

# Grievance Policy

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## DEFINITIONS

In this Grievance Resolution Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. 'Academy' means the academy named at the beginning of this Grievance Policy and Procedure and includes all sites upon which the academy undertaking is, from time to time, being carried out.
- ii. 'Academy Trust Company' means the company responsible for the management of the Academy and, for all purposes, means the employer of staff at the Academy.
- iii. 'Board' means the board of Directors of the Academy Trust Company.
- iv. 'Chair' means the Chair of the Board or the Chair of the Local Governing Body of the Academy appointed from time to time, as appropriate.
- v. 'Clerk' means the Clerk to the Board or the Clerk to the Local Governing Body of the Academy appointed from time to time, as appropriate.
- vi. 'Companion' means a willing work colleague not involved in the substance of the employee's performance issues under review by this Grievance Policy and Procedure, or an accredited representative of a trade union or other professional association of which the employee is a member, who should be available for the periods of time necessary to meet timescales under this Grievance Policy and Procedure.
- vii. 'Diocesan Schools Commission' means the education service provided by the diocese, which may also be known, or referred to, as the Diocesan Education Service.
- viii. 'Directors' means directors appointed to the Board of the Academy Trust Company.
- ix. 'Governing Board' means the body carrying out the employment functions of the Academy Trust Company and such term may include the Board and a Local Governing Body of the Academy.
- x. 'Governors' means the governors appointed and elected to the Local Governing Body of the Academy, from time to time.
- xi. 'Local Governing Body' means the group of governors appointed and elected to carry out specified functions in relation to the Academy as delegated by the Academy Trust Company.
- xii. 'Resolution Manager' or 'Manager' means a Stage 1 Resolution Manager and/or a Stage 2 Resolution Manager, as the context so requires, appointed in accordance with Paragraph 3 to conduct the formal procedure set out at Paragraph 5.
- xiii. 'Vice-Chair' means the Vice-Chair of the Board or the Vice-Chair of the Local Governing Body of the Academy elected from time to time, as appropriate.

## 1. SCOPE OF PROCEDURE

- 1.1. This Grievance Resolution Policy and Procedure is available to you insofar as any grievance relates to your work within the Academy and you are an employee or worker at the Academy (hereinafter referred to as an "employee" or "you").
- 1.2. The Academy is committed to ensuring respect, objectivity, belief in the individual, consistency of treatment and fairness in the operation of this policy. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the academy community.
- 1.3. This Grievance Policy and Procedure offers opportunities to ensure justice for teachers, support staff and pupils alike and has the potential for the expression of Christian qualities such as honesty, self-knowledge, respect for others and their gifts, recognition of the needs and achievements of others, challenge to self and others, personal growth and openness.

1.4. This procedure can be used to:

- a) bring about a resolution to your work-related grievance unless the situation is listed at 1.5 below as falling into a separate procedure;
- b) to raise a grievance in relation to (but not limited to) terms and conditions of employment, health and safety, work relations, bullying and harassment, discrimination.

1.5. This procedure cannot be used to:

- a) complain about the use of any other procedure or process (e.g. disciplinary, capability, restructuring etc) in relation to you whilst that procedure is being followed;
- b) appeal against any formal or informal disciplinary sanction;
- c) appeal against any decision to terminate your employment whether on grounds of ill health, incapacity, redundancy, misconduct, poor performance or other grounds;
- d) appeal against selection for redundancy;
- e) complain about, or appeal against, any decision relating to pay or grading. Such matters are covered by the Academy's Pay Policy;
- f) complain about any matter which is properly the subject of a statutory consultation process;
- g) complain about matters which have been, or should have been, brought under a separate policy or procedure operated by the Academy, such as the Academy's Complaints Policy and Procedure or Public Interest Disclosure/Whistleblowing Policy and Procedure; or
- h) complain about matters which are more than three months old where the grievance has already been dealt with or is no longer relevant or live (though this shall not prevent you referring to matters more than three months old in relation to a grievance which is otherwise live)
- i) raise a safeguarding concern in relation to (a) child(ren) as any such concern should be reported immediately to the Designated Safeguarding Lead or to the Local Authority Designated Officer or appropriate authority as specified in the Academy's Safeguarding Policy.
- j) complain about or appeal against any decision relating to your pension. Separate Dispute Resolution Procedures have been set up by the Teachers' Pension Scheme and the local fund of the Local Government Pension Scheme;

