



# Grievance Policy

Schools serving their communities through excellence,  
exploration and encouragement within the love of God.

The diocese of Lincoln is called to faithful worship, confident discipleship and joyful service and our church schools bear witness to our belief that every child is made in the image of God and loved by Him. They were founded for the good of their local communities so that children can be educated through the values and stories of Christianity.

Policy Owner: LAAT CEO

Date: April 2017

Review: April 2019

*Excellence*

*Exploration*

*Encouragement*

## Contents

### **Policy Statement**

1. Who is covered by the procedure?
2. Using the procedure
3. Raising grievances informally - Step 1
4. Formal written grievance - Step 2
5. Investigation
6. Role of Companion nat Meeting and Hearings
7. Grievance meeting
8. Appeals - Step 3

Appendix 1 - Form for employees to use to set out their grievance

Appendix 2 - Format for grievance meetings and appeals

Appendix 3 - Form for employees to use to set out their grounds of appeal against grievance appeal.

## **1 Policy Statement**

- 1.1 It is LAAT's policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment in a fair and equitable manner and without unreasonable delay. Where you make us aware that you have a complaint we will investigate any formal grievance that you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.
- 1.2 It should be stressed that the grievance procedure is not a substitute for sound employment practices, and employees and managers of LAAT alike are strongly encouraged to try and resolve disagreements or complaints before they reach the formal stages of the procedure. The formal stages of this policy should only be used where this has not been possible. LAAT supports the concept of mediation whilst recognising that mediation does not suit every situation.
- 1.3 Issues that may cause grievances include:
  - 1.2.1 Terms and conditions of employment
  - 1.2.1 Health and safety
  - 1.2.3 Work relations
  - 1.2.4 New working practices
  - 1.2.5 Working environment
  - 1.2.6 Organisational change
  - 1.2.7 Discrimination.
- 1.4 This policy does not form part of any employee's contract of employment and may be amended at any time following consultation with the recognised trade unions.
- 1.5 This procedure has been implemented following consultation with the recognised Trade Unions.

## **2 Who is covered by the procedure?**

This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

## **3 Using this procedure**

- 3.1 Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Disciplinary Procedure and you will be informed if this is the case.
- 3.2 This Grievance Procedure should not be used to complain about dismissal or disciplinary action or the outcomes of other procedures. If you are dissatisfied with any disciplinary action, you should submit an appeal in accordance with the disciplinary procedure appeal guidelines..
- 3.3 The Grievance Procedure must not be used to frustrate action being taken under any other policy, for example performance management and improvement (capability), disciplinary (conduct) or the sickness absence policy.

- 3.4 Where an employee raises a grievance during a disciplinary process the disciplinary process may in certain circumstances be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.
- 3.5 There is a separate Dignity at Work Policy that may be useful if you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people. It is set out in the Staff Handbook but refers back to this Grievance Procedure in the event that formal resolution is required.
- 3.6 We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this grievance procedure.
- 3.7 This procedure does not apply to grievances concerning two or more employees (collective grievances) raised by a representative of the Trade Union or other representative body. These will be dealt with as appropriate to the facts of the case.
- 3.8 In exceptional circumstances a manager may consider suspending or redeploying an employee during the grievance process. In these cases, the provisions regarding suspension in the Disciplinary Procedure will apply.
- 3.9 Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our Data Protection Policy.

#### **4 Raising grievances informally – Step 1**

- 4.1 We believe that most grievances can be resolved quickly and informally through open communication and discussion with your line manager. However, no employee shall be required to approach any person against whom they have a grievance if they feel uncomfortable doing so. We would always aim to resolve your grievance informally where possible. If you feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to a more senior manager. If this does not resolve the issue, you should follow the formal procedure below. You may be assisted by a trade union representative or work colleague.

