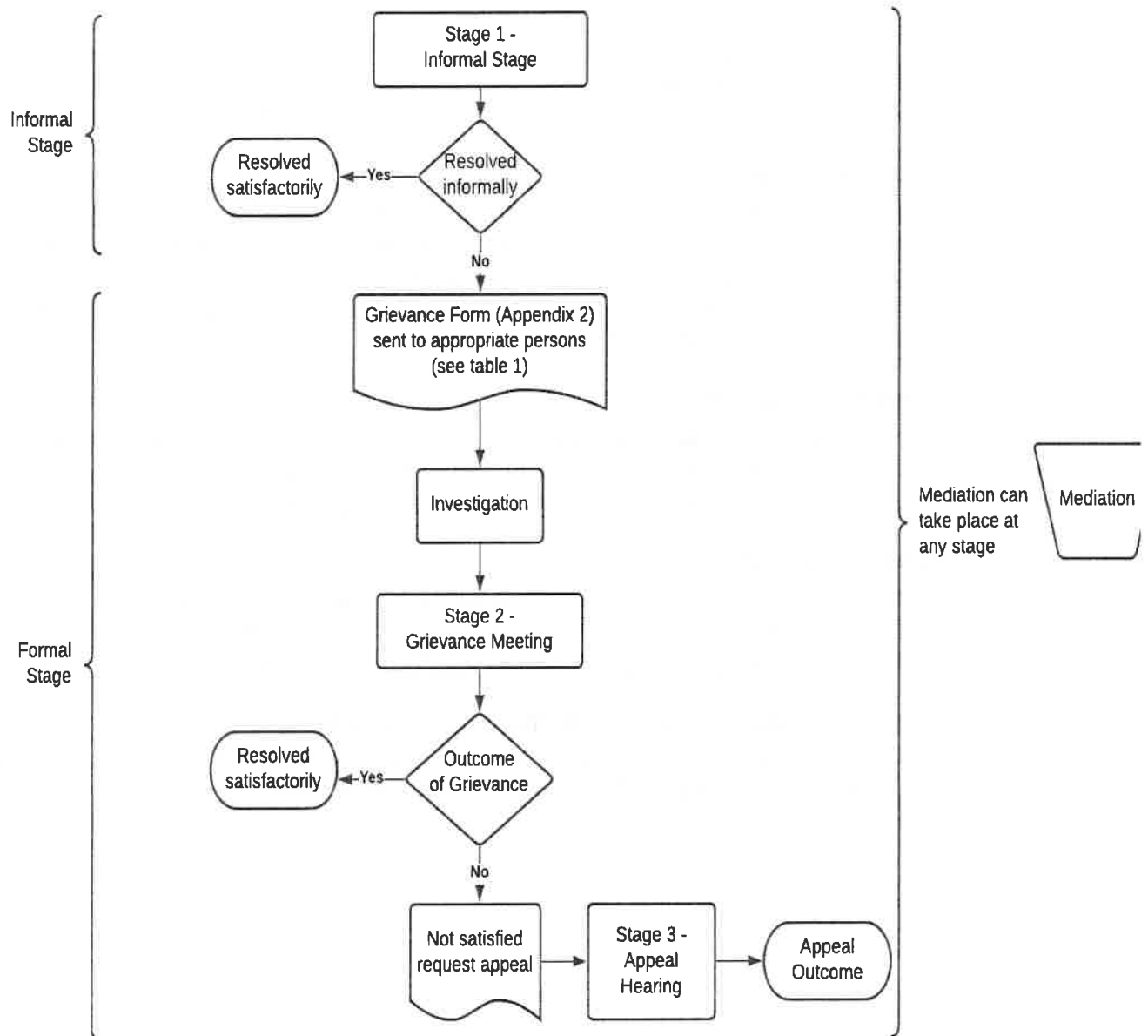
- 9.1 False or vexatious complaints will be taken very seriously by the Trust, and will be managed under the Trust's Disciplinary Policy, where it is clear that an employee has made an allegation(s) of this type against the Trust and/or another employee.

10. Grievance raised following the termination of employment

- 10.1 If a grievance is raised by an employee following termination of employment, if appropriate the School/Trust may follow all or part of this procedure at its discretion.

Appendix 1 - Grievance Flowchart

Grievance Procedure Flowchart



Appendix 2 - Grievance Form

Employee Details	
School/Department	
Name	
Job Title	

Grievance Details	
Nature of Grievance	
Details	
Date of Issue(s)	
Witnesses	
Resolution sought	

Previous Action	
Have you tried to resolve this matter informally? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Details	

Declaration			
To the best of my knowledge, the information provided in this form is true and correct. I understand that knowingly giving false information is considered a disciplinary matter.			
Signed		Dated	

Please send this form, once completed and signed, to the appropriate persons as outlined in Table 1.

Appendix 3 - Investigation Meeting Process

1.1 Investigating Officer explains during each meeting:

- Attendees at the meeting and their role.
- The context of the meeting.
- Representation at the investigation meeting and their role.
- Purpose is to gather facts and gain further information.
- Confirms the importance of confidentiality and not to talk to others.
- Notes of the meeting will be provided following the meeting.
- Offer of support by union/professional body/LSP Gateway EAP.

1.2 Process by individual:

1.2.1 For the Employee raising the grievance (should be interviewed first)

- Employee to outline their grievance and provide details of allegation.
- Employee to provide details of any witnesses.
- Employee to provide documentary evidence.
- Employee to outline the satisfactory outcome/solution they are seeking.
- Investigating Officer to discuss and identify potential breach of policies, procedure or employment terms.
- Investigating Officer to ask questions.
- Investigating Officer to agree timescales.