1.6. An employee is entitled to have access by arrangement to their personnel file and to request the deletion of time-expired records in line with the provisions of the General Data Protection Regulation (GDPR) and the Data protection Act 2018

1.7. The Academy Trust Company delegates its authority in the manner set out in this policy.

1.8. The primary purpose of this procedure is to resolve current grievances.

1.9. The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievances).

1.10. The Academy's focus is on the remedial steps required to resolve a grievance.

1.11. The Academy does not speak of grievances being "against" any particular person but rather of grievances "relating" to a particular person.

1.12. The Academy shall seek to resolve any grievance raised by an employee during their notice period and/or garden leave period, using this policy.

1.13. There may be occasions where this procedure needs to be modified to comply with the requirements of the Academy's Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to the Academy Trust Company at appropriate stages. Where the Academy's safeguarding policies are invoked, the Grievance Policy may be suspended until the governing body or the Trust Board, determines in its sole discretion that it is appropriate to resume it. Where an employee has a disability that requires a reasonable adjustment, this will be discussed with the employee

1.14. Subject to Paragraphs 1.5(a) and (b), there may be occasions when an employee brings a grievance pursuant to the Disciplinary Policy and the procedure. This will not lead to any

automatic delay or pause in the conduct of matters under the Trust's Disciplinary Policy. In such circumstances the decision will be made as to whether to suspend the Trust's Disciplinary Policy. The final decision on whether to suspend the procedure will rest with the headteacher (or the Chair in the case of the Disciplinary relating to the headteacher).

- 1.15. In this policy "working day" means any day on which you would ordinarily work if you were a full-time employee. In other words, "working day" will apply differently to teaching and non teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this policy and procedure.
- 1.16. The Grievance Policy does not preclude any formal trade dispute implemented by Trade Unions.

## 2. INFORMAL RESOLUTION

- 2.1. The Academy Trust Company encourages employees to resolve grievances informally and without recourse to the formal grievance wherever possible;
- 2.2. Before raising a formal grievance under this procedure, you should try to resolve the matter informally either through your line manager or, where possible, with the other party.
- 2.3. Where there is scope to reach a resolution informally, various strategies will be discussed with you and you may wish to suggest possible strategies that may assist in reaching informal resolution.
- 2.4. Examples of informal action might include engaging in informal discussions with you; introducing team building sessions; offering team training; mediation sessions or other appropriate options depending on the specific circumstances of the grievance i.e. accessing the support of Trade Unions.
- 2.5. If an employee does not feel that there is a reasonable prospect of resolving their grievance informally and/or if attempts to do so have been unsuccessful, they may invoke the formal grievance resolution procedure.

## 3. RESOLUTION MANAGERS

The Resolution Manager should, where possible, be someone not personally involved in the matter which is the subject of the grievance and will be appointed in accordance with the table below depending on the subject matter of the grievance:

Your grievance relates to	Stage 1 Resolution Manager	Stage 2 Resolution Manager
Staff (other than the Headteacher)	The Headteacher or Resolution Manager appointed by Human Resources	Chair or another non-staff Director/Governor nominated by the Chair
The Headteacher	The Chair of Governors or Resolution Manager appointed by Human Resources	Directors'/Governors' Appeal Panel appointed by the Vice Chair
A Director/Governor or Directors/Governors (other than the Chair)	The Chair of Governors or Resolution Manager appointed by Human Resources	Directors'/Governors' Appeal Panel appointed by the Vice Chair (or the Clerk if the matter relates to the Vice Chair)
The Chair (or a group of Directors/Governors including the Chair) or Chief Executive	The Vice Chair or another non staff Director/Governor (other than the Chair) nominated by Human Resources	Directors'/Governors' Appeal Panel appointed by the Vice Chair (or the Clerk if the matter relates to the Vice Chair)

