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TRUST

# Grievance Policy (LLT)



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# Grievance Policy

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# Grievance Policy

## 1. Introduction

- 1.1 The purpose of this policy is to ensure that all employees of Lydiate Learning Trust academies with a grievance relating to their employment, can use a procedure which can help to resolve grievances as quickly and as fairly as possible.
- 1.2 The procedure has been adopted by the Lydiate Learning Trust Board on the dates shown. This policy has been consulted on with the recognised teacher and support staff unions through the Lydiate Learning Trust Joint Negotiating and Consultative Committee.

## 2. Aims and Principles of the Policy

2.1 This policy is designed to:

- Facilitate Academy Governance Committees (AGC's), Boards, Head Teachers, CEO/Executive Headteacher and all staff to resolve individual grievances by working to the following principles:
- Allow the employee to put his/her case
- Inform that employees should, wherever possible, seek to resolve their differences informally in the first instance, without recourse to formal procedures.
- Ensure that there is an informal resolution of grievances as near as possible to the point of origin, in an atmosphere of trust and confidentiality, in order to enable colleagues to resume productive and professional working relationships more easily in the future.
- Ensure that the Lydiate Learning Trust Grievance Procedure is known to all staff and is freely available to them.
- Ensure that formal grievances are investigated and resolved in a transparent, fair, consistent and systematic way.

2.2 For the purposes of the formal procedure, the term 'grievance' is defined as a complaint meeting the following stipulations:

- The grievance must be specific to the individual employee. For complaints about collective matters, for example, pay, conditions of service issues, or where there is another recognised route available, then the relevant policy will apply. Where there are a number of individual grievances about the same issues then this policy may be used as a means to resolving the complaints.
- The grievance must relate to the individual employee's employment and may consist of a concern, problem or complaint that the individual wishes to raise.
- Resolution and redress must not be impracticable.
- The policy may be used for grievances;
  - Between colleagues where there is no line management relationship;
  - Between an employee and his/her manager(s) including not only the line manager, but the line manager's manager etc. an employee, including the Head Teacher, CEO/Executive Headteacher and a governor.
  - Between an employee and Lydiate Learning Trust

2.3 The policy is not to be used for grievances about:

- Disciplinary action;

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- Termination of employment;
- National Insurance, Income Tax or pensions;
- Pay or performance management;
- Harassment and bullying.

All of which are covered by separate policies

## 2.4 Written records

2.4.1 Written records of any formal grievance must be kept. These records should be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act. Records should include:

- The nature of the grievance/original record of the grievance
- Decision and actions taken with reasons
- Whether an appeal was made
- The outcome of any appeal
- Subsequent developments

2.4.2 Notes should be taken at all grievance meetings. The employee raising the grievance and the employee whom it is raised against should sign the notes from their own meetings as a true record. Witnesses should be informed that their statements and meeting notes may be disclosed to all parties concerned. There may be special circumstances (for example to protect a witness) where the employer may withhold certain information. This must be agreed with the Lydiate Learning Trust Executive Director of HR.

## 2.5 Representation

2.5.1 At all stages of the procedure, either party has the right to be accompanied and/or represented by his/her trade union or professional association representative or by a work colleague.

2.5.2 Where a grievance is against an accredited trade union or professional association representative, no action shall be taken unless and until the matter has been discussed by the Head teacher (or a person acting on their behalf), with Lydiate Learning Trust Executive Director of HR and a full-time officer of that trade union or professional association.

## 2.6 General Principles

2.6.1 Time limits in the policy should be adhered to whenever possible, they may be altered to meet particular circumstances by agreement between the parties. There will be a balance between the principle of resolving a grievance promptly and that of ensuring sufficient time is taken to find a resolution that allows everyone to return to normal working as quickly as possible.

2.6.2 Employees will not be victimised for raising a grievance or for supporting a colleague to raise a concern.

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- 2.6.3 All parties involved in a grievance have a responsibility to attend meetings, provide honest and factual information, act with integrity, and treat each other with respect as well as maintaining confidentiality.
- 2.6.4 All parties must be aware that the outcomes of a grievance procedure may need to be justified before an employment tribunal or court.
- 2.6.5 Governance Committees, Head Teachers and managers must be aware that access to the grievance policy does not require completion and submission of a formal notice of grievance. A written complaint that falls within the scope of a grievance procedure should be dealt with using the trust policy, even where the complaint is not presented on the recommended Notice of Grievance.

