



# Grievance Policy

For the Academies within TAMAT

This Grievance Policy was approved and adopted by the Trust Board: Sum 2024  
It will be reviewed: Sum 2025

## **1. Statement of Intent**

The Trust Board recognises that employees may from time to time have concerns about matters relating to work which they wish to have addressed, whether on an informal or formal basis.

In particular, the Trust Board is committed to:

- Fostering good working relationships between managers and employees and a climate where employees feel able to raise concerns relating to their employment
- Enable any employee to have their grievances heard and addressed.
- Encourage a harmonious working environment.
- Encouraging responsible use of the grievance policy and procedure and addressing malicious or vexatious grievances about colleagues robustly.

## **2. Introduction and Purpose of Procedure**

The purpose of the Grievance Procedure is to provide a framework for the quick and effective resolution of problems or concerns that may arise in the workplace. The aim is to ensure that employees with a grievance are given the opportunity to have their concerns heard and, where possible, to secure a mutually acceptable resolution.

The Trust Board is mindful of its obligations under the legal framework which includes but not limited to:

- Equality Act 2010
- Employment Act 2002
- Data Protection Act 2018
- UK General Data Protection Regulation (UK GDPR)
- Acas (2015) 'Code of Practice on Disciplinary and Grievance Procedures'

This procedure will be applied fairly and consistently to all employees. The Trust Board and those with line management responsibility will give due consideration to any concerns about equality or discrimination that may be raised and will seek additional advice on such matters as necessary. The Trust Board has a separate procedure to manage complaints about bullying and harassment and such concerns will be addressed initially in accordance with that procedure.

### **3. Roles and Responsibilities**

The Trust Board is responsible for:

- Ensuring the effectiveness of this Policy by monitoring and reviewing it annually.
- Ensuring no member of staff is discriminated against, in accordance with the Equality Act 2010.

The Local Academy Board is responsible for:

- Assuming the Headteacher's responsibilities, where a grievance is in relation to the Headteacher.
- Determining the outcome of a grievance appeal.
- Handling any incidents of malicious grievance reporting.
- Handling any disciplinary actions following a grievance being raised.

The Chair of Governors is responsible for:

- Assuming the role of Investigating Officer if the grievance is against the Headteacher.

The Headteacher is responsible for:

- Ensuring that those with Line Management responsibilities are suitably skilled to handle grievances appropriately. The Headteacher will also hear grievances in his/her capacity as a Line Manager and, in some cases, where the employee does not feel able to raise concerns with his/her own Line Manager.
- Ensuring all members of staff read and understand the provisions in the policy.
- Handling any grievances that are brought to their attention.
- Appointing an impartial Grievance Officer, who assists the Headteacher in handling any grievances.
- Working with the Grievance Officer to resolve any grievances as appropriate.
- Assess information during grievance meetings and investigations and assisting the Grievance Officer in determining the best course of action.
- Writing and delivering grievance outcome letters.
- Ensuring all Line Managers treat grievances seriously, ensuring enough time and priority is allocated to addressing the issue.

The Clerk to Governors is responsible for:

- Keeping up to date with training needs for handling grievances.
- Forming an appeal panel, where necessary.

Line Managers are responsible for:

- Monitoring the working environments of colleagues to identify any conflicts.
- Promoting positive working environments.
- Managing informal stages of the grievance procedure.
- Working with the Grievance Officer and Headteacher to investigate any grievances within their department.

The Grievance Officer is responsible for:

- Resolving employees' formal grievances promptly.
- Assisting with the grievance investigation.
- Presenting information at grievance meetings and during any appeal hearings.
- Making any reasonable adjustments to ensure employees are able to attend meetings.
- Remaining unbiased and listening to all sides of the grievance to uncover the truth.
- Appointing an impartial Investigation Officer.
- Being a witness at appeal hearings.
- Determining what the grievance outcome will be – unless the grievance goes to an appeal, in which case the LAB is responsible.

The Investigation Officer is responsible for:

- Investigating the facts of a grievance, as directed by the Grievance Officer and Headteacher.
- Providing evidence at grievance meetings.
- Standing as a witness during any appeal hearings.

Employees are responsible for:

- Employees are expected to raise concerns without undue delay and to seek, where possible, to resolve matters informally in the first instance.
- Submitting formal grievances in writing to the Grievance Officer within four months using the Employee Grievance Form.
- Ensuring any grievances that they raise are truthful and fair.

