



Grievance Policy

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Statement of Intent

The Community Inclusive Trust works to develop good professional relationships between colleagues; however, we understand that sometimes conflicts may arise. Through maintaining open communication, we want our employees to feel able to raise any grievances so that appropriate and effective solutions can be put in place.

This policy should be used for work-related issues such as concerns over working environments or a colleague's behaviour. Grievances relating to discrimination are also covered within this policy.

By implementing and following the procedures in this policy, the Trust aims to:

- Provide a platform for grievances to be processed and handled fairly, consistently and without unreasonable delay
- Constructively resolve grievances in a way that avoids damaging professional relationships
- Enable any employee to have their grievances heard and addressed
- Encourage a harmonious working environment

1. Legal framework

1.1. This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Employment Act 2022
- Data Protection Act 2018
- The UK General Data Protection Regulations (UK GDPR)
- Equality Act 2010
- Acas (2015) 'Code of practice on disciplinary and grievance procedures'

1.2. This policy operates in conjunction with the following school policies:

- Staff Code of Conduct
- Data Protection Policy
- Whistleblowing Policy
- Disciplinary Policy
- Pay Policy

2. Scope of Policy

2.1. This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors

2.2. This policy does not form part of any employee's contract of employment, and it may be amended at any time. It does however set out the CIT's current practices and all employees are strongly advised to familiarise themselves with its content.

3. Roles and responsibilities

3.1. The Director of HR is responsible for:

- Ensuring the effectiveness of this policy by monitoring and reviewing it every two years.

- Ensuring that all members of staff read and understand the provisions in this policy.
- Appointing a suitable grievance manager.
- Working with the grievance manager to resolve any grievances as appropriate.
- Assuming the Head Teacher's responsibilities where a grievance is in relation to the Head Teacher.
- Forming an appeal panel, where necessary.
- Ensuring no member of staff is discriminated against, in accordance with the Equality Act 2010.
- Handling any incidents of malicious grievance reporting.
- Handling any disciplinary actions following a grievance being raised.

3.2. Head Teachers are responsible for:

- The day-to-day implementation of this policy.
- Handling any informal grievances that are brought to their attention.
- Notifying the HR Director of any formal grievances that are raised.
- Assessing information during grievance meetings and investigations, and assisting the grievance manager in determining the best course of action.

3.3. Line Managers are responsible for:

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

3.4. The grievance manager is responsible for:

- Resolving employees' formal grievances promptly.
- Assisting with the grievance investigation.
- 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.
- Determining what the grievance outcome will be – unless the grievance goes to an appeal, in which case the governing board is responsible.
- Writing and delivering grievance outcome letters.

3.5. The Investigation Officer is responsible for:

- Investigating the facts of a grievance as directed by the grievance officer
- Presenting information at grievance meetings and during any appeal hearings.

3.6. Employees are responsible for:

- Raising grievances without unreasonable delay.
- Submitting formal grievances in writing within four months.
- Ensuring any grievances that they raise are truthful and fair.

4. Using this Procedure

- 4.1. Grievances can be raised when employees have issues with the following (this list is not exhaustive):
- Terms and conditions of their employment
 - Health and safety at the school
 - Work relationships
 - Bullying or harassment
 - Working practices
 - Organisational changes
 - Working Environment
 - Discrimination
- 4.2. This procedure should not be used to complain about dismissal or disciplinary action. If employees are dissatisfied with the outcome of any disciplinary action, they should submit an appeal under the appropriate procedure.
- 4.3. This policy does not apply to:
- Personal disagreements between employees that are not connected with their duties within the school.
 - Dismissal or disciplinary action, If employees are dissatisfied with the outcome of any disciplinary action, they should submit an appeal under the appropriate procedure.
 - Restarting grievances that have since been closed unless the facts of the matter have changed. If there has been a change in facts, this policy should be followed.
 - Pay gradings – these are addressed by the Pay Policy.
 - Collective grievances – these should be handled in accordance with a collective grievance process.
- 4.4. We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where an employee is directly affected by the matter in question, or where they feel they have been victimised; for an act of whistleblowing, they may raise the matter under this procedure.
- 4.5. Written grievances will be placed on employees' personnel files along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed lawfully in accordance with Data Protection principles.
- 4.6. If employees have a complaint or concern the procedure outlined in this policy should be followed.
- 4.7. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- 4.8. This procedure should not be used in situations where the employee simply disagrees with a reasonable management instruction from a manager.