### 3. Scope of the Policy

- 3.1 The Grievance Policy applies to all employees of Lydiate Learning Trust.
- 3.2 If employees raise issues about matters not entirely within the control of the organisation, such as issues around behaviour of parents towards them. These should be treated in the same way as other grievances, and it should be made clear to third parties that issues will be dealt with seriously, and action taken, if necessary, to protect employees.
- 3.3 If an employee raises a grievance within 3 months of them leaving the Trust, their grievance will be dealt with as detailed in Section 10.

### 3.3 Collective Grievances

- 3.3.1 If more than one person has the same grievance then the processes under Collective Grievances should be followed (Section 7)

### 3.4 Application of the policy to Head Teachers

- 3.4.1 The term employee includes Head Teacher, to whom this policy applies in full.
- 3.4.2 If a Head Teacher or Head of School wishes to raise a grievance, they should first try to resolve concerns informally through discussion with their CEO/Executive Headteacher and/or Chair of Governors. If they are unable to resolve the grievance in this way, the HT or HoS should write to the CEO/Executive Headteacher / Chair of Governors, who will then contact Lydiate Learning Trust Executive Director of HR, to agree a format for a formal procedure.
- 3.4.3 If the Head Teacher wishes to raise a grievance against their CEO/Executive Headteacher or Chair of Governors, they should contact the Lydiate Learning Trust Executive Director of HR. for advice on how to resolve the issue.

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## Process

### 4. Informal stage

- 4.1 Many workplace problems can easily be solved at a local level and in an informal manner. Employees should feel encouraged to bring their concerns to their line manager or to the HT/HoS.
- 4.2 In all but the most serious of grievances, it is strongly encouraged that employees raise a grievance informally first. 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.
- 4.3 Employees are advised, if they feel they can, to approach the member of staff about whom they are raising a grievance, to see whether the grievance can be resolved by informal discussion, before approaching the HT/HoS. If the grievance is about the HT/HoS the employee should still endeavour to approach the HT/HoS to see whether the grievance can be resolved through informal discussion.
- 4.4 It is recognised that not all individuals will feel comfortable in dealing with grievances informally on their own. Individuals are encouraged to talk to their HT/HOS or the Human Resources team if they feel they would like support, in advance of trying to resolve their grievance.
- 4.5 In the circumstances of a grievance being raised informally against a HT/HoS, the employee may, if they wish to, bring this to the attention of the Chair of ACG who will then arrange to resolve the matter informally.
- 4.6 Where an employee is aggrieved about any other matter relating to their employment, they should, in the first instance, discuss their concerns with their HT/HoS. At this stage the meeting should be as informal as possible and any request from the employee for professional association or trade union involvement will not be unreasonably refused.

## Roles and Responsibilities

Stage	Meeting between employee and:	If the grievance involves this person, meeting will be with:
Informal Stage	Line manager	HT (or Chair of AGC, if HT)
Formal Stage	HT (acting as the Grievance officer)	Chair of AGC will nominate a single governor to act as the Grievance Officer
Investigation carried out (if necessary) by	Investigation Officer (appointed by the Grievance Officer)	Not applicable
Appeal meeting	Panel of 3 Governors	Panel to include a representative from the Trust Board

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## 4.6 Meetings under the informal stage

- 4.6.1 The line manager should seek to understand the employee's concern/s, what outcome the employee is seeking and whether any further meetings are required.
- 4.6.2 At the conclusion of the meeting/s, the employee and the line manager should agree what actions will be taken to achieve an acceptable outcome and by when.
- 4.6.3 It is mandatory for the manager to make a note of this meeting, outlining the issues discussed, and the outcomes from the meeting. This note must be shared with the employee.

## 5. Formal Stage

### Step 1

- 5.1 If the employee feels that their line manager has not been able to resolve their concerns adequately through the informal route then the employee should raise the grievance formally. This must be done in writing.
- 5.2 The employee must prepare a written statement of the facts and nature of their concern. There is a Grievance form which employees are encouraged to use for this purpose (although there is no requirement to do so).
- 5.3 The employee must give a copy of their written grievance to the Grievance Officer. This is usually the HT.
- 5.4 If the employee's grievance concerns their Grievance Officer, they should raise the grievance with the Chair of Academy Governance Committee (AGC) who will either hear the grievance, or appoint a suitable representative to act as the Grievance Officer on this occasion.
- 5.6 The Grievance officer will acknowledge the grievance in writing, normally within 5 working days and will arrange for a meeting to take place, normally within 10 working days of the grievance being raised.