#### **5 Formal written grievances – Step 2**

- 5.1 If your grievance cannot be resolved informally you should put it in writing using the form at Appendix 1 and submit it to your manager and send a copy to the LAAT HR Service.
- 5.2 The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. In some situations, we may need to ask you to provide further information. You should also state what your desired outcome would be to resolve the situation.

- 5.3 Where the Head teacher raises a grievance it should be dealt with by a relevant senior manager of the LAAT. Any appeal would go to a senior manager of the LAAT not previously involved in the case or a panel of the Board of Governors.

## **6 Investigations**

- 6.1 In some cases it may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by your line manager or someone else appointed by the LAAT.
- 6.2 You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.
- 6.3 We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases, we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, we will hold a further grievance meeting with you after our investigation and before we reach a decision.

## **7 Role of Companion at Meetings and Hearings**

- 7.1 An employee may bring a companion to all formal meetings and we will consider any reasonable request to be accompanied at other meetings under the process. The companion may be either a trade union representative or a work colleague. The employee should inform the manager conducting the meetings who their chosen companion is, in good time before the hearing.
- 7.2 Should the employee choose to bring a companion to the hearing they will be responsible for making these arrangements and for providing their companion with any paperwork that they require for the hearing.
- 7.3 Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 7.4 The employee can be asked to choose another companion where they are considered unsuitable to attend for the following reasons:
- 7.4.1 If they have a conflict of interest or may prejudice the meeting; or
  - 7.4.2 If the companion works at another site and someone reasonably suitable is available at the site at which the employee works; or
  - 7.4.3 If the companion is not available at the time a meeting is scheduled and will not be available for more than five working days afterwards.

Such a request will not normally be made unless the LAAT considers the companion unacceptable.

- 7.5 A companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on the

employee's behalf. The employee may confer privately with their companion at any time during a meeting.

## **8 Grievance meeting**

- 8.1 We will arrange a grievance meeting, normally within 5 working days of receiving your written grievance. The format for the meeting is shown at Appendix 2.
- 8.2 You and your companion (if any) should make every effort to attend the grievance meeting. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.
- 8.3 The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made.
- 8.4 We will write to you, usually within 5 working days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.

## **9 Appeals – Step 3**

- 9.1 If the grievance has not been resolved to your satisfaction you may appeal in writing to the manager, using the form at Appendix 3 to state your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you.
- 9.2 We will hold an appeal meeting, normally within 10 working days (although this time scale may be extended) of receiving your written appeal. This will be dealt with impartially by a more senior manager who, where possible, has not previously been involved in the case. You have a right to bring a companion to the meeting (see paragraph 7).
- 9.3 We will confirm our final decision in writing, usually within 5 working days of the appeal hearing although this time scale may be extended. This is the end of the procedure and there is no further appeal.

## Appendix 1 – Form for employees to use to set out their grievance

<b>CONFIDENTIAL</b>	
<b>Employee Grievance</b>	
<p>This form is intended for use by an employee of LAAT who wants to raise a formal grievance.</p> <p>This form should be completed and delivered to your line manager in an envelope marked “confidential” or sent as an email attachment with “confidential” in the subject line.</p> <p>In accordance with our grievance procedure, we will arrange a formal grievance meeting with you. If attempts to resolve the grievance informally have not been explored, then this will happen prior to a grievance meeting being arranged. If there are likely to be any delays in hearing your grievance, we will inform you in writing of the reasons for the delay and give an indication of when you can expect your grievance meeting to take place.</p>	
<b>Formal Grievance</b>	
Employee’s name	
Academy/Central Team	
Job title	
Employee’s Department	
Date of grievance	
Does your grievance relate to your line manager	
<b>Summary of the issue</b>	
<p>Please set out your grievance providing as much detail as possible. You may attached additional sheets if required.</p>	

