



Grievance Policy

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“Learning together, to be the best we can be”

1. Scope and Purpose

- 1.1. In any organisation employees will from time to time have concerns regarding their work, working relationships or the working environment. Mostly such concerns are resolved through discussions with the employee's line manager. Attempts should always be made to resolve matters where possible by informal approaches. If, however, an employee considers that their concerns have not been addressed adequately they may raise a grievance under the procedure set out below. The procedure aims to ensure that where a problem is identified it is examined quickly. This procedure applies to all employees of the Trust
- 1.2. This procedure aligns with the ACAS Code of Practice on Disciplinary and Grievance Procedures and relevant employment legislation
- 1.3. Any allegation of wrongdoing relating to a criminal offence should be raised immediately with the Headteacher, Chief Executive Officer (if the allegation involves the Headteacher) or the Chair of the Trust Board (if the allegation involves the Chief Executive Officer) via the Trust's Confidential Reporting and Whistleblowing Policy.

2. Application and General Principles

- 2.1. The following procedure applies to grievances by individual employees concerning their employment. In circumstances where a grievance applies to more than one employee, it may be appropriate for the matter to be dealt with through a collective grievance (with the consent of the employees raising a grievance) using this procedure.
- 2.2. Anonymous grievances will be considered at the Trusts' discretion, taking into account the seriousness of the issues raised and the ability to investigate fairly
- 2.3. This policy will be applied without any distinction to the 9 protected characteristics as defined in the Equality Act 2010.
- 2.4. At every stage of this procedure an employee may be accompanied by a trade union representative or a work colleague. If, at any stage of the procedure, the complainant is invited to a meeting on a date when their chosen companion is not available, the complainant may request a postponement but a suitable

alternative date which is within 5 working days of the original date must be agreed by both parties.

2.5. The time limits within the procedure are designed to ensure that grievances are addressed promptly but may be amended in exceptional circumstances by agreement of both parties.

2.6. Any employee who has a grievance relating to their employment has a right to express it and the following procedure should be used for all types of grievance except those relating to:

- Termination of employment, including but not limited to redundancy and the non-renewal of a fixed term contract;
- challenging or opposing a management decision to invoke / commence the Trusts Disciplinary Policy, Capability Procedure, Teacher Capability Procedure or the Sickness Absence Procedure, provided correct procedures are followed and that procedure allows for an appeal
- outcomes from the application of the Disciplinary Policy, the Capability Procedure, Teacher Capability or the Sickness Absence Procedure provided correct procedures are followed;
- any other Policy / Procedure which has its own appeal mechanism;
- payroll matters relating to tax or pensions
- matters relating to organisational change, pay and re-grading
- Disciplinary Matters

2.7. Where necessary, employees are encouraged to raise grievances and will not suffer any detriment for doing so. However, if a grievance is found to be malicious or to have been made in bad faith, any culpable individual will be subject to the Trust's disciplinary procedure.

2.8. If employees have any queries about the operation of this procedure or about which procedure applies in particular circumstances, they should contact their school leadership team or the Central HR Team.

3. Stage 1: Informal Stage

3.1. An employee should first discuss any grievance with their immediate line manager. If the grievance is against the line manager the matter should be raised with a more senior manager.

- 3.2. The line manager will undertake to respond fully to the complaint as quickly as possible and every effort will be made to resolve the grievance through informal discussion. Where matters are not handled in a timely manner, the employee may exercise their right to move to the formal stage of the procedure.
- 3.3. At this stage, other options to help resolve the issue, such as mediation, may be identified and followed if agreed by both parties. Mediation, if agreed, will be facilitated by a senior member of staff from outside of the employee's school.

4. Stage 2: Formal Stage

- 4.1. If an employee feels that the matter has not been resolved through informal discussions, they should consult with their staff representative with a view to formalising the grievance. The grievance should be submitted in writing without unreasonable delay to the Headteacher through the employee with whom the problem has been previously discussed and a copy retained by the employee and their representative.
- 4.2. In the case of a complaint against or connected with the Headteacher the complