

Staff Grievance Policy and Procedures

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Introduction:

The Balcarras Trust recognises the importance of good working relationships with its employees and seeks to ensure that grievances are resolved as quickly as possible.

This is a Trust Policy. All schools in Balcarras Trust are required to follow the guidance set out in this policy. Where the policy uses the phrase “school”, this refers to the relevant school, which is part of the Balcarras Trust.

A grievance is a concern, a problem or a complaint that an employee can raise with the school relating to their employment. This procedure is to ensure that employees are treated fairly when raising a grievance.

This policy reflects the principles of the ACAS Code of Practice on Discipline and Grievance and is recommended by Gloucestershire County Council for adoption by governing boards.

This policy applies to all employees of The Balcarras Trust, including teachers, support staff, senior leaders, headteachers and central Trust employees. Where grievance concerns the Headteacher, CEO, CFOO, a Trustee or Governor, the matter will be referred to an appropriate senior Trust officer, Trustee, Governor, or independent person who has had no prior involvement.

Issues not covered under the grievance policy are set out in the exclusion list at section 9 below.

This procedure is non-contractual. The Trust will normally follow this procedure, but may adapt it where reasonable and necessary, provided that any variation remains fair, consistent with the ACAS Code and compliant with employment law.

1. Aims

This policy aims to enable employees to raise concerns about workplace issues without fear of victimisation and repercussion, and to ensure all grievances are dealt with fairly, fully and objectively.

2. Legislation and guidance

We are required to set out grievance procedures under general employment law.

These grievance procedures are based on the ACAS Code of Practice on disciplinary and grievance procedures.

These grievance procedures also comply with the:

- o Equality Act 2010
- o Employment Rights Act 1996
- o Data Protection Act 2018

These procedures also comply with our funding agreement and articles of association.

3. Definitions and scope

A **grievance** is a concern, problem or complaint raised with the school by an employee. It can be caused by issues such as working conditions, health and safety concerns, bullying, discrimination or working relationships.

Complaints relating to bullying, harassment, sexual harassment, discrimination or victimisation may be raised under this policy or, where appropriate, under the Trust's dignity at work, equality, whistleblowing or safeguarding procedures. The Trust will assess the most appropriate route and will explain this to the employee.

A disclosure about sexual harassment may also amount to a protected whistleblowing disclosure where the legal test is met.

Complaints made under this policy should be made as soon as possible, in order to help the school bring the matter to a satisfactory conclusion for everyone involved.

This policy **does not** apply to:

- o Issues raised by people who are not an employee of the school, e.g. volunteers or parents/carers, as this would instead fall under our complaint's procedure
- o The reporting of illegal activities, wrongdoing or malpractice, as this would fall under our whistleblowing policy
- o Dismissals or disciplinary action
- o Redundancy dismissals
- o Non-renewal of fixed-term contracts
- o Collective grievances, raised on behalf of 2 or more employees by a representative of a recognised trade union or other appropriate workplace representative

These are covered by separate policies and procedures.

4. Roles and responsibilities

Being internal matters, grievances may involve a number of people in the school. There is an emphasis on dealing informally with grievances, and so it is not practicable to prescribe specific roles. However, the following guidelines may be useful.

4.1 The line manager

Provided they are not the subject of the grievance, the line manager will be the first point of contact for the employee raising a grievance. If the grievance is about the employee's line manager, the employee will raise the grievance with their line manager's manager.

4.2 The headteacher or a senior leader

Provided they are not the subject of the grievance, the headteacher or a nominated member of the senior leadership team will consider the grievance at the formal stage, unless section 4.3 applies.

4.3 Senior leaders, Headteachers, Trustees or Governors

Where the grievance concerns a Headteacher, the matter will normally be overseen by the CEO, Chair of Governors, appropriate Trustee or another suitably independent person, depending on the circumstances and governance arrangements.

Where the grievance concerns the CEO, CFOO or another member of the executive leadership team, the matter will normally be referred to the Chair of Trustees or another suitably authorised Trustee.

Where the grievance concerns a Trustee or Governor, the Trust will determine the appropriate route having regard to the Articles of Association, governance arrangements, independence and fairness.

4.4 Investigating officer

At the formal stage, the Headteacher (or appointed Governor, Trustee or other appropriate Trust nominee, depending on the nature of the grievance) appoint an investigating officer to collect and present the facts of the grievance in an investigation report. The investigating officer will be someone who has not been directly involved in the grievance.

4.5 Grievance panel

The headteacher, appointed Governor, Trustee or other appropriate Trust nominee, depending on the nature of the grievance, will appoint a grievance panel consisting of 3 people with no prior knowledge of the grievance. These people will be separate from the investigating officer and will be chaired by an independent individual.