2.1.2 For witnesses (interviewed on at a time)

- Investigating Officer to ask questions (seen/heard first-hand).
- Investigating Officer to request documentary evidence, if relevant (and if not available agree timescales).
- Investigating Officer to clarify witnesses.

2.1.3 The subject of the grievance (should be interviewed last)

- Investigating Officer will ask questions of the alleged perpetrator.
- Investigating Officer will gather documentary evidence.
- Investigating Officer to clarify witnesses.
- Investigating Officer will be informed that that they are not to treat anyone who has been involved in the investigation adversely.

Appendix 4 - Stage Two - Grievance Meeting Process

1.3 Introductions

- Investigating Officer introduces all attendees.
- Chair introduces HR representative and or the notetaker and explains their role.
- Employee and their Representative to introduce themselves.
- Investigating Officer requests that all electronic devices are turned off to avoid interruptions during the meeting and advise that we do not record meetings.
- Investigating Officer confirms with the employee that they have received the letter notifying them of the meeting and any associated documentation.

1.4 Process

- Investigating Officer explains the procedure to be followed and ask Employee if there are any questions.
- Advise that any party can request an adjournment.
- Employee/Representative outlines the grievance and provides documentary evidence, if not provided at the investigation meeting in order to state their case.
- The Investigating Officer will ask the employee to state the solution they are seeking to achieve as part of the grievance.
- Witnesses may be called as part of the grievance meeting.
- Investigating Officer asks questions to clarify their understanding of the grievance in light of the investigation of the employee or witnesses.
- The employee can ask questions of the witnesses.
- Investigating Officer discusses with the employee possible solutions to seek agreement.
- Employee may ask questions.

- Employee/Representative may summarise.
- Investigating Officer to summarise the hearing and consider the grievance.
- If a decision cannot be made at hearing the agreed timescales for the decision.

1.5 Decision

The outcome of the grievance will be provided to both the employee raising the grievance and the alleged perpetrator.

Appendix 5 - Stage Three - Grievance Appeals Process

1.6 Chair introduces members of Panel.

Chair introduces any member of HR staff and explains their role.

Chair introduces minute taker and explains their role.

Chair asks the employee or their representative and Investigating Officer/Trust Representative to introduce themselves.

Chair explains the procedure to be followed.

1.7 Employee's Submission

The employee or their Representative presents a verbal submission during which witnesses may be called. Each time a witness is called the following procedure should apply:

- Employee or their Representative questions witness.
- Trust/school Representative questions witness.
- Panel questions witness.
- Employee or their Representative questions witness to clarify points but not to introduce new evidence.
- The Chair will invite the panel to ask questions and / or clarify points, and then thank and release the witness.

1.8 Trust/school Submission

The Investigating Officer/Trust Representative presents a verbal submission during which witnesses may be called. Each time a witness is called the following procedure will apply:

- Investigating Officer/Trust Representative questions witness.
- Employee or their Representative questions witness.
- Panel questions witness.
- Investigating Office/Trust Representative questions witness to clarify points but not to introduce new evidence.
- The Chair will invite the panel to ask questions and/or clarify points, and then thank and release the witness.

1.9 Investigating Officer/Trust Representative sums up case but does not introduce new evidence.

1.10 Employee or their Representative sums up case but does not introduce new evidence.

1.11 Chair adjourns the hearing, for the panel to consult. The HR representative can remain to provide advice to the Panel.

1.12 Panel make decision.

1.13 The hearing reconvenes and both parties are informed of decision. However, should further information be required before a decision is made, the Chair will inform all parties in addition to the timescale required for which a decision will be made.

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1.14 Throughout the procedure the employee may be represented although the Investigating Officer/Trust Representative and the Panel have the opportunity to question the employee directly and for the employee to respond to those questions.

If the Panel require specialist advice other than that related to HR matters additional advisers may be asked to attend. All parties will be informed of this prior to the hearing taking place.

Appendix 6 - Collective disputes for grievances including Headteachers'

There may be circumstances in which actions or decisions by the Headteacher/ CEO and/or Governors/Trustees result in concerns being raised by groups of staff or even the whole staff, rather than being individual concerns that are dealt with under the grievance procedure above. In such circumstances the following steps shall apply.

- a. The principle of seeking to resolve the dispute as swiftly and informally as possible should be adhered to and this may include relevant staff (or nominated representatives) meeting informally with the Headteacher, CEO and/or Chair of Governors/Trustees in order to discuss the points of concern and to propose solutions. The Trust's Head of HR will lead this process. Where it is possible to do so, the decision(s) causing the dispute should not be implemented until the dispute has been fully considered and the outcome determined.
- b. Where any informal discussion does not resolve the dispute, the association(s)/trade union(s) representing the staff concerned must notify the appropriate representative of the Trust, as outlined in Table 1. A formal meeting will then be arranged with the CEO/Chair of Trustees and one or more other representative of the governing body or a Trustee. This meeting will seek to resolve the dispute, although reference back to the full Board of Trustees may be required in certain circumstances.
- c. Failure to resolve the dispute will necessitate the matter being considered by the full Board of Trustees. A special meeting of the Board of Trustees will be required to which the relevant professional association/trades union representative(s) will be invited and given the opportunity to present the case for consideration.
- d. In the event that the dispute remains unresolved, it may be agreed by mutual consent to seek conciliation through the Advisory, Conciliation and Arbitration Service (ACAS). If the dispute is not resolved in this way then the matter may, by mutual agreement, be referred to arbitration. The arbitrator's decision shall be final and binding on all parties concerned.