<b>Individuals involved in the grievance</b>	
Please provide the names and contact details of any people you believe to be relevant to your grievance	
<b>Outcome requested from the grievance meeting</b>	
Please set out what outcome you would like to see from your grievance meeting, and why and how you believe that this will resolve the issue	
<b>Declaration</b>	
I confirm that the above is true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)	
<b>Form completed by</b>	
<b>Signature</b>	
<b>Date</b>	
<b>For completion by recipient</b>	
<b>Date form received</b>	
<b>Name of recipient</b>	
<b>Job title</b>	
<b>Signature</b>	

## **Appendix 2 – Format for grievance meetings and appeals**

During any grievance meeting conducted by LAAT and its academies, the following will take place:

### **1. Introductions**

The chair will introduce welcome all parties, and explain its purpose and how it will be conducted.

The parties present at the hearing will introduce themselves and confirm their respective roles in the meeting. The employee will be entitled to be accompanied, if they wish, by a fellow worker or trade union representative of their choice.

### **2. Purpose of the meeting**

The chair will explain that the purpose of the meeting is to give the employee the opportunity to restate their grievance and to provide suggestions about how it could be resolved.

### **3. Employee restates the grievance as set out in their grievance**

### **4. The meeting considers outcome of investigations**

Where an investigation has taken place in advance of this meeting, the findings will be presented by the investigation officer and the employee and panel may ask questions.

### **5. Witnesses**

Both the employee and investigating officer can call witnesses and either side can ask questions of the witnesses. The panel may also ask questions of the witnesses.

### **6. The panel may adjourn** the meeting if it is necessary to investigate any new facts that arise.

### **7. Employee and/or their representative** will be asked if they have anything further to add and are able to sum up their case.

### **8. The chair** of the panel will sum up the information presented at the meeting and the meeting will be adjourned and the panel make their decision.

### **9 Decision is delivered**

The chair may reconvene the meeting and inform the employee of the outcome. The chair may choose to convey the decision in an alternative way to the employee and if this is the case should inform the employee of this prior to adjourning the hearing to make the decision.

### **10 Right of Appeal**

The chair will inform the employee that they will have the right to appeal against their decision on the grievance. The chair will describe timescales for lodging an appeal and the appeal being heard.

**Appendix 3 – Form for employees to use to set out their grounds of appeal against the formal grievance outcome**

<b>CONFIDENTIAL</b>	
<b>Employee Grievance Appeal</b>	
<p>This form is intended for use by an employee of LAAT who wants to appeal a decision regarding a formal grievance that they have raised.</p> <p>This form should be completed and delivered to your line manager in an envelope marked “confidential” or sent as an email attachment with “confidential” in the subject line.</p> <p>In accordance with our grievance procedure, we will arrange a formal grievance appeal meeting with you. If there are likely to be any delays in hearing your appeal, we will inform you in writing of the reasons for the delay and give an indication of when you can expect your appeal to be heard..</p>	
<b>Formal Grievance Appeal</b>	
Employee’s name	
Academy/Central Team	
Job title	
Employee’s Department	
Date of original grievance	
Date you were given the decision that you are appealing against	
Does your grievance relate to your line manager	
<b>Summary of the issue</b>	
<p>Please set out the grounds of your appeal (providing as much detail as possible, including any grounds for considering the grievance procedure to have been flawed, misinterpretation or lack of evidence and why you consider the outcome to have been flawed in those circumstances). You may attach additional sheets if required.</p>	

<b>Individuals involved in the appeal</b>	
Please provide the names and contact details of any people involved in your appeal, including witnesses you wish to call during the appeal.	
<b>Outcome requested from the appeal</b>	
Please set out what outcome you would like to see from your appeal, and why and how you believe that this will resolve the issue	
<b>Declaration</b>	
I confirm that the above is true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)	
<b>Form completed by</b>	
<b>Signature</b>	
<b>Date</b>	
<b>For completion by recipient</b>	
<b>Date form received</b>	
<b>Name of recipient</b>	
<b>Job title</b>	
<b>Signature</b>	

