

LANCASHIRE TEACHING AGENCY

GRIEVANCE PROCEDURE (SEPTEMBER 2020)

1. PURPOSE

This procedure enables employees to resolve problems or concerns about their work, working environment or working relationships with fellow employees who are subject to the same Conditions of Service.

It is essential that a fair and established procedure should exist for all staff where a grievance related to a person's employment may be aired, with a view to its resolution. This procedure is intended to be open, fair and transparent and to clarify the procedure to be followed and responsibilities of the people/bodies involved.

This procedure is designed to deal with individual grievances or disputes. It is not intended that it should be applied to collective disputes, grading appeals or appraisal matters.

For the purposes of this procedure 'working day' shall be one of the openings contained within the School Term and Holiday Patterns document, circulated by the Authority on an annual basis.

2. SCOPE

This procedure applies to all teachers employed by the Local Authority through the Lancashire Teaching Agency in schools as centrally managed staff. Schools in which a supply teacher may be placed have no formal role in applying this procedure but do have a role in applying good management practices of ensuring a proper welcome and introduction to a school, giving appropriate support and guidance as necessary. Supply teachers are encouraged to seek support and guidance to facilitate their role and contribution to the school where they work.

3. GENERAL PRINCIPLES

All documentation and discussions at meetings within this procedure are confidential. The Authority processes personal data collected during informal complaints and the formal grievance procedure in accordance with its data protection policy. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in

accordance with the Authority's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

All teachers will have access to a copy of this procedure and will be provided with an individual copy on request.

All teachers will be made aware of the existence of the procedure and will receive a copy at the informal stage of any grievance.

At any meeting convened under this procedure a teacher/Headteacher has the right to attend and be represented by a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their trade union as being competent to accompany a worker.

At any meeting convened under this procedure, access to an adjournment should not be unreasonably refused.

The formal stage of the grievance procedure will include a right of appeal.

4. CONTEXT

Lancashire Teaching Agency (LTA) is a partnership involving the County Council and Reed Education.

It is possible that a Supply Teacher may wish to express dissatisfaction with the way they have been treated by another Supply Teacher within the LTA. A grievance procedure is only available where the people involved are employed by the same employer and subject to the same conditions of employment. Where there is dissatisfaction with a person employed by another employer (e.g. a maintained School, Lancashire County Council or Reed Education), the appropriate complaints procedure for that employer must be used to lodge complaints.

Reed Education and/or the County Council will also deal with any dissatisfaction about the accuracy or receipt of payment for work done under their own Complaints Procedures. Similarly, issues about the appropriateness or frequency of placement of a Supply Teacher will be dealt with by way of a complaint to Reed Education. The LTA Complaints Resolution Process, attached at Annex 2 will assist in the routing of such complaints.

Any concerns of dissatisfaction about treatment in a school will be dealt with under that School's Complaints Procedure.

5. PROCESS

This procedure contains an informal procedure, which may enable a grievance to be resolved informally and without recourse to any subsequent stage, and a formal procedure, which should be used when the informal procedure is inappropriate or has failed.

Throughout all stages of this procedure a teacher shall have the right to be accompanied by a Trade Union representative or work colleague.

i) Informal Stage

Where an employee has a grievance, attempts should first be made to resolve the matter by making a direct approach to the other person concerned. Where such discussion does not resolve the problem, or such discussion is not deemed appropriate, the employee should send a note to the LTA Branch Manager seeking that person's involvement to resolve the matter.

LTA Branch Manager should seek to resolve the problem personally or by mutual agreement through other member(s) of the staff engaged within the LTA partnership.

ii) Formal Stage

Where the matter has not been resolved under the procedures referred to above, the member of staff raising the grievance may move into the formal stage by submitting a formal written notice of the grievance to the LTA Branch Manager and shall give a copy to the person(s) with whom the individual has a grievance. The Branch Manager should send a formal report to the Local Authority LTA Project Manager within five working days setting out the actions taken by all persons involved, in seeking to resolve the grievance.