## **4. Addressing the Grievance Informally**

### **4.1 Raising the Grievance**

Where possible, employees should first seek to resolve their grievance informally and at an early opportunity; employees who are members of a union may find it useful to seek initial advice from their union at this stage. Employees are expected to raise concerns within no more than a three-month period following the act or decision complained of or show good reason for a longer delay.

If the employee's grievance relates to a colleague, they should normally attempt to raise and resolve the grievance directly with that individual. Where this is not possible, and for all other cases, the employee should raise the concerns with their Line Manager in the first instance. The Line Manager will then arrange for an informal meeting to discuss the matters raised, with a view to achieving a satisfactory outcome.

Where the grievance involves the employee's Line Manager, or in cases where the employee is not comfortable with raising the matter with their Line Manager, the employee should take their concern to the next most senior Manager or the Headteacher who will either meet with the employee informally or identify another appropriate person to address the grievance.

Concerns which in some way relate to the actions of the Headteacher should be taken to the Chair of the Local Academy Board who will nominate a member of the Board to address the grievance.

If the Headteacher has a grievance, they should inform the Chair of the Local Academy Board in the first instance, who will either seek to resolve the grievance themselves or identify another governor to do so, where this is more appropriate.

If the Manager, upon hearing the nature of the complaint, believes that it is more appropriately addressed by the Trust Board, they will advise the employee accordingly and provide a copy of the appropriate procedure.

### **4.2 Initial Handling of a Grievance**

All information processed during a grievance will be kept in accordance with the Data Protection Policy and Staff Confidentiality Policy.

Employees will have the right to be accompanied at all stages of a formal procedure and may choose to bring a companion to the informal stages. The employee's companion will be either:

- A colleague or friend
- A Trade Union Official or Accredited Trade Union Representative.

Companions will not:

- Answer questions on the employee's behalf.
- Address the hearing if the employee does not want them to.
- Pose a conflict of interest to the grievance being raised.
- Prevent the employee from explaining their case.

#### **4.3 Informal Grievance Meeting**

Employees will first submit their grievances to their Line Manager so that the grievance can go through the informal stage. The Line Manager will inform the Headteacher (unless the grievance is against the Headteacher) and Grievance Officer that an informal grievance has been made; however, the identities of those involved will not be provided at this stage.

The purpose of the informal stage is to resolve the issue in an open, honest, and positive manner, to avoid formal escalation.

The informal meeting will take place within ten working days of the grievance being raised. The Line Manager will arrange a time for the informal meeting, the employee will be informed in writing of the time and date. If the employee is unable to attend, the Line Manager will arrange another suitable time.

In the informal meeting, the employee's line manager will determine:

- What the employee is concerned about.
- What outcome the employee is seeking.
- Whether further meetings and escalation to the formal stage is required.

The Line Manager will keep notes during the informal meeting and the employee will be provided with a copy of these immediately, at the end of the informal meeting, the Line Manager will agree what action will be taken to achieve the appropriate outcome and by when e.g. escalation to the formal stage. The Line Manager will provide the employee with a written outcome letter within five days of the meeting.

If the grievance relates to another employee, that employee will be informed in writing within five days and the Line Manager will hold a meeting with them to explain. The identity of the person raising the grievance will not be provided to any other employee.

Where third parties are involved, the Line Manager will use the initial meeting to gather relevant facts. It may then be necessary to adjourn the meeting to allow for further investigation and to interview other parties.

If the working relationship between the employees for which the grievance is concerned is breaking down, the Line Manager will consider whether seeking assistance from the Headteacher or Grievance Officer is appropriate.

The Manager will conclude any necessary further investigation and then follow up with the employee, explaining their findings and any action to be taken as a result within five days of

the meeting. The Manager will also explain that, if the employee remains dissatisfied with the outcome, they may raise the matter as a formal grievance within 10 working days. The employee will be asked to complete the Employee Grievance Form.

The Manager will keep a brief written record of the informal grievance, the outcomes, and any agreed action. This will remain confidential to the Manager and will only be shared with the employee and other relevant parties.