5. Right to be Accompanied

- 5.1. All employees have the right to be accompanied by an appropriate work colleague or an accredited trade union official at any formal meeting in this process.
- 5.2. Employees must inform the meeting chair who their chosen companion will be at least 2 working days before any meeting.
- 5.3. Where an employee chooses to bring a companion to a meeting they will be responsible for making these arrangements and for providing their companion with copies of any required paperwork.
- 5.4. If the employee's chosen companion is unavailable at the time of the hearing the employee can propose an alternative time within seven calendar days of the originally scheduled date. If the companion is not available within seven calendar days, the Trust may require the employee to choose an alternative companion.
- 5.5. At formal meetings, the employee's companion can make representations, ask questions, sum up the employee's case, and request an adjournment to discuss the case privately with the employee.
- 5.6. The companion does not, however, have the right to answer questions on the employee's behalf.
- 5.7. Acting as a companion is voluntary and CIT employees are under no obligation to do so. If a CIT employee agrees to be a companion at a meeting they will be allowed reasonable time off from duties without loss of pay.
- 5.8. The Trust may, at our discretion, allow employees to bring a companion who is not a colleague or union representative (for example, a member of their family) as a reasonable adjustment if the employee has a disability, or difficulty understanding English.

6. Confidentiality

- 6.1. The Trust aims to deal with grievances sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information which is communicated to them in connection with this grievance procedure. Employees and their companions must not make electronic recordings of any meetings or hearings conducted under this procedure.
- 6.2. Breaches of confidentiality may be investigated under the Trust Disciplinary Policy.
- 6.3. All records of action taken under the grievance procedure will be handled and retained in line with the Trust's Data Protection Policy.

7. Raising Grievances Informally

- 7.1. Most grievances can be resolved quickly and informally through discussions between an employee and their line manager. If an employee feels unable to speak to their line manager, or if the complaint directly concerns the line manager, then the employee should speak to a member of the Senior Leadership Team, the Head Teacher or a member of the Executive Leadership Team.

- 7.2. A line manager may be required to conduct some informal investigations to establish the facts of the grievance and help reach a successful outcome. Clear and concise notes of any meetings held or investigations should be made and shared with the employee.
- 7.3. Whilst the Trust encourage the informal resolution of complaints, it is recognised this is not always possible or appropriate. In such a situation, the Trust will consider matters that are raised and may, depending on the severity and in discussion with the employee, deal with the matter formally (see below).
- 7.4. If it is not possible to successfully resolve the grievance informally then an employee can submit a formal written grievance.

8. Formal Written Grievances

- 8.1. All school employees should submit a formal grievance in writing to their Headteacher. If the grievance concerns their Headteacher the employee should submit the grievance directly to the Director of HR. Members of the central team should submit a formal written grievance to the Director of HR. If the Grievance concerns the Director of HR the employee should submit the grievance directly to the CEO.
- 8.2. The written grievance should contain the full details of the nature of the complaint, including any relevant facts, dates, and names of individuals involved.
- 8.3. Grievances should be raised within four months of the incident that lead to the grievance. If employees wish to raise a grievance outside of this timeframe, additional supporting information may be required, e.g. why it took so long to raise the grievance. The Trust remains the right to reject a grievance submitted outside of this timeframe.
- 8.4. Upon receipt of a formal written grievance a Grievance Manager will be appointed to oversee the case. HR and the Executive Leadership Team will decide on an appropriate Grievance Manager to conduct each case taking into account the nature of the complaint and any person/s to whom the complaint relates.
- 8.5. The Grievance Manager will arrange a grievance meeting, normally within 10 working days of receiving the written grievance. The purpose of a grievance meeting is to enable the employee to explain their grievance and how they believe it should be resolved, and to assist the Grievance Manager to reach a decision based on the available evidence and the representations made.
- 8.6. The Grievance Manager will attempt to resolve the grievance at this meeting, so long as no investigations are required, e.g. no fact checking is required.
- 8.7. If it is likely further investigation will be required an Investigating Officer will be appointed and may attend the initial grievance meeting.
- 8.8. All employees have the right to be accompanied by an appropriate work colleague or an accredited trade union official at a grievance meeting and must receive at least 5 working days' notice.

- 8.9. In some cases, additional information may be required from the employee to clarify the complaint before the grievance process can continue. In these cases, the Grievance Manager will arrange an initial informal meeting. Although this is not a formal meeting the employee may be accompanied by an appropriate work colleague or an accredited trade union official.
- 8.10. If it is not possible to reach a resolution after the initial Grievance Meeting an investigation will be required. A final grievance meeting will be arranged following the conclusion of the investigation.
- 8.11. At a final grievance meeting the investigating officer will present the findings of their investigation to enable the Grievance Manager to reach an outcome.
- 8.12. At a final grievance meeting the employee will be given an opportunity to answer questions that arose from the investigation.
- 8.13. The employee will be provided with copies of the investigation report in advance of any final grievance meeting to allow them time to prepare.