### Step 2

- 5.7 A meeting with the employee raising the grievance must be arranged by the Grievance officer as per the timescale above (i.e. within 10 working days of the formal grievance being raised). The employee may bring a representative/companion to the meeting. If the employee or his/her representative are unable to attend on the date given, a suitable alternative date should be agreed upon, preferably within 5 working days of the original date.
- 5.8 The Grievance officer will lead the meeting and will ensure the employee has the opportunity to explain their concerns and say how they think the matter can be resolved.

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- 5.9 It may be possible for the Grievance Officer to resolve the grievance at this meeting. They may also determine that a joint interview (with agreement) may be the best course of action. It is more usual that they will need to investigate the facts of the grievance further (either themselves for simple fact finding, or an appointed Investigating officer for a full investigation) and appoint an investigating officer to investigate the grievance and then meet up again with the employee (and their representative) to discuss the outcomes. Advice can be sought from Lydiate Learning Trust HR on when a full investigation is appropriate. If it is necessary following this meeting, an Investigating Officer should be appointed.
- 5.10 The Investigating Officer will if required convene separate meetings with witnesses and will carry out any other investigation necessary. The investigation should be completed in a timely manner and in strict confidence. The timescale for conducting an investigation is as follows:
- 5.11 The Investigating Officer contacts in writing, all those who s/he requires to meet with, normally within 5 working days of being appointed to the case.
- 5.12 Meetings should normally be arranged within 10 working days (in exceptional circumstances these timescales may be amended by the Investigating Office, for example if a witness is on annual leave, or if there is a very large number of witnesses to meet).
- 5.13 The results of the investigation should be put in writing to the Grievance Officer, normally within 10 working days of completing the investigation meetings.
- 5.14 Once the Investigating Officer has reported back to the Grievance Officer the results of the investigation, the Grievance officer will convene further meetings of the parties involved. The Grievance Officer will provide outcome letters at this meeting and a copy of the investigation report will have been made available to the employee in good time before the meeting
- 5.15 At the meeting the parties will be able to discuss the outcome of the investigation. It is important that this meeting does not become adversarial and should focus on the facts of the case.
- 5.16 Following this discussion the Grievance Officer will come to a decision. This should be, if possible, at the meeting with parties informed verbally of the outcome. In any case the Grievance Officer should confirm their decision in writing to all parties within 5 working days.
- 5.17 The outcome letter must contain the following information:
- Whether the grievance is upheld in full, or
  - The grievance is rejected, or
  - The grievance is partially upheld – i.e. the Grievance 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).

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- The employee's right to appeal the decision, and the timescales involved in so doing (within 5 working days of receiving the outcome letter).
  - In addition to the above, the parties can be referred to mediation in agreement with Lydiate Learning Trust HR.
- 5.18 Notes must be taken at all meetings (a note taker may be arranged) and these must be shared with the subjects of the meetings afterwards.

## 6. Appeal – Stage 3

- 6.1 If the employee is not satisfied with the outcome of the grievance investigation and meeting, they are entitled to appeal. This must be done in writing within 5 working days of receiving the outcome letter as above.
- 6.2 The employee must write to the Grievance Officer, explaining the reason/s for their appeal. This letter will be forwarded to the Chair of Governors (or to the Trust Board chair if the Grievance Officer is the Chair of Governors). The Chair of Governors will acknowledge the appeal request in writing, normally within 5 working days of receiving the request and will arrange for a meeting to take place, normally within a further 10 working days.
- 6.3 The appeal must be heard by 3 members of the Governance Committee. One of the governors will act as chair of the meeting. A note taker will be present to minute the meeting and an HR advisor may also be present to advise the panel.
- 6.4 At the Appeal meeting, the Chair will seek to understand
- The employee's reasons for raising an appeal and
  - Their original concerns (the subject of the Grievance)
- 6.5 The panel will review the paperwork and will invite the Grievance Officer to the meeting as a witness, to provide information.
- 6.6 Following an adjournment to consider all the information that they have heard, the Appeal panel will make a decision. The rationale for the decision will be recorded in the notes and the chair will let the employee know the outcome of the appeal in person at the end of the meeting, and this decision will be confirmed in writing. If no decision is able to be made on the day, the chair will confirm with the employee the date by which they can expect a decision and they will then notify the employee of the outcome in writing.
- 6.7 With regard to this procedure, the decision of the Appeal Committee is final.