## **5. Addressing the Grievance Formally**

### **5.1 Grievance Hearing - Formal Stage**

Where informal attempts to resolve a grievance have been unsuccessful, the employee may consider formalising their grievance by putting it in writing. He/she may wish to seek advice from his/her Union Representative on how best to take the matter forward. The formal grievance must be presented to the Headteacher (or the Chair of the Local Academy Board if the grievance relates to the Headteacher) within 10 working days of the employee's last involvement with the informal stage (this will usually be when he/she was informed of the outcome of the informal grievance). Formal grievances received after this time may still be considered if the Manager hearing the case is satisfied that there are valid reasons for the employee's delay.

The written grievance should include the following:

- The fact that the employee intends the matter to be raised as a formal grievance;
- A detailed account of the concern/complaint(s), including dates when any incident(s) took place and the names of any other people who may have been involved;
- A summary of what took place during the informal stage, who dealt with the complaint and why they were not satisfied with the outcome.
- What resolution the employee is seeking by making the formal grievance.
- Any supporting documentation which the employee wishes to be considered.

A template to complete is provided as Appendix 1 at the end of this Policy if the employee prefers to use a standard format.

It is particularly important that the employee identifies what resolution (or options for resolution) they would deem to be acceptable. If a resolution is not identified, the employee may be asked to give the matter further consideration before the grievance is taken further.

An employee may wish to seek assistance with drafting the letter from a work colleague or Trade Union Representative. An employee with a disability which affects their ability to put the grievance in writing should also inform their Line Manager or the Headteacher who will consider what reasonable adjustments can be put in place.

## **5.2 Grievance Investigation**

The Grievance Officer will conduct one of the following two investigations:

- A fact checking investigation
- A full investigation

The Grievance Officer will determine which type of investigation is required on a case-by-case basis. Following the initial formal meeting the Grievance Officer may need to conduct a fact checking investigation before resolving the grievance. Fact checking investigations will be conducted in a professional, timely and non-intrusive manner. These investigations may involve interviews with Line Managers and email searches.

For full investigations, the Grievance Officer will:

- Appoint a suitably independent and senior member of staff e.g. the Head of HR, or the Chair of Governors to be the Investigation Officer within five working days.
- Assist the Investigation Officer as far as they can without interfering with the investigation.

During full investigations, the Investigation Officer will:

- Aim to conclude their investigation within 15 working days.
- Interview the employee concerned, plus other employees whose information may have a bearing on the case.
- Present their findings in writing to the Grievance Officer, who will provide a copy to all employees involved.

The Investigation Officer will not be responsible for determining the outcome of the grievance, this responsibility will lie with the Grievance Officer and Headteacher.

## **5.3 Formal Grievance Meeting**

On receipt of the formal grievance, the Headteacher (or Chair of Governors) will determine whether they will hear the grievance or whether it should be referred to another senior manager or governor.

The person responsible for hearing the grievance will invite the employee to attend a formal meeting to discuss the matter; this meeting should normally take place within 10 working days of receipt of the grievance letter. Where circumstances prevent this, the employee should receive a formal response within this timescale with the meeting being held as soon as possible thereafter.



The employee has the right to be accompanied at this meeting by either a work colleague or trade union representative and should make every effort to attend the meeting at the proposed time (see also section 7.5, 'Scheduling Formal Meetings').

During the meeting, the employee will be given the opportunity to explain his/her grievance and desired outcome. If the person hearing the grievance determines that the matter warrants further investigation or other advice needs to be sought, he/she should adjourn the meeting so that any appropriate actions can be undertaken, such as interviewing witnesses or gathering evidence.

Within 10 days of the meeting taking place, the person hearing the grievance must write to the employee, either:

- a) Informing him/her of the outcome and any actions to be taken as a result;
- b) Updating him/her on the progress of any subsequent investigation, including the date by which it is expected that the investigation will be completed and an outcome may be communicated.

The letter informing the employee of the outcome should also include confirmation of the right to appeal in the event that he/she remains dissatisfied. This right should be exercised in writing within 5 working days of receipt of the letter. The appeal may be heard by the Headteacher, if he/she was not involved in the initial decision, otherwise it will be directed to the Clerk to the Governing Body who will convene a governors' hearing for the purpose (see also 'Appeals', section 6 below).

## **6. Appeals**

There shall be a right of appeal against the outcome of any grievance which has been raised under the formal stage of the procedure. In exercising this right, the employee must confirm the grounds on which he/she is making the appeal. If the appeal letter does not contain this information, the employee will be asked for further particulars before the appeal hearing takes place.

