



GRIEVANCE AND DISCIPLINARY POLICY 2025



Approved by: Mica Coleman Jones

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**Signed by Chair of
Trustees**

DM Costley

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FOREWORD

Lilya's Clarendon School and Lilya's Goldsmith School are both sites for Alternative Provision. Whilst neither site holds school status, they are often referred to as schools for the benefit of students.

1. AIMS

The purpose of this policy is to provide clear, consistent and fair procedures that enable the governing body to comply with its responsibilities under employment legislation and best practice.

This policy also 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, fully and objectively.

2. LEGISLATION AND GUIDANCE

We are required to set out grievance procedures under general employment law.

These grievance procedures are based on the [Acas Code of Practice on disciplinary and grievance procedures](#).

These procedures also comply with our funding agreement and articles of association.

3. DEFINITIONS AND SCOPE

A **grievance** is a concern, problem or complaint raised with the school by an employee. It can be caused by issues such as working conditions, health and safety concerns, bullying, discrimination or working relationships.

It is to be hoped that grievances can be resolved promptly through effective communication and discussion. Informal discussions between staff and the head of provision/line manager are key to this and the vast majority of employee grievances can and should be resolved in this way. This approach prevents undue delay, lessens distress to the parties involved and it encourages good working relationships.

This policy **does not** apply to:

- Issues raised by people who are not an employee of the school, e.g. volunteers or parents/carers, as this would instead fall under our complaints procedure
- Redundancy dismissals
- Non-renewal of fixed-term contracts
- Collective grievances, raised on behalf of 2 or more employees by a representative of a recognised trade union or other appropriate workplace representative

These are covered by separate policies and procedures.

Misconduct which may warrant action under the appropriate stage of the disciplinary procedure includes:

- Poor timekeeping or persistent lateness
- Unauthorised absence from work
- Unauthorised use of the school facilities including the Internet
- Wilful failure to comply with a reasonable instruction from a member of senior management
- Persistent minor breaches of health and safety requirements
- Foul or abusive language
- Sexual or racial harassment which is not sufficiently serious to fall into the category of "gross misconduct"

Gross misconduct occurs when the actions complained of are such that it is not feasible to tolerate the continued presence of the employee at the place of work whilst the matter is being investigated and include:

- Unauthorised removal of school property
- Sexual or racial harassment
- Offences of dishonesty
- Serious breaches of health and safety requirements
- sexual offences
- criminal offences which undermine the employee's ability to perform his/her job

- sexual misconduct at work
- persistent wilful failure to comply with a reasonable instruction from a member of senior management
- fighting
- physical assault or threats of such a nature
- actions which bring the school into serious disrepute
- drunkenness
- falsification of documentation including signing in sheets, subsistence and expenses claims etc.
- theft
- malicious damage to the school's property

4. ROLES AND RESPONSIBILITIES DURING A GRIEVANCE

Being internal matters, grievances may involve a number of people in the school. There is an emphasis on dealing informally with grievances, and so it is not practicable to prescribe specific roles. However, the following guidelines may be useful.

4.1 THE LINE MANAGER

Provided they are not the subject of the grievance, the line manager will be the first point of contact for the employee raising a grievance. If the grievance is about the employee's line manager, the employee will raise the grievance with their line manager's manager.

4.2 THE HEAD OF PROVISION OR A SENIOR LEADER

Provided they are not the subject of the grievance, the head of provision or a nominated member of the senior leadership team will consider the grievance at the formal stage (see 5.2).

4.3 CHAIR OF TRUSTEES

Where the head of provision is the subject of the grievance, the chair of trustees will be responsible for appointing an appropriate trustee who has not been directly involved in the grievance to oversee the procedure at the formal stage.

4.4 INVESTIGATING OFFICER

At the formal stage, the head of provision (or appointed trustee, if the head of provision is the subject of the grievance) will appoint an investigating officer to collect and present the facts of the grievance in an investigation report. The investigating officer will be someone who has not been directly involved in the grievance.

4.5 GRIEVANCE PANEL

The head of provision (or appointed trustee if the head of provision is the subject of the grievance) will appoint a grievance panel consisting of three people with no prior knowledge of the grievance. These people will be separate from the investigating officer and will be chaired by an independent individual.