## 7. Collective Grievances

- 7.1 Where a grievance is raised by more than one employee and the nature of the grievance and the desired resolution are the same, the grievance will be treated as a collective grievance.
- 7.2 A Trade Union representative can raise a collective grievance on behalf of employees.

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- 7.3 The employees with the same grievance may elect a spokesperson from amongst their number to act collectively on their behalf.
- 7.4 The principles of this procedure will also apply to collective grievances.
- 7.5 Where a grievance is raised concerning terms and conditions of employment, the resolution mechanisms may be varied to involve appropriate levels of management, dependent upon the groups of employees raising the grievance. The School, in consultation with the Trades Union representatives, and with Lydiate Learning Trust HR, will determine the appropriate mechanism to be followed in each case.
- 7.6 In all instances, the group of employees should formally lodge their grievance in writing by completing the Formal Grievance Form (attached at Appendix 1). One form should be submitted but must be signed by all employees.
- 7.7 The decision of the Governor’s Appeals Panel will be the final employer response to the grievance.
- 7.8 In instances where the exhaustion of this framework results in a failure to agree, the matter may be declared as being in dispute, and the procedures under section 8 followed. This extension does not apply to individual grievances.

## **Failure to Agree following Negotiation**

- 7.9 In exceptional circumstances, failure to resolve a collective grievance may be referred to ACAS for conciliation and possible arbitration. Involvement of ACAS is optional and must be subject to agreement from both the School and the Trade Unions. Trade Union representatives are advised to inform their National Executive Members/Regional Officers that it is their intention to seek either conciliation or arbitration. The School would need to inform Lydiate Learning Trust HR and the Trust Board that it is their intention to seek either conciliation or arbitration.
- 7.10 In exceptional circumstances, the parties to a collective grievance may still fail to agree despite the collective grievance procedure being exhausted. If a dispute is declared, the matter may be referred for conciliation in accordance with section 8 below.

## **8. Collective Disputes**

- 8.1 We define a collective dispute as arising from a difference between the governance committee and all, or at least a substantial number of, employees at the school. The school’s own collective disputes procedure applies only to those matters which fall within the purview of the governance committee. The governance committee notes that unions representing teachers and support staff may advise their members on a collective dispute, even when their members do not form a substantial proportion of the total number of employees at the school.
- 8.2 The prime objective is to reduce the possibility of disputes arising between employees and the governance committee. That is best achieved by the establishment of agreed,

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standing arrangements at the school for regular consultation between staff and the governance committee.

- 8.3 When a dispute cannot be resolved within the context of the recommended consultative arrangements, the assistance of a third party conciliator can be sought, but the conciliator can be invited to make a determination only if the two sides to the dispute agree to such a course of action. There is no recourse to another stage in the process.

## 9. **Overlapping procedures**

- 9.1 If an employee raises a grievance during the disciplinary process, the grievance procedure may be put on hold for a short time (normally no more than a week) to consider the implications of the grievance on the disciplinary. If the grievance procedure is about a related matter, it may be possible to deal with the two concurrently. Similarly, where another procedural policy applies, such as sickness or capability, it may be possible to cover the elements of both procedures at a combined meeting.

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## Appendix 1

### Employee's notification of Grievance form

This form may be used to submit a grievance in accordance with Stage 1 of the formal grievance procedure.

You and your trade union representative should complete the form and hand it to your Head Teacher and/or the Chair of Governors. You should keep a copy.

Name :	School:
Post held:	Department:

Describe briefly the nature of your grievance (continue on a separate sheet if necessary – please attach any extra sheets)

When did you first raise your grievance, and with whom?

What action has been taken to resolve your grievance in the informal stage?

Has your trade union or professional association representative been informed?

YES/NO

If YES: Do you wish your representative to receive correspondence? YES/NO

Please identify the representative and where s/he may be contacted?

Signed: .....

Print name: .....

Date: .....

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