



LIGHTHOUSE SCHOOLS PARTNERSHIP

GRIEVANCE POLICY

Policy Approved by the Board of Trustees

Signed : 

Date 11th September 2018

Name : David Tossell

Chair of Board of Trustees

Authorised for Issue

Signed : 
Name : G.J. LEWIS

Date 11th September 2018

CEO

Document History

Version	Author/Owner	Drafted	Comments
1.0	Tara Phillis	Published 31 August 2016	Based on North Somerset Model Policy
1.1	Amy Sutton	1 st June 2018	Revised policy

Policy accepted at the Staffing & Pay Committee on the 25th June 2018

Review date: 1st June 2021

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

Contents

Aims	p.3
Stage One	p.3
Stage Two	p.3
Stage Three	p.4
Process diagram	p.4
Appendix one – Appeals process	p.5
Appendix two – collective disputes	p.6

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.

2. Process

2.1 stage one

In the first instance a matter of grievance affecting an individual employee should be raised by that employee with their line manager or Headteacher informally to achieve a resolution. If the immediate line manager or Headteacher is the subject of the grievance then the matter would normally progress to Stage 2.

If the grievance is not capable of settlement at this level straight away, the line manager or Headteacher should advise the employee of the date on which a response to the employee will be given and to whom it has been referred. Given this informal stage, if the matter can be resolved no records will appear on the employee's personnel file, and the issue remains confidentially between the employee and the line manager.

2.2 stage two

If the employee considers that their grievance has not been resolved, they may write giving details of the grievance to their line manager or Headteacher in conjunction with the Trust Head of HR stating that they wish to pursue their grievance to the next level to the Headteacher or Chair of Governors or Trust Head of HR. If it is a member of the central team they must submit their grievance in writing to a Trustee.

The line manager must notify the Headteacher and LSP HR at this stage in writing (by email) of the issue and the employee concerned including history and details of any informal steps already taken. In these circumstances, a written statement of the response to the grievance should be prepared by the line manager or Headteacher and included with the employee's own statement of the grievance. The Statement will be sent to the Headteacher or Chair of Governors or Trust Head of HR or Trustee with the object of the grievance being further investigated without delay. It may be necessary to hold a formal meeting at which concerned parties, including the employee and their representative, will be invited. Normally a decision will be given within 5 working days of the date of referral to the next level.

2.3 stage three

If the final decision at Stage 2 level is unacceptable to the employee, there is a right of appeal to the Trustees Appeal panel (maximum 3 members) who have not been involved in the case so far. The employee needs to give notice in writing of their intent to lodge an appeal within 10 working days of receipt of the decision. Each party to the grievance will be entitled to attend and the statement of the grievance will be given to the individual or body hearing the appeal. This appeal process will be the final stage of the grievance procedure and the decision of the appeal will be communicated to both parties in writing.

Notes on Procedure

- a. After Stage 1, failure to agree, progression of the grievance to the next stage of the procedure will only occur if the employee indicates their wish to progress to the next level
- b. During the procedure time limits referred to can be altered provided that all parties agree or, in special circumstances, at the discretion of the Trust Head of HR.
- c. During the operation of this procedure the *status quo* will remain (i.e. the procedures and policies that applied immediately prior to the formal use of the grievance procedure) until the procedure is exhausted.
- d. The appellant can be accompanied by a Trade Union representative or work place colleague.

Notes on Procedure

- a. After Stage 1, failure to agree, progression of the grievance to the next stage of the procedure will only occur if the employee indicates their wish to progress to the next level
- b. During the procedure time limits referred to can be altered provided that all parties agree or, in special circumstances, at the discretion of the Trust Head of HR.
- c. During the operation of this procedure the *status quo* will remain (i.e. the procedures and policies that applied immediately prior to the formal use of the grievance procedure) until the procedure is exhausted.
- d. The appellant can be accompanied by a Trade Union representative or work place colleague.

Resolve matters informally - often through a quiet word



Grievance procedures when it is not possible or appropriate to resolve the matter informally by the line manager



- Employees to let Headteacher know of any grievance in writing
- LSP HR informed by Headteacher
- Meeting to discuss the grievance with Employer, line manager and Headteacher
- Employee can be accompanied
- Headteacher decides on appropriate action
- Employee can appeal if not satisfied



Appeal Handled sensitively and non judgmentally with Trustees who have not been involved to date in the process.

Appeal handled judgmentally been involved

Appendix one:

Grievance appeals process

- 1.1 Chair introduces members of Panel.
Chair introduces any HR member of staff and explains their role.
Chair introduces Clerk and explains her/his role.
Chair asks Appellant/Representative and Trust Representative to introduce themselves.
Chair explains the procedure to be followed.

1.2 Appellant's Submission

The Appellant/Representative presents a verbal submission during which witnesses may be called. Each time a witness is called the following procedure should apply:-

- Appellant/Representative questions witness.
- Trust Representative questions witness.
- Panel questions witness.
- Appellant/Representative questions witness to clarify points but not to introduce new evidence.

At the conclusion of the Appellants submission, the Trust Representative questions the Appellant and/or their Representative. The Panel questions Appellant and/or their Representative.

1.3 Trust Submission

The Trust Representative presents an oral submission during which witnesses may be called. Each time a witness is called the following procedure will apply:-

- Trust Representative questions witness.
- Appellant/Representative questions witness.
- Panel questions witness.
- Trust Representative questions witness to clarify points but not to introduce new evidence.

At the conclusion of the submission the Appellant/Representative questions the Trust Representative and the Panel questions the Trust Representative.