4.6 OTHER MEMBERS OF STAFF OR TRADE UNION STAFF

A work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings may accompany the employee raising the grievance at a formal grievance meeting.

5. GRIEVANCE PROCEDURES

We are committed to dealing with grievances fairly and objectively. Employees will be protected from discrimination or victimisation after raising a work-related grievance.

5.1 INFORMAL STAGE

In the first instance, an employee will aim to resolve their grievance informally with their line manager. If the employee's concerns relate to their line manager, they should discuss the issue with the line manager's manager.

It may be necessary for the employee who has raised a grievance to attend a meeting to discuss the concerns in more detail. However, this will be determined on a case-by-case basis.

It's anticipated that a number of grievances will be resolved at this informal stage with no need to progress matters further. However, if the matter has not been resolved at the informal stage, it may then proceed to the formal stage of the procedure.

5.2 FORMAL STAGE

If it is not possible to resolve the matter informally, employees should set out their grievance in writing to their line manager, in accordance with the staff grievance notification form at Appendix 1. If the subject of the grievance is their line manager, the employee should submit the written grievance to an alternative, preferably senior, manager.

Upon receipt of a grievance, the head of provision (or appointed trustee if the head of provision is the subject of the grievance) will appoint an investigating officer. This will be an independent individual with no prior knowledge of the grievance.

The head of provision (or appointed trustee if the head of provision is the subject of the grievance) will also appoint a grievance panel. This group of people will be separate from the investigating officer and will be chaired by an independent individual, with no prior knowledge of the grievance.

The panel will usually include the head of provision and/or chair of trustees, the employee's line manager or other senior member of staff and a representative from the local authority.

The investigating officer will undertake a grievance investigation and will make a recommendation.

The investigating officer will also arrange a formal meeting (to be held in person, or over video conferencing if appropriate) within five working days after the grievance has been raised. At the meeting, the employee will be given the opportunity to explain their grievance and how they think it should be resolved, to the grievance panel.

Employees have a statutory right to be accompanied by a companion at a grievance meeting. The companion must be a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings.

The employee must let the investigating officer know that they request to be accompanied. If the chosen companion will not be available on the initial date and time proposed for the formal meeting, the investigating officer must move the meeting to an alternative time proposed by the employee, provided that the alternative time is both reasonable and no more than 5 working days after the date originally proposed.

The companion may address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion may not answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

5.3 DECIDING ON APPROPRIATE ACTION

The meeting will be adjourned and the grievance panel will reflect on it before coming to a decision.

The chair of the panel will communicate the decision to the employee in writing within five working days. The decision will set out the action that will be taken to resolve the grievance. It will also inform the employee that they can appeal if they are not satisfied with the outcome and explain how to do this.

5.4 APPEALS

If the employee is not satisfied with the outcome of the grievance they have the right to appeal the decision.

The employee should set out their grounds of appeal in writing within ten working days and submit this to Mica Coleman Jones: mcolemanjones@lilyalighthouse.co.uk

An appeal is not designed to re-hear the matter but to examine the grounds of appeal. The employee should therefore be specific about the grounds of the appeal.

However, a full re-hearing may be appropriate in exceptional circumstances.

The head of provision (or appointed trustee if the head of provision is the subject of the grievance) will appoint a grievance appeal panel consisting of three people. This will be a group of people independent from any previous stage of the grievance procedure, and the panel will be chaired by an independent individual.

Appeals will be heard without unreasonable delay and in any event within ten working days of the date of the appeal notice. The head of provision (or appointed trustee if the head of provision is the subject of the grievance) will tell the employees the time and place of the appeal meeting in advance (to be held in person, or over video conferencing if appropriate).

Employees have the same statutory right to be accompanied to the appeal meeting by a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings.

The outcome of the appeal will be confirmed in writing by the chair of the appeal panel to the employee within five working days of the appeal. The decision of the appeal panel will be final.

6. DISCIPLINARY PROCEDURES

6.1 ALLEGATIONS

Allegations may be brought to the attention of the trust in several ways and through a variety of sources. As with disclosures made by children, adults need to be aware that in making an allegation it is not always possible to keep the matter confidential. The head of provision will need to decide upon the most appropriate course of action and may choose to proceed with an investigation even if the person making the allegation does not want them to.