The whole body of Directors/Governors	The whole body of Directors/Governors	A panel appointed by the Diocesan Schools Commission
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## 4. POWERS OF RESOLUTION MANAGERS

- 4.1. As part of the resolution of a grievance raised under the formal procedure at Paragraph 5 below, a Resolution Manager will carry out an investigation into the allegations made by the employee in their Form GRP1 and/or GRP2 or as a result of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting.
- 4.2. As part of the resolution of a grievance raised under the formal procedure at Paragraph 5 below, a Resolution Manager may, where he/she reasonably believes that such action will result in a partial or full resolution of the grievance:
  - a) Request an independent investigation be carried out into the allegations made by the employee in their Form GRP1 and/or GRP2 or as a result of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting. Human Resources will appoint the independent investigator within 5 working days of a request by the Resolution Manager;
  - b) Make a recommendation that the employee who has raised the grievance attend independent mediation with any other party who is the subject of the grievance;
  - c) Recommend any other reasonable course of action.
- 4.3. Nothing in this Paragraph 4 shall prejudice the Academy's general right to deal with grievances with the assistance specified in Paragraph 11.

## 5. FORMAL GRIEVANCE

### 5.1. Stage 1

- 5.1.1. If you have not been able to resolve a problem through informal discussions in accordance with Paragraph 2, you must use Form GRP1 (pages 9-12) and submit it to Human Resources.
- 5.1.2. Human Resources will formally appoint a Stage 1 Resolution Manager following the guidance in Paragraph 3 above.
- 5.1.3. The Stage 1 Resolution Manager will arrange to meet with you as soon as possible to discuss your grievance. This meeting is a Stage 1 Resolution Meeting and will normally be held within 10 working days of the Stage 1 Resolution Manager receiving your completed Form GRP1 from Human Resources.
- 5.1.4. Employees are entitled to be accompanied at the meeting by either a colleague or Trade Union Representative.
- 5.1.5. Consideration should be given to adjourning the meeting for any further investigation that may be necessary.
- 5.1.6. The Stage 1 Resolution Manager will confirm the outcome of the Stage 1 Resolution Meeting in writing to you within 5 working days of the date of the Stage 1 Resolution Meeting ("the Stage 1 Resolution Letter").

### 5.2. Stage 2 (APPEAL)

- 5.2.1. In the event that you are not satisfied with the outcome of the Stage 1 Resolution Meeting as set out in the Stage 1 Resolution Letter, you can appeal by sending a completed Form GRP2 (pages 13-15) to Human Resources within 5 working days of the Stage 1 Resolution Letter being sent to you.

- 5.2.2. Human Resources will formally appoint a Stage 2 Resolution Manager (who will not be the Stage 1 Resolution Manager) following the guidance in Paragraph 3 above.
- 5.2.3. The Stage 2 Resolution Manager will arrange to meet with you as soon as possible to discuss your appeal. This meeting is a Stage 2 Resolution Meeting and it will normally be held within 10 working days of receiving your completed Form GRP2 from Human Resources.
- 5.2.4. Employees are entitled to be accompanied at the meeting by either a colleague or Trade Union Representative.
- 5.2.5. The Stage 2 Resolution Manager will confirm the outcome of the Stage 2 Resolution Meeting in writing to you within 5 working days of the date of the Stage 2 Resolution Meeting ("the Stage 2 Resolution Letter"). The decision of the Stage 2 Resolution Manager is final and there will be no further right of appeal.