The Local Authority LTA Project Manager (or a person nominated by the Project Manager) will then convene a formal hearing within ten working days of receipt of the report from the Branch Manager to consider the grievance and determine a solution. The person raising the grievance and the person against whom the grievance is made shall be provided with a copy of the Branch Manager's report and other papers relevant to the hearing. The procedure for hearing the Grievance is set out in Annex A. The outcome of the hearing will be conveyed in writing.

6. APPEAL

The person raising the grievance will have the right of appeal against the decision taken by the Project Manager or nominee. Any appeal should be lodged in writing within ten working days of receipt of the decision. The appeal

letter should also contain details of the grounds of appeal. The Appeal will be heard by the appropriate senior manager/Director. The appeal will be conducted in accordance with Annex 1 and the hearing will normally take place within 20 working days of the appeal being lodged.

7. THE NOTICE OF THE HEARING/RIGHTS TO REPRESENTATION

The teacher making the appeal will be given 10 working days written advance notice of any Hearing, the purpose of it, any relevant documentation and be invited to attend together with his or her Trade Union representative or work colleague. A mutually convenient date should be agreed with the teacher and his/her representative if possible.

Where the teacher fails to attend or to be represented at a meeting to consider the Grievance or Appeal the matter may be considered in his/her absence if that is considered to be appropriate in all the circumstances.

8. GRIEVANCES RAISED WHERE DIFFERENT PROCEDURES HAVE ALREADY COMMENCED

Where a grievance is raised during the formal stages of different procedure and the grievance relates to matters already under consideration as part of that procedure, this would normally be dealt with as part of that procedure.

Where the grievance is deemed not to be related to the matters being considered under the different procedure, the provisions of this grievance procedure will apply.

9. GRIEVANCES RAISED WHERE AN EMPLOYEE IS LEAVING/HAS LEFT EMPLOYMENT

Every effort must be made to deal with grievances submitted by employees before their employment with the LTA ends. If it is not possible to conclude the process before the employee leaves their employment, the LTA may in its absolute discretion complete its investigation into the grievance and provide the former employee with a written response.

Grievances will not be considered if they are received after employment has ended.

10. RECORDS

Files relating to grievance matters are to be treated as confidential and only accessible by those involved in investigating, hearing or resolving the grievance.

Annex 1: Hearings/Appeals Procedure

The following procedure is appropriate for any officer level hearing or appeal hearing. At any hearing conducted under this procedure, advice may be provided by a Human Resources representative. The person conducting the hearing can question either party at any time during the hearing.

1. Procedure at the hearing

- 1.1 The person raising the grievance (or appealing against a decision) will first present their case and will be entitled to call witnesses to support the case.
- 1.2 The employee who is the subject of the grievance and/or his/her representative and the person/body hearing the case will be entitled to question the persons referred to at 1.1 above.
- 1.3 The employee who is the subject of the grievance and/or his/her representative will be entitled to present a statement of case and will be entitled to call witnesses to support the case.
- 1.4 The person raising the grievance (or appealing) and the person/body hearing the case will be entitled to question the persons referred to at 1.3 above.
- 1.5 The person raising the grievance (or appealing) will then have the opportunity to sum up. No new evidence may be introduced at this stage.
- 1.6 The employee who is the subject of the grievance and/or his/her representative shall then also have the opportunity to sum up. No new evidence may be introduced at this stage.
- 1.7 At the conclusion, all parties will withdraw except the person conducting the hearing and the Human Resources representative, in order that the person conducting the hearing can deliberate in private. Should either party need to be recalled to clarify any points of uncertainty, both parties should return, even if the point giving cause for concern relates to one party only.
- 1.8 The decision will be conveyed orally and confirmed in writing within 5 working days. The written confirmation of the decision will outline any right of appeal.

Annex 2: LTA Complaints Resolution Process