4.6 Other members of staff or trade union staff

A work colleague, trade union official or trade union representative who has been certified as being competent to attend such meetings may accompany the employee raising the grievance at a formal grievance meeting.

5. Grievance procedures

We are committed to dealing with grievances fairly and objectively. Employees will be protected from discrimination or victimisation after raising a work-related grievance.

5.1 Informal stage

In the first instance, an employee will aim to resolve their grievance informally with their line manager, but this may not be appropriate if the grievance relates to harassment (including sexual harassment) or discrimination.

Employees are not required to attempt informal resolution where the matter is serious, involves alleged harassment, sexual harassment, discrimination, victimisation, safeguarding concerns, whistleblowing or where informal resolution would not be appropriate.

If the employee's concerns relate to their line manager, they should discuss the issue with the line manager's manager, or other appropriate person.

Where appropriate, and with the agreement of both parties, mediation may be considered to help resolve the grievance.

It may be necessary for the employee who has raised a grievance to attend a meeting to discuss the concerns in more detail. However, this will be determined on a case-by-case basis.

It is anticipated that a number of grievances will be resolved at this informal stage with no need to progress matters further. However, if the matter has not been resolved at the informal stage, it may then proceed to the formal stage of the procedure.

5.2 Formal stage

If it is not possible or appropriate to resolve the matter informally, employees should set out their grievance in writing using the staff grievance notification form at Appendix 1. The grievance should be submitted to their line manager, an alternative senior manager, or another appropriate person under section 4.3 where the grievance concerns a senior Trust role.

Upon receipt of a grievance, the Headteacher, appointed Governor, Trustee or other appropriate Trust nominee, depending on the nature of the grievance, will appoint an investigating officer. This will be an independent individual with no prior knowledge of the grievance.

The Headteacher, appointed Governor, Trustee or other appropriate Trust nominee will also appoint a grievance panel. This group of people will be separate from the investigating officer and will be chaired by an independent individual, with no prior knowledge of the grievance.

The panel may include, depending on the subject of the grievance, an appropriate senior leader, Headteacher, Governor, Trustee, local authority representative or other suitably independent person, provided they have had no prior involvement and are not the subject of, or a material witness to, the grievance.

The Trust will acknowledge receipt of the formal grievance as soon as reasonably practicable, normally within 5 school days. A formal grievance meeting will be arranged without unreasonable delay. Where an investigation is required, the meeting will normally take place after the investigation report and relevant evidence have been provided to the employee.

The investigating officer will undertake a grievance investigation and prepare a report setting out the evidence, findings of fact and relevant issues for the grievance panel to consider. The grievance panel will decide the outcome.

The employee may be invited to an investigatory interview to clarify the facts:-

The formal grievance meeting will normally be arranged as soon as reasonably practicable after the investigation has been completed and the employee has received the investigation report and relevant evidence. Where this is likely to take longer than 14 school days from receipt of the grievance, the employee will be updated on the expected timescale and reason for any delay.

At the meeting, the employee will be given the opportunity to explain their grievance and how they think it should be resolved, to the grievance panel.

If the grievance needs further investigation, follow-up meetings will be arranged without unreasonable delay.

If timelines change due to unforeseen circumstances, the employee will be notified of any delays.

Employees have a statutory right to be accompanied by a companion at a formal grievance meeting. The companion must be a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings. The Trust may also consider reasonable requests for alternative accompaniment, for example as a reasonable adjustment for disability or where this would support a fair process.

The employee will be provided with a copy of the investigation report and any relevant evidence 5 school days before the meeting.

The employee should let the investigating officer know if they wish to be accompanied. If the chosen companion will not be available on the initial date and time proposed for the formal meeting, the investigating officer must move the meeting to an alternative time proposed by the employee, provided that the alternative time is both reasonable and no more than 5 working days after the date originally proposed.

If the employee does not attend the rearranged meeting without good reason, the meeting may take place in their absence, and a decision will be made based on the available evidence.

If they have the permission of the person raising the grievance, the companion may address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting, confer with the employee during the hearing and take notes. The companion may not answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

5.2.1 Suggested standard agenda structure

1. Introduction: the chair of the panel introduces all parties and explains the purpose of the hearing and the roles of those present
2. Employee's presentation: the employee or their companion presents the grievance, referring to their evidence, and clarifies the desired outcome
3. Questions to the employee: the panel and investigating officer may ask questions to clarify points raised
4. Investigation findings: the investigating officer presents a summary of their report and evidence gathered
5. Questions to the investigator: the panel and the employee (or their companion) may ask questions regarding the investigation process or findings
6. Final summary: the employee has the 'last word' to summarise their case. No new evidence can be presented at this stage
7. Adjournment: the chair will close the meeting to allow the panel to consider the evidence

5.3 Deciding on appropriate action

The meeting will be adjourned, and the grievance panel will consider the information presented before reaching a decision.

The chair of the panel will communicate the decision to the employee in writing within 5 school days. The decision will set out the action that will be taken to resolve the grievance. They will also inform the employee that they can appeal if they are not satisfied with the outcome and will explain how to do this.

5.4 Appeals

If the employee is not satisfied with the outcome of the grievance they have the right to appeal the decision.

The employee should set out their grounds of appeal in writing within 5 school days and submit this to the Headteacher an appeal to the Headteacher, CEO, Chair of Governors, Chair of Trustees or other nominated person, depending on who heard the grievance and who the grievance concerns.

An appeal is not normally intended to be a full re-hearing of the grievance. It will usually focus on the specific grounds of appeal. The employee should therefore clearly explain the grounds of their appeal in writing.

A full or partial re-hearing may be arranged where appropriate, depending on the circumstances.

The appeal panel will consist of three people who have had no previous involvement in the grievance. Were reasonably practicable, the appeal panel will be chaired by someone senior to or at least independent from, the original decision-maker.

Appeals will be heard without unreasonable delay and in any event within 15 school days of the date of the appeal notice. The Headteacher, appointed Governor, Trustee or other appropriate Trust nominee will tell the employee the time and place of the appeal meeting in advance (to be held in person, or over video conferencing if appropriate).

The appeal will review the original decision and consider any new evidence that has come to light.

Employees have the same statutory right to be accompanied to the appeal meeting by a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings.

The outcome of the appeal will be confirmed in writing by the chair of the appeal panel to the employee within 5 school days of the appeal. The decision of the appeal panel is the end of the procedure and there is no further appeal.

6. Overlapping procedures

If an employee raises a grievance after disciplinary proceedings have already started against them, the disciplinary proceedings may be temporarily suspended in order to consider the implications of the grievance on the disciplinary process.

If the grievance and disciplinary proceedings address related matters, it may be possible to deal with the issues simultaneously as part of disciplinary proceedings.

7. Record keeping

Minutes will be kept of all meetings. Where possible, these will be confirmed as a record of what was discussed during the meeting. Copies of the minutes will be provided to the employee within 10 school days for comment.

Records of all materials relating to the grievance process will be kept securely, only for as long as necessary and in line with data protection law, and our privacy notices.

Records will be handled confidentially and shared only with those who need access for the purpose of managing the grievance. Where records include health information, discrimination allegations or other sensitive personal data, they will be processed as special category data in accordance with data protection law and the Trust's privacy notices.

8. Monitoring arrangements

This policy will usually be reviewed every two years but can be revised as needed from time-to-time. It will be monitored and reviewed by Chief Executive Officer, Chief Financial Operating Officer and HR advisor.

This policy will be approved by The Full Trust Board.

9. Links with other policies

This policy links with our policies on:

- o [Equality Statement](#)
- o [GDPR Policy](#)
- o [Staff capability policy](#)
- o [Staff code of conduct](#)
- o [Staff disciplinary procedures](#)
- o [Whistleblowing Policy](#)

The Trust will keep this policy under review to ensure it remains aligned with current employment law and any relevant employment law reforms as they come into force, including changes relating to sexual harassment, whistleblowing, discrimination, third-party harassment and workplace confidentiality provisions.

Appendix 1: Staff Grievance Notification Form

Please complete the form below to formally raise a grievance. Once completed, submit it to your line manager, or to an appropriate senior manager, Headteacher, CEO, Chair of Governors, Chair of Trustees,

or other nominated person where the grievance relates to your line manager, Headteacher, senior Trust officer, Governor, or Trustee.

Name:	
Post held:	Department:
School:	Date of Submission:
Describe the nature of your grievance, including: • A full description of your grievance • Relevant evidence, such as: - o Facts - o Dates - o Names of individuals involved. - o Names of witnesses - o Screenshots - o Emails - o Written notes - o Images	
Please state the following:	
Whether the matter was raised informally If yes: Note the date on which you first raised your grievance, and with whom. If not: Explain why the informal stage is not appropriate for this matter.	Yes/No

The action taken in respect of your grievance at the informal stage.	
The outcomes you are seeking and the actions you would like to take to resolve the situation.	
Whether you would like to explore a resolution through mediation – and if not, explain why this route is not appropriate.	
Whether you would like accompaniment at a grievance meeting by a work colleague, trade union official, or trade union representative – and if so, their name and position	
Signed:	Dated: