

# Applecroft School



## Grievance Procedure and Policy

<b>Person Responsible:</b>	<b>Finance &amp; Business Manager</b>
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# Grievance Procedure and Policy

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## 1) Introduction:

### **School Vision:**

'To be a positive and inspiring community that nurtures each individual and empowers leaders for life.'

### **School Mission Statement:**

'Nurturing Potential, Inspiring Minds, Changing Lives'

### **School Values:**

- Ambition and Leadership
- Kindness and Supportiveness
- Respect and Honesty
- Determination and Resilience

The aim of this procedure is to achieve fair and equitable treatment for all employees of the school in relation to the management of grievances in the workplace.

The procedure applies to all employees of the school. This procedure does not form part of any employee's contract of employment and it may be amended at any time.

Whilst this procedure recommends that employees submit a written notice of grievance in order to have the matter dealt with formally, (see appendix 1), a grievance can be expressed in other ways, for example, verbally. It is important to recognise and deal with any potential grievances and seek clarification from the employee as to whether they wish to take their complaint formally through this procedure.

The procedure may be used for grievances:

- Between colleagues where there is no line management relationship
- Between an employee and management including the Headteacher or a Trustee

The procedure may be used for concerns relating to the employee's own work, contract of employment or working relationships with colleagues.

The procedure may not be used for grievances regarding:

- Disciplinary action
- Termination of employment
- Pay including: National Insurance, Income Tax or pensions
- Performance capability and appraisals
- Harassment and/or bullying
- Statutory changes to working practices
- Whistleblowing (unless the employee is directly affected by the matter in question or where the employee believes they may have been victimised for an act of whistleblowing)

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.

These are all covered by separate procedures and can be accessed and/or requested at any time.

### **What is a grievance?**

Anyone working in a school may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management. Examples of a grievance include (but are not limited to): conditions of employment, health and safety, relationships at work and new working practices.

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.

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.

If you are a member of a trade union or professional association you should seek advice from your representative at the earliest stage as some concerns are dealt with through different procedures, and you need to consider "the right to be accompanied" section of this procedure before setting out on a formal procedure.

An employee cannot raise a grievance on the same grounds they have cited in an earlier appeal/complaint heard under any other policy. This procedure cannot be used to lodge a complaint about the outcome of any other formal procedure, which has its own appeal process.

### **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.

### **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.

### **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.

### **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 Appendix 1 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.

### **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.

### **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, in writing, 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.

### **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.

### **Roles and responsibilities:**

By their nature, grievances are internal matters and may involve a number of people. It is not possible, nor desirable, given the emphasis upon dealing informally with grievances, to prescribe specific roles. However, the following broad guidelines may be helpful.

### ***Line Managers***

In the first instance, Line Managers are responsible for dealing with any informal and/or first stage grievances for the staff they line manage.

### ***Headteacher***

The Headteacher is responsible for dealing with any grievance not resolved by Line Managers.

### ***Chair of Trustees***

If a Trustee or Trustees are approached about a grievance, they should refer it without detailed discussion to the Chair of Trustees. Where the Headteacher is the subject of the grievance, the Chair of Trustees assumes the responsibilities of the Headteacher in arranging for the grievance to be considered.

### ***Other Trustees:***

For reasons stated above, it is not appropriate for other Trustees to be involved in detailed discussion of the substance of a grievance unless, of course, they are themselves the subject of the grievance, because they may be required to sit on a panel (including possibly an appeal panel).

### ***Representation of a professional association or trade union:***

In the interests of good employer/employee relationships, representatives have a role in advising and offering early support to their member at all stages with a view to seeking an agreed resolution as early as possible.

### ***Guidance for Employees:***

Where an employee has a grievance with a Trustee that does not involve any other member of staff, they should discuss the matter with the Headteacher before making an approach to the chair of Trustees.

Appendix 1 and 2 set out guidance for employees about how to raise a grievance.

### **Right to be accompanied:**

An employee has the right to be accompanied and supported, at any formal stage of the procedure, by a work colleague or an accredited professional association/trade union representative.

The employee should give advance notice if they are to be accompanied and by whom, within 3 working days of the meeting. If the professional association/trade union or work colleague is unavailable at the time of the hearing, the employee should contact the individual organising the hearing to reschedule 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.

### **Formal grievance procedure:**

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.

A written transcript of the meeting will be made available to the employee within 7 working days of the meeting.

### ***Investigation:***

It may be necessary to carry out an investigation into a formal grievance. The amount of any 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 employee and witnesses and/or reviewing relevant documents.

The employee must co-operate fully and promptly in any investigation. This may include informing the investigating officer of the names of any relevant witnesses, disclosing any relevant documents and attending interviews as part of the investigation.

The school may instigate an investigation before holding a grievance meeting where considered appropriate. In other cases a grievance meeting may be held before deciding what investigations (if any) to carry out. In either case the school will hold a further grievance meeting after the investigation is completed to enable a decision to be made.

Anybody involved in the investigation will be bound by the duties of confidentiality, and will not share any details of the grievance (or any meetings) with anybody that is not directly involved in the investigation.

### ***Formal grievance meeting:***

Grievances concerning issues that are more than three months old will not usually be investigated unless related to the current issue or there are exceptional circumstances.

Any reference to the hearing manager relates to the Headteacher or chair, i.e. the person conducting the meeting/hearing unless they have had prior involvement at the informal stage.

Where an employee's grievance has not been resolved informally the employee should submit a 'written notice of grievance' form (see appendix 1). The formal grievance will not proceed unless the employee has submitted their grievance in writing, clearly stating the nature of their grievance.

When submitting a grievance, the employee should give as much detail as possible, including what outcome they are looking for. Evidence that the informal stage has been undertaken should also be submitted at this stage. Where this has not happened, the aggrieved party should explain clearly why they did not feel able to go through the informal stage.

The person hearing the grievance or chairing the panel should ensure that a note taker attends the hearing in order to record the main points and actions.

It is important that all grievances are considered fairly and without unreasonable delay. It is important that all parties have advance access to any written statement or evidence to be used at the grievance meeting. This should be in sufficient time to enable full consideration of the material.

Employees have the right to be accompanied at any formal meetings by a work colleague or an accredited professional association/trade union representative. A companion can make representations to the panel and ask questions, but is not permitted to answer questions on the employees behalf.

Separate meetings with each of the parties involved may be held if this is deemed more appropriate. The manager considering the grievance will decide who should be present at any meeting.

The purpose of the grievance meeting is for the employee to explain their grievance and how it may be resolved. The decision will be reached as soon as reasonably practicable and usually within five working days of the final grievance meeting. Any decision and/or outcome will also be confirmed to the employee in writing, including any action they intend to take to resolve the grievance.

**Witnesses:**

Any witness to be called at a hearing must have submitted a written statement of their knowledge of the case in advance of the hearing which has been exchanged with all parties as soon as reasonably practicable and in any event at least three working days prior to the hearing.

Testimonials regarding an employee's personality and character will not be accepted as witness statements, nor may such witnesses be called to attend a hearing for this purpose.

A witness who is not a school employee may provide a witness statement (not a testimonial) but would not usually attend a grievance hearing.

**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.

**Appeal:**

If the grievance is not resolved to the employee's satisfaction they may appeal in writing to the chair of Trustees, unless otherwise directed, within seven calendar days of receiving the written decision. The appeal notice should make clear the reasons for the appeal. The chair will arrange for three members of the governing board not previously involved, to hear the appeal and they may be supported by a HR adviser. Whilst new evidence on the same grievance may be submitted, no new grievance(s) may be added to the proceedings. New evidence will only be considered if relevant to the grievance outcome decision and there was a good reason why this had not been included as part of the original grievance.

The appeal hearing will take place without unreasonable delay and will be a review of the fairness of the original decision in light of the procedure that was followed and any new information that may have come to light.

If the grievance was investigated by an investigating officer other than the hearing manager, the investigating officer may be called as a management witness.

Following the appeal hearing, the chair of the panel considering the case will give a response to the grievance appeal. The chair of the panel will send written confirmation of the outcome to both parties as soon as reasonably practicable and usually within five working days of the decision. The decision of the appeal panel is final, and there is no further right of appeal.

#### **Overlapping disciplinary and grievance issues:**

If an employee raises a grievance after disciplinary proceedings have started against them, the school will consider suspending the disciplinary proceedings for a short period to consider the implications of the grievance (if any) on the disciplinary process. If the grievance and disciplinary issues are unrelated, they can be heard separately otherwise they may be dealt with concurrently where appropriate.

#### **Collective grievances:**

Where a group of employees take out a grievance regarding the same subject matter, this will be heard using the process above i.e., as one grievance claim. It may be appropriate for the aggrieved employees to appoint one or two individuals to present the grievance. This could be a professional association/trade union representative(s).

#### **Vexatious, malicious and frivolous grievances:**

All grievances will be taken seriously, but only those which raise a legitimate or genuine concern will be heard or investigated. The school will not consider any frivolous or vexatious grievances, or any repeat complaints which have already been responded to. Evidence of malicious grievances, or consistent misuse of this policy, may result in formal disciplinary action being taken against the employee(s) concerned.

#### **Former Employees, Exit interviews and resignation letters:**

There is no explicit requirement in the ACAS Code for an employer to follow a grievance procedure in cases involving former employees, but the employer reserves the right to deal with such complaints as it deems appropriate, which could include an internal review and outcome letter. If a Headteacher/chair of Trustees receives a letter of resignation from an employee that includes what appears to be a grievance, they should write to the employee and ask them whether they would like to progress a grievance. An issue raised in an exit interview or leavers' questionnaire might constitute a grievance. If a manager has any concerns about the content of a resignation, exit interview or leavers questionnaire advice should be sought.

#### **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.

## Applecroft School



### Employee's notification of grievance

This form should be used to submit a grievance in accordance with the formal grievance procedure, adopted by the Board of Trustees at Applecroft School.

You and, where appropriate your professional association/trade union representative should complete the form and hand it to your Headteacher, the person against whom the grievance is being brought and the chair of Trustees. You are advised to keep a copy.

Name:.....

School:.....

Post held:.....

Describe briefly:

The nature of your grievance (this should include a full description of the nature of your complaint including any relevant facts, dates and names of individuals involved).

On what date did you first raise your grievance, and with whom?

What action has been taken on your grievance at the informal stage?

What outcomes are you seeking? *(Please detail actions you would like taken to resolve the situation, e.g. an apology)*

Whether you will be interested in exploring a resolution through mediation

Has your professional association/trade union representative been informed? YES/NO

If YES: (a) Do you wish the representative to receive correspondence? YES/NO

Please identify the representative and where he/she may be contacted

Signed:.....

Date:.....

**Grievance Flow Chart**

