Grievance Policy

Adopted: September 2026
Review due: September 2027

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1. Introduction

We recognise that from time-to-time employees may wish to seek redress for concerns relating to their employment. The aim of this policy is to achieve fair and equitable treatment of all employees and to support the resolution of grievances in the workplace.

It is our belief that most grievances can be resolved informally, and we advocate the use of informal dispute resolution. It is however recognised, that where informal resolution is not possible that the formal procedure set out in this policy may need to be adopted.

This policy and procedure applies to all employees. It has been subject to consultation with Trade Unions. It does not form part of an employee's contract of employment, and it may be amended at any time.

2. Scope

This policy is applicable to concerns relating to employment, such as the contract of employment, a working relationship, an employee's own work, health and safety in the workplace and the application of policies (please note this list is not exhaustive).

An employee will be unable to raise a grievance concerning issues that are more than three months old, unless there are exceptional circumstances and, in the eventuality that there are claimed extenuating circumstances, we will exercise its discretion as to whether a grievance is or is not heard.

The policy may not be used for concerns relating to the below, as these matters are covered in our other policies:

- disciplinary action
- termination of employment
- pay, including NI, tax and pension
- performance capability and appraisals
- harassment and/or bullying
- whistleblowing (unless the employee is directly affected by the matter in question or where the employee feels they may have been victimised for an act of whistleblowing).
- Statutory changes to working practices

In addition, an employee will be unable to raise a grievance:

- on grounds that have been cited or heard in an earlier grievance, or under any other policy
- to lodge a complaint about the outcome of any other formal procedure which has its own appeal process.

This policy does not apply to complaints submitted by former employees. We reserve the right to deal with such complaints as it is deemed appropriate.

3. What a grievance is and is not

A grievance is a legitimately held concern, problem, or complaint that an employee raises with their employer with a view to resolving the issue.

A grievance should be raised with the aim of achieving an appropriate outcome and resolution to the concern, such as the restoration of a working relationship or the understanding of differences of opinion and agreement to work amicably.

A grievance should not be used as a punitive measure by either the employee raising it or the employer.

The outcome of a grievance and what resolution looks like will depend on the specifics of the case, and in some circumstances may result in other formal procedures being enacted, such as the disciplinary procedure.

A grievance being raised does not mean that we or named subjects of the grievance will automatically be held accountable for any allegations made. An investigation may or may not need to take place, depending on the nature of the grievance raised, to determine where there may be substance to any claims made. Where an investigation is required, this will be completed by an appropriate member of staff or an appropriate external third party and will be undertaken without unreasonable delay.

4. Overlapping disciplinary and grievance issues

If an employee raises a grievance whilst they are subject to disciplinary and/or capability proceedings, it will not prevent us from continuing with or concluding these processes, other than in exceptional circumstances, and this will be at our discretion.

5. Collective grievances

Where a group of employees raise a grievance regarding the same subject matter, this may be regarded and heard as a collective grievance at our discretion.

6. Vexatious, malicious, and frivolous grievances

A frivolous grievance will be regarded as such if we have reasonable grounds to believe it is unfounded, whether this is intentional or unintentional.

We will not consider any malicious or vexatious grievances, or any repeat complaints, including frivolous complaints which have already been responded to, and any evidence of malicious or vexatious grievances, or repeat frivolous grievances, may result in formal disciplinary proceedings.

7. Raising a grievance

Employees are encouraged to first raise concerns informally and without unreasonable delay, to an appropriate person who is not the subject of their grievance.

We will accept verbal and/or written grievances, however if the grievance proceeds to the formal stage, this must be provided by the employee in writing, and we will request this if it was first raised verbally (see Notification of grievance form).

It is a requirement that all formal grievances are in writing and in the circumstances where an employee refuses to comply, the grievance procedure may not proceed.

When submitting a grievance, the employee should give as much detail as possible, including

the outcome they are seeking.

If the employee is asking for the grievance to be heard formally, they should evidence that the informal stage has not led to a satisfactory resolution of the concern. The employee should endeavour to submit evidence that the informal stage has been undertaken and where this has not happened the aggrieved party should explain clearly why they do not feel able to go through the informal stage.

7.1. Raising a grievance against a line manager

If an employee needs to raise a concern about their line manager, they should speak to another appropriate senior person.

8. Dispute resolution at the informal stage

Upon receipt of a grievance, our preference is that it is resolved through informal dispute resolution.

Dispute resolution is not a defined process and how it is approached will depend on the nature of the grievance raised. We will therefore adopt local and sensible practices at this stage to determine what actions are taken, with a view to achieving an appropriate outcome for all parties involved.

The benefit of informal dispute resolution is that it provides us and involved parties with the opportunity to resolve matters as early and constructively as possible.

We will convey the outcome of the grievance to the employee who raised it. There is no right to appeal at the informal stage, however if the employee feels that the concern has not been satisfactorily resolved through informal interventions, they can request it is heard formally. Employees are encouraged to seek to understand the outcome of informal conclusions before requesting the matter is heard formally.

9. Formal grievance procedure

The formal procedure will be followed upon receipt of a formal grievance request where a concern is of a more serious nature to warrant immediate formal action or where attempts at informal resolution have been unsuccessful.

In the case where a request is made for the grievance to be heard formally straight away, we may consult with the employee to understand whether following the formal procedure is required immediately or whether informal dispute resolution could be adopted first.

9.1. Roles and responsibilities

There is no requirement for us to prescribe specific roles in a grievance procedure, we will therefore appoint appropriate persons to address the grievance. Broad guidelines are below:

9.2. The grievance manager

An appropriate manager, provided they are not the subject of the grievance, will oversee the procedure and decide the outcome.

9.3. Chair of Governing Board

Where the Headteacher is the subject of the grievance, the Chair of the Governing Board will assign an appropriate manager to oversee the grievance process.

9.4. Right to be accompanied

The employee has the right to be accompanied at a formal grievance meeting by a trade union representative or appropriate work colleague.

The employee should provide the name of the representative within 3 working days of a meeting. Where the chosen companion is unavailable on the day scheduled for the meeting, the employee may request the meeting is rescheduled for an alternate date within 5 working days of the original date. If the employee is unable to attend a meeting in this timeframe, the meeting may take place in a timeframe at our discretion. If the representative remains unavailable, the employee may be asked to choose another representative.

There is no right to be accompanied at informal meetings or during the informal dispute resolution. This will only be permitted where it is deemed to be in the interests of an early resolution and where there are particular circumstances in which an employee needs additional support. In such cases an independent note-taker may also be present. In an informal meeting, a delay to allow the attendance of a companion is discretionary.

9.5. Formal grievance meeting

The grievance manager will arrange a meeting, without unreasonable delay, to discuss the grievance with the employee.

The purpose of the grievance meeting is for the employee to explain their grievance and how they feel it may be resolved and to give the employee the opportunity to state their case before any decisions are made.

Should facts need to be gathered into the concern raised, the meeting will be adjourned to enable an investigation to take place.

The grievance manager may request an external investigator to act on their behalf to investigate only.

9.6. Investigation

The person managing the grievance will take all necessary steps to investigate appropriately, if required.

The timing and nature of any investigation will differ dependent on the content of the grievance. It is at the discretion of the grievance manager to decide what is appropriate in each case.

It is possible that the grievance manager investigating the concern will need to give the aggrieved employee, or other employees, the opportunity to respond to any information or facts ascertained from the investigation. This will be judged on a case-by-case basis by the grievance manager.

9.7. Outcome

A decision will be reached as soon as reasonably practicable, and the employee will be informed of the outcome in writing within 7 calendar days or as soon as reasonably practical.

9.8. Appeal

The employee has the right to appeal against the outcome of the formal grievance. To

exercise this right, they must write to the person specified clearly stating the grounds for appeal, within 7 calendar days from receipt of the outcome letter.

Where possible, the appeal will be heard by an appropriate person or panel of individuals, with no prior involvement in the case.

At our discretion, the appeal hearing will usually be undertaken in the form of a review of the original decision, however in some circumstances we may conclude that a rehearing is appropriate. The decision of the appeal will be final. It will be confirmed to the employee in writing within 7 calendar days or as soon as reasonably practical.

New evidence will only be considered if relevant and there is sufficient reason why it was not presented earlier.

10. **Mediation**

We recognise that, in certain circumstances, it may be appropriate to explore the use of mediation. This can be as an outcome of both informal and formal procedures.

Mediation is a tool used by an independent third-party to aid two or more parties in the resolution of a dispute and is voluntary.