Appeals will be heard by the Headteacher or one or more governors, in accordance with the scheme of delegation in place and bearing in mind the need to secure impartiality at every stage of the process. No person will hear an appeal against his/her own decision. Appeals against grievances which have been heard by a governor will always be heard by one or more governors with delegated powers. References to the Appeals Panel hereafter may therefore be interpreted accordingly, although the 'panel' could in some cases consist of one person.

The appeal hearing will be arranged to take place as soon as is reasonably practicable, allowing the employee at least 5 working days' notice of the date. As before, the employee has the right to be accompanied at this meeting by either a work colleague or trade union representative.

The purpose of the meeting is for the Appeals Panel to consider the grounds for appeal and to review the fairness of the outcome of the grievance. New evidence may be considered at the appeals stage but no additional grievances can be raised.

Within 5 working days of the appeal hearing taking place, the employee will be notified in writing of the outcome and any actions which have been determined. There is no further right of appeal.

## **7. Procedural Points & Specific Circumstances**

### **7.1 Grievances relating to Equality, Diversity and Inclusion (EDI)**

The school has a zero-tolerance policy to any unlawful discrimination, bullying and harassment and victimisation of any staff, contractors, pupils and parents under its obligations to the Equality Act 2010. Any concerns or complaints relating to the above will be dealt with in accordance to **the Equality Diversity & Inclusion Policy and Bullying and Harassment Policy**. If an Equality Diversity & Inclusion concern or complaint is relating to a work practice or policy, this may be dealt with under this Grievance Policy and Procedure.

### **7.2 Collective Grievances**

A 'collective grievance' for the purposes of this procedure is defined as a grievance put forward by two or more employees who have the same concerns or problems to raise, and who have agreed to raise these jointly rather than separately. Collective grievances are not used to consider issues which are already the subject of collective negotiation or consultation with recognised trade unions.

Collective grievances will be addressed in accordance with the general framework outlined in this procedure and there is therefore a presumption that efforts will be made initially to resolve the grievance on an informal basis.

Where the employees are trade union members, their trade union representative(s) may raise the grievance on the employees' behalf and act as their spokesperson. In so doing, they will need to identify the employees who are raising the grievance.

Where a collective grievance reaches the formal stage, there will in most cases be a single grievance hearing convened and a single outcome communicated to all. It may, however, be necessary to discuss with the employees and/or their spokesperson how the procedure will be managed as it may need to be adapted according to the circumstances and nature of the case.

Where employees do not agree to use the collective grievance process each grievance will be heard on an individual basis.

An appeal, conducted in accordance with section 6, will be convened when at least one employee who was party to the collective grievance seeks to exercise the right. Employees who are satisfied with the outcome of the grievance may choose to withdraw from the process at this stage.

### **7.3 Grievances Arising Post Employment**

Grievances which are already under consideration before a member of staff leaves employment will usually be seen through to conclusion in accordance with the timescales and process outlined in this

procedure unless the employee no longer wishes to engage with the process or there is clearly no purpose to be served in seeking to resolve the employee's complaint after they have left.

This procedure does not apply to grievances which are not raised until after the employee has left. Employees are expected to raise genuine concerns prior to employment ending. Concerns or complaints which are not raised until after employment has ended will be considered only on a discretionary basis, bearing in mind the nature of the concerns raised, the length of time since the employee left and any other relevant factors. The manager or governor assigned to consider the case may determine that the matter requires further investigation without necessarily treating the employee's concerns as a formal grievance.

#### **7.4 The Role of Mediation**

In seeking to resolve a grievance, it may sometimes be appropriate for mediation to be considered, depending on the nature of the grievance. A third-party mediator may be asked to discuss the issues with those involved and seek to facilitate a resolution. Mediation will only be used where all parties involved in the grievance have agreed to it.

#### **7.5 Scheduling Formal Meetings**

Meetings should be held during the employee's usual working day. Other arrangements can be made by mutual agreement. Closure periods will generally result in a temporary suspension of the procedure.

The employee is expected to make every effort to attend meetings at the required time. The relevant manager/governor will, where reasonably practicable, seek to liaise with the employee regarding the availability of their chosen work colleague or trade union representative to ensure that postponements are not necessary. If the employee's work colleague or trade union representative is unable to attend, an alternative date may be suggested by the employee. This will not be unreasonably declined provided it can be accommodated by those conducting the grievance meeting or appeal and does not result in an unacceptable delay. As a general rule, a delay of up to 5 working days will be acceptable but each request will be considered on its own merits. Any subsequent postponements, or a failure of the employee to turn up to a scheduled meeting without good reason, is likely to result either in the grievance being decided on the basis of other available evidence or a decision that the grievance will not be given further consideration.

#### **7.6 Ill-Health Absence**

The Trust Board aims, through this procedure, to deal with all grievances with the minimum of delay, in the best interests of all parties. The ill-health absence of an employee during the procedure will not result in any delay to convening meetings or appeals beyond what is reasonable in the circumstances. One attempt to reschedule a grievance meeting or appeal will be made where ill-health absence intervenes and it should be explained to the employee that if they are still unable to attend on the rescheduled date the relevant manager/governor(s) will either:

- a) proceed to investigate the grievance (or consider the appeal) without meeting with the employee first, in which case the employee will be offered the option of making a written submission or asking their companion to attend the rescheduled meeting on their behalf, or,
- b) Where it is not practical to proceed with investigating the grievance or hearing the appeal without further clarification from the employee, inform the employee that the grievance will not be pursued further at this time due to the employee's absence.

Absence which appears to have been triggered by the grievance itself will usually be referred immediately to Occupational Health to obtain advice. If the absence becomes long term then this will be dealt with in accordance with the Attendance Management Policy.

### **7.7 Data Protection**

TAMAT processes personal data collected during informal complaints and the formal grievance procedure in accordance with its data protection policy. The Headteacher, governors and any other manager involved with the operation of this procedure will ensure that any information relating to an employee's grievance is held securely, accessed by and disclosed only to those who have a direct involvement in dealing with or responding to the grievance, except in cases where disclosure may be a legal obligation or where there is a reporting duty to the local authority or other outside agencies.

In order to investigate a complaint or concern thoroughly, it will often be necessary to speak to members of staff or other people associated with TAMAT. Disclosure to individuals will be based on what they need to know in order to contribute effectively to the investigation, emphasising the need for strict confidentiality. If in doubt, the investigating manager will clarify with the employee what details will be disclosed in advance.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under TAMAT's disciplinary procedure.

### **7.8 Grievances Relating to Other Procedures**

Grievances which relate directly to the instigation or operation of procedures to address disciplinary, capability or attendance concerns will be handled in accordance with the rights under those procedures to state a case and to appeal against any formal action taken.

## **8. Frivolous and Vexatious Grievances**

Disciplinary action may be taken against employees making malicious grievances. Bullying, harassment, or victimisation will not be tolerated.

All employees will be made aware of the school's Code of Conduct and act in accordance with it. All employees will adhere to the Equality, Diversity and Inclusion Policy.

## **9. Status of Policy and Review**

The content and operation of this procedure is reviewed annually by the Trust Board. The Policy is discretionary and does not confer any contractual rights.

## Appendix 1

### Employee Grievance Form

Employees who wish to raise a formal grievance are required to complete this form and submit it to their Line Manager. If employees wish to raise a formal Grievance immediately, they should give this form to the Headteacher.

Please note: grievances should be raised within four months of the incident that led to the grievance.

This form is for formal grievances only. Please also provide a letter outlining:

- A brief description of the events that led to the grievance, including names and dates.
- An account of how the events made you feel.
- What actions you have taken to resolve the grievance.
- What outcomes you are hoping for.

Employee Details			
Name			
Job Title		Form Completion Date	
Grievance Details			
Does your grievance relate to another member of staff		Yes	No
If the grievance relates to your Line Manager, give this form to the Headteacher			
If the grievance relates to the Headteacher, give this form to the Chair of Local Academy Board			
Date of last incident relevant to grievance			
Please provide details of the grievance:			
Please detail any individuals involved:			
Please provide details of your preferred solution:			
Are you being supported by a colleague, trade union official or trade union representative		Yes	No
If yes please provide their name			

**Appendix 2**

**Grievance Appeal Form**

Please submit this form to the Clerk to the Local Academy Board within ten working days of receiving the grievance outcome letter.

Employee Details			
Name			
Job Title		Form Completion Date	
Grievance Appeal Details			
Date of grievance meeting			
Outcome of grievance meeting			
Please provide details of the grievance appeal			
Please provide details of your preferred solution			
Are you being supported by a colleague, trade union official or trade union representative?		Yes	No
If yes please provide their name			
Employee Signature			