Allegations which involve issues of child protection and/or abuse of children by staff should be referred immediately to the Designated Officer of the Local Authority.

6.2 INVESTIGATIONS

Upon receiving any allegations against employees, it is likely that further information will be required to establish what the next course of action should be. The head of provision should seek to establish the basic facts of the situation; this may involve looking at records or speaking to witnesses for example.

A preliminary investigation meeting may be held with the employee concerned to establish the basic facts of the circumstance and to enable the head of provision to determine whether further investigation is required.

If it is determined that there is a need for investigation, or if the concerns are serious enough to warrant a full investigation immediately, the head of provision will usually appoint an

investigating officer to carry out the investigation. This will be an appropriate person to the nature of the allegations and the role of the employee concerned.

In the case of allegations made against the head of provision the chair of trustees will be responsible for the management of the procedure and determining an appropriate investigating officer either internally or externally.

The purpose of an investigation is to establish a fair and balanced view of the facts relating to any Disciplinary allegations made against a member of staff, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the member of staff and any witnesses, and/or reviewing relevant documents and other information.

It may be necessary to interview witnesses who may have information that is relevant to the allegations. A record of the meeting will be made, and the witness will have the opportunity to review the record, make amendments for clarification purposes and sign and date the record. The Trust recognises that some employees may find this difficult or worrying, however all employees are expected to fully participate in any such investigation.

Investigation meetings are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

A record of the meeting will be made, and the employee will have the opportunity to review the record, make amendments for clarification purposes and sign and date the record.

Employees must co-operate fully and promptly in any investigation. This will include providing the names of any relevant witnesses, disclosing any relevant documents or information, and attending investigative interviews, if required. As each investigation will vary in length and complexity it will be completed in as short a time frame as possible.

6.3 CRIMINAL CHARGES AND BEHAVIOUR OUTSIDE WORK

Where conduct is the subject of a criminal investigation, arrest, charge or conviction, the facts will be investigated before deciding whether to take formal disciplinary action. Disciplinary action will not be automatic and will depend upon the circumstances.

Employees should inform their head of provision immediately if they are involved in a criminal investigation, arrest, or are subject to a charge or conviction. Failure to notify may result in disciplinary action.

7. OVERLAPPING PROCEDURES

If an employee raises a grievance after disciplinary proceedings have already started against them, the disciplinary proceedings may be temporarily suspended in order to consider the implications of the grievance on the disciplinary process.

If the grievance and disciplinary proceedings address related matters, it may be possible to deal with the issues simultaneously as part of disciplinary proceedings.

8. RECORD KEEPING

Minutes will be kept of all meetings. Where possible, these will be confirmed as a record of what was discussed during the meeting.

Records of all materials relating to the grievance process will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

9. MONITORING ARRANGEMENTS

This policy will usually be reviewed every 2 years by the Trust in consultation with the recognised trade unions but can be revised from time to time. We will monitor the application and outcomes of this policy to ensure it is working effectively.

This policy will be approved by the head of provision.

10. LINKS WITH OTHER POLICIES

This policy links with our policies on:

- Complaints Procedure, which sets out how grievances will be raised by those not employed by the school
- Equality and Diversity Information Policy

- Record Retention Schedule
- Staff Code of Conduct

APPENDIX 1: STAFF GRIEVANCE NOTIFICATION FORM

Name:	School:
Job title:	Department:
<p>Describe the nature of your grievance, including:</p> <ul style="list-style-type: none"> ● A full description of your grievance ● Relevant evidence, such as facts, dates and names of individuals involved 	
Please state the following:	
The date on which you first raised your grievance, and with whom	

<p>The action taken in respect of your grievance at the informal stage</p>	
<p>The outcomes you are seeking and the actions you would like taken to resolve the situation</p>	
<p>Whether you would like to explore a resolution through mediation</p>	
<p>Whether you would like accompaniment at a grievance meeting by a work colleague, trade union official, or trade union representative – and if so, their name and position</p>	

Signed:	Dated:
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