- 1.4 Trust Representative sums up case but does not introduce new evidence.
- 1.5 Appellant/Representative sums up case but does not introduce new evidence.
- 1.6 Chair asks both sides to withdraw although HR can remain to provide advice to the Panel.
- 1.7 Panel make decision.
- 1.8 Both sides recalled to be told of decision.
- 1.9 Throughout the procedure the appellant may be represented although the Trust Representative has the opportunity to question the appellant directly.

If the Panel require specialist advice other than that related to Personnel matters additional advisers may be asked to attend.

Appendix two:

Collective disputes for grievances including headteachers

1. Introduction

- 1.1 The grievance procedure is intended to provide the means by which an individual employee who has a grievance about his/her employment can seek to resolve it as swiftly and as close to the point of origin as possible. Where the grievance cannot be resolved by a senior member of staff or the Headteacher or CEO, the procedure provides for a formal hearing involving Trustees.
- 1.2 A grievance is a complaint by an employee about any aspect of his/her employment, e.g. nature or range of duties, conditions of service, relationships with other staff. The grievance must be one that lies within the powers of the management of the Trust to resolve, e.g. it cannot be about matters determined by national legislation.
- 1.3 A grievance is not available in addition to or in substitution for the right of hearing and appeal established under other staffing procedures (e.g. disciplinary action or redundancy selection).
- 1.4 Those responsible for dealing with employees' grievances are expected to treat them seriously and to attempt to resolve them as quickly as possible. There should be no attempt to block an employee's wish to raise the grievance at a higher level.
- 1.5 In certain cases it may be necessary for information or advice to be sought from others outside the Trust and this may delay the timescale for resolution. Such attempts are without prejudice to the position of both parties in the procedure.
- 1.6 In situations where grievances are shared by groups of staff the collective dispute procedure set out in Section 4 of this document will apply.

2. REPRESENTATION

- 2.1 At all stages the staff involved are entitled to be accompanied by a work place colleague or trade union representative. During the formal procedures witnesses may be called and questioned by either side.

3. PROCEDURE

3.1 Stage 1. Informal Consideration

- a. Where the employee has a grievance which involves another member of staff, she/he should first of all seek to resolve it by a direct approach to the person(s) concerned.
- b. If the matter cannot be resolved in this way the employee should then request an interview with their line manager.
- c. Wherever possible the interview should take place within one week of the request being made. The line manager will arrange to investigate the grievance and seek to resolve it in consultation with any other member(s) of staff involved.
- d. Where the grievance is against the Headteacher or a Trustee, the employee should discuss the matter with the Headteacher before proceeding to Stage 3. Informal consideration by the Chair of Trustees may precede a formal hearing.

3.2 Stage 2. Consideration by Headteacher (or nominated senior manager)

- a. Where the matter cannot be resolved by informal discussion, the employee will be requested to set out his/her grievance in writing and the matter will be further investigated by the Headteacher (or a nominated senior member of staff). If appropriate there may be formal interviews with any staff affected in order to reach a decision. All parties will be given the opportunity to state their case either orally or in writing. By mutual agreement the Chair of Trustees, professional association/trades union or HR may be consulted.
- b. A decision will be given by or on behalf of the Headteacher as soon as possible after receipt of the written grievance. This should be within one week, where practical to do so.

3.3 Stage 3. Formal Hearing by Trustees' Panel

- a. Where the outcome remains unacceptable to the employee, formal written notice of the grievance must be sent to the Chair of Trustees, with a copy to the Headteacher and any other member(s) of staff directly concerned. This letter should:
 - give full details of the grievance, together with any supporting documentation;
 - give details of the steps already taken to resolve the issue;
 - state the resolution that is being sought.
- b. The Chair of Trustees will invite the Headteacher and any other member(s) of staff involved in the grievance to make a written response and will arrange for a hearing to take place before the appropriate panel of Trustees.
- c. The hearing should take place as soon as possible after the written grievance and responses have been received but a minimum of one week's notice should be given to the parties concerned. All documentation should be made available to the Trustees' panel in advance of the hearing. The employee raising the grievance and any other member(s) of staff directly involved must also be provided with copies of all documentation to be considered and they may attend the hearing and be accompanied and/or represented by a professional 'friend'. Witnesses may also be requested to attend.
- d. The Trustees' panel, in seeking to resolve the grievance, may adjourn the hearing or defer its decision if this is considered appropriate to promote conciliation or to obtain further information or guidance.
- e. The decision of the Trustees' panel will be confirmed in writing within five working days of the hearing taking place.

3.4 Stage 4. Appeal

- a. Any party to the grievance may appeal in writing to the Chair of Trustees within one week of receiving written notification of the decision. The notice of appeal should set out the reasons, with a copy to the Head and any other member(s) of staff concerned.
- b. The appeal hearing will be conducted by the governing body's nominated appeal panel. All documents already submitted together with any further documentation shall be available for consideration. At least one week's notice of the arrangements for the appeal hearing will be given to all parties concerned.
- c. The appeal panel's decision will be confirmed in writing within five working days. This decision will be final.

4. Collective disputes

- 4.1 There may sometimes be circumstances in which actions or decisions by the Headteacher, CEO and/or 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.

- 4.2 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 and/or Chair of Trustees in order to discuss the points of concern and to propose solutions. At this stage LSP HR liaison and discussion will occur. 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.
- 4.3 Where any informal discussion does not resolve the dispute, the professional association(s)/trade union(s) representing the staff concerned must notify the Chair of Trustees in writing of the reasons for the dispute and the outcome that is sought. A formal meeting will then be arranged with the Chair of Trustees and one or more other representatives of the governing body (e.g. Chair of Staffing & Pay Committee). This meeting will seek to resolve the dispute, although reference back to the full governing body may be required in certain circumstances.
- 4.4 Failure to resolve the dispute will necessitate the matter being considered by the full governing body. A special meeting 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.
- 4.5 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 decision shall be final and binding on all parties concerned.