## 6. DIRECTORS'/GOVERNORS' APPEAL PANEL

- 6.1. The Directors'/Governors' Appeal Panel shall comprise two or three non-staff Directors/Governors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of non-staff Directors/Governors not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to a Directors'/Governors' Appeal Panel.
- 6.2. In the event that there are insufficient numbers of Directors/Governors available to participate in the Directors'/Governors' Appeal Panel, the Academy Trust Company may appoint associate members solely to participate in the Directors'/Governors' Appeal Panel on the recommendation of the Diocesan Schools Commission.

## 7. COMPANION

- 7.1. If you are an employee and have presented a completed Form GRP1 you may be accompanied at any meetings under this policy by a Companion which should be either a colleague or Trade Union Representative.
- 7.2. You must let the relevant Resolution Manager know who your Companion will be at least one working day before the relevant Resolution Meeting.
- 7.3. If you have any particular reasonable need, for example, because you have a disability, you may also be accompanied by a suitable helper.
- 7.4. Your Companion can address the Resolution Meeting in order to:
  - a) put your case;
  - b) sum up your case;
  - c) respond on your behalf to any view expressed at the Resolution Meeting; and
  - d) Ask questions on your behalf.
- 7.5. Your Companion can also confer with you during the meeting.
- 7.6. Your Companion has no right to:
  - a) answer questions on your behalf;
  - b) address the meeting if you do not wish it; or
  - c) prevent you from explaining your case.
- 7.7. Where you have identified your Companion and they have confirmed in writing to the relevant Resolution Manager that they cannot attend the date or time set for the Resolution Meeting, the relevant Resolution Manager will not usually postpone the Resolution Meeting for a period in

excess of five working days from the date set by the Academy to a date or time agreed with your Companion provided that it is reasonable in all the circumstances. Should your Companion subsequently be unable to attend the rearranged Resolution Meeting, the Resolution Meeting may be held in their absence or written representations will be accepted.

## 8. COLLECTIVE GRIEVANCES

- 8.1. Collective grievances (i.e. more than one employee has concerns) may be dealt with under this procedure. A collective grievance can be brought by the Trade Union or an elected spokesperson to be discussed and resolved as appropriate with the designated Resolution Manager. The decision of the Stage 2 Resolution Manager is final and there will be no right of appeal.

## 9. CONFIDENTIALITY AND TRANSPARENCY

- 9.1. Proceedings and records of any grievance will be kept as confidential as possible but you must appreciate that circumstances can mean that grievances cannot always be dealt with on an entirely confidential basis.
- 9.2. A grievance you raise could result in the instigation of disciplinary action in respect of another employee and, to protect the confidentiality of that process, the Academy may not be able to inform you of the fact of the disciplinary process or of the disciplinary action which has been taken as a result of your grievance, if any.
- 9.3. The parties should not disclose the fact or content of any grievance to any employee or third party without the express consent of the Resolution Manager (except that you are allowed to approach a prospective Companion). Failure to comply with this clause may render you liable to disciplinary action under the Academy's Disciplinary Policy and Procedure.
- 9.4. At the conclusion of your grievance, and after any related disciplinary or other processes have been completed, a report will be presented to the non-staff Directors/Governors at a full meeting of the Governing Board as a confidential item.

## 10. TIMINGS OF MEETINGS

- 10.1. need to be held when you were timetabled to teach (if that is appropriate to your role) in directed time and not in PPA;
- 10.2. exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation;
- 10.3. be held after the end of the school day;
- 10.4. not be held on days on which you would not ordinarily work;
- 10.5. Be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

## 11. VENUE FOR RESOLUTION MEETINGS

If your grievance raises sensitive issues, the relevant Resolution Manager may hold the meeting off the Academy site.



## 12. ASSISTANCE

- 12.1. Where a formal grievance relates to a matter concerning the religious character of the Academy, your completed Form GRP1 and any other relevant information will be sent by the Academy to the Diocesan Schools Commission who may appoint an adviser to assist the Academy in responding to your grievance.
- 12.2. In all cases the Academy may seek assistance from the Diocesan Schools Commission.