9. Grievance Investigations

- 9.1. It may be necessary to carry out investigations into a grievance to fully understand the nature of the complaint. The investigation may be initiated prior to a grievance meeting being held. In these circumstances, employees will be informed in writing.
- 9.2. Investigations will be completed by an investigating officer.
- 9.3. If an investigation is necessary, the amount of any investigation required will depend on the nature of the allegations and will vary from case to case. The investigation may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents. Employees must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to and attending interviews, as part of the investigation.
- 9.4. The investigating Officer will produce an Investigation Report detailing the evidence gathered during the investigation process which will be provided to the Grievance Manager and employee.
- 9.5. The Investigating Officer will not be responsible for determining the outcome of the grievance – this responsibility will lie with the Grievance Manager.

10. Grievance Outcome

- 10.1. Following the conclusion of the grievance meeting the outcome will be confirmed to the employee in writing by the Grievance Manager along with any appropriate further action required to resolve the grievance. The outcome will also set out the employee's right to appeal.
- 10.2. In some cases, a further meeting may be held to explain the outcome in more detail.
- 10.3. The possible outcomes of the grievance meeting are:

- The grievance is upheld in full
- The grievance is rejected in full
- The grievance is partially upheld, e.g. there is validity to some of the grievance

10.4. The written outcome letter will confirm the following:

- The chosen outcome.
- The reasons for the decision.
- Any facts that the grievance manager has ascertained in coming to their decision.
- Any recommendations or agreed actions to take.
- The employee's right to appeal the decision.

11. Appeals

11.1. The employee has the right to appeal against the grievance outcome. An appeal must be made in writing within 10 working days of receipt of the outcome letter. It must clearly state the reasons as to the basis of the appeal. The appeal should be sent to the person indicated on the outcome letter.

11.2. An appeal meeting will be convened, normally within 10 working days of receiving your written appeal. An appropriate appeals panel will be formed as follows:

- For school-based employees: a member of the ELT, a HT and a member of the LSB.
- For a HT and central staff: a member of the ELT, one Trust Board member and one LSB member.
- For ELT: 3 x Trust Board members.
- For CEO: 2 x Trust Board members and a suitably experienced/knowledgeable external panel member.

11.3. Employees have the right to be accompanied at the appeal meeting by an appropriate work colleague or an accredited trade union official.

11.4. The Grievance Manager will present their case to explain the original decision.

11.5. No decisions will be made during the appeal hearing itself. The panel may consider it necessary to carry out further investigations before reaching any decisions.

11.6. The panel will confirm its final decision in writing without unreasonable delay. This is the end of the procedure and there is no further appeal.

12. Collective Grievances

12.1. Collective grievances can be made where there are two or more employees with the same grievance. However, issues that are the subject of collective negotiation or consultation with the trade union will not be considered under this procedure.

12.2. If two or more employees have identical grievances and all wish for them to be addressed in the same grievance process, they can raise a collective grievance via this grievance procedure. The employees must agree (without any pressure being exerted on staff members to join the collective process) to do this.

- 12.3. If all employees do not entirely voluntarily agree to this arrangement or if the grievances are not identical, the Trust will arrange to hear the grievances on an individual basis.
- 12.4. If all employees are members of the same trade union, the trade union representative can (if all employees wish him or her to do so) raise the grievance on their behalf. Alternatively, employees can agree to nominate an individual to act on behalf of all employees.
- 12.5. The collective grievance will be managed in accordance with Steps 1 to 3 above. However, the written collective grievance statement should also:
 - Identify each employee who wish to raise the grievance;
 - Identify any nominated trade union representative or colleague to represent all employees;
 - State that all employees have voluntarily consented to use the collective grievance procedure;
 - Confirm that all employees understand that the grievance will give each employee the right to only one collective grievance meeting, one identical outcome (if applicable), one appeal meeting and one identical appeal outcome.
 - If, following the grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal.

13. Disciplinary Proceedings

- 13.1. In the event the grievance is upheld (either following the hearing or after an appeal), and if there is evidence to support such a course of action, the nature of the allegations may result in the Trust instigating the disciplinary policy against individuals identified of potential misconduct as a consequence of this procedure.

14. Malicious Grievances

- 14.1. Disciplinary action may be taken against employees making malicious grievances. Bullying, harassment or victimisation will not be tolerated.
- 14.2. All employees will be made aware of the Staff Code of Conduct and act in accordance with it.

15. Monitoring and Review

- 15.1. This policy will be reviewed every two years by the Director of HR.