## 13. FALSE, VEXATIOUS OR MALICIOUS GRIEVANCES

Making a false, vexatious or malicious grievance under this procedure is a serious disciplinary offence which could result in dismissal for gross misconduct.

## 14. PUBLIC INTEREST DISCLOSURE/WHISTLEBLOWING

You should be aware that a grievance may, in certain cases, amount to a protected disclosure under the Employment Rights Act (please see the Academy's Public Interest Disclosure Policy and Procedure for further details). You will not be allowed to raise the same matter under both policies.

## 15. REVIEW OF THIS PROCEDURE

Every two years

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THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

# GRIEVANCE RESOLUTION POLICY AND PROCEDURE FORM GRP1

NOTIFICATION OF FORMAL GRIEVANCE TO BE SUBMITTED TO HUMAN RESOURCES.

Submitted by	Name	
	Job Title:	

1. I wish to formally complain about the behaviour, conduct or decisions of:

☐

Parents

☐

Pupils

☐

Staff (other than the Headteacher)

☐

Headteacher

☐

A Director/Governor or Directors/Governors (other than the Chair of the Board)

☐

The Chair of the Board (or a group of Directors/Governors including the Chair)

☐

The Directors as a whole

2. THE DETAILS OF MY COMPLAINT ARE (WHERE POSSIBLE PLEASE IDENTIFY DATES, TIMES AND NAMES):

3. EITHER I HAVE ATTEMPTED TO RESOLVE MY GRIEVANCE INFORMALLY BY (PLEASE DETAIL YOUR ATTEMPTS AT INFORMAL RESOLUTION) OR I HAVE NOT ATTEMPTED TO RESOLVE THIS MATTER INFORMALLY BECAUSE (DELETE WHERE APPROPRIATE):

4. IN CONSIDERING MY GRIEVANCE, I ASK YOU TO CONSIDER SPEAKING TO THE FOLLOWING:

5. IN CONSIDERING MY GRIEVANCE, I ASK YOU TO LOOK AT THE FOLLOWING ATTACHED DOCUMENTS:

6. IN CONSIDERING MY GRIEVANCE, I ASK YOU TO LOOK FOR THE FOLLOWING DOCUMENTS:

7. THE OUTCOME I AM SEEKING TO RESOLVE THIS GRIEVANCE IS:

8. DURING THE PERIOD IN WHICH YOU INVESTIGATE MY GRIEVANCE, I WOULD LIKE YOU TO CONSIDER TAKING THE FOLLOWING STEPS (IF ANY):

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9. MY GRIEVANCE DOES/DOES NOT\* INCLUDE A COMPLAINT THAT I AM SUBJECT TO DISCRIMINATION, BULLYING OR HARASSMENT (IF NECESSARY PROVIDE RELEVANT INFORMATION).

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10. MY GRIEVANCE DOES/DOES NOT\* INCLUDE A COMPLAINT THAT RAISES A CHILD PROTECTION ISSUE (IF NECESSARY PROVIDE RELEVANT INFORMATION).

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11. I WILL/WILL NOT\* NEED SPECIAL HELP AT MY RESOLUTION MEETING (IF NECESSARY PROVIDE RELEVANT INFORMATION).

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12. MY COMPANION AT THE STAGE 1 RESOLUTION MEETING WILL BE:

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13. MY COMPANION CANNOT ATTEND A RESOLUTION MEETING ON THE FOLLOWING DATES/TIMES:

**I have read the Grievance Resolution Policy and Procedure and am aware that false, malicious or vexatious grievances may result in disciplinary action against me for gross misconduct. I am aware that the GRP1 may be forwarded to the Diocesan Schools Commission and to the Designated Person for Child Protection. I am aware that a report on the outcome of this grievance will be submitted to the Directors.**

**Signed:**

**Print name:**

**Date:**

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OFFICE USE ONLY

Received by Human Resources on:

Stage 1 Resolution Manager:

Received by Stage 1 Resolution Manager:

Resolution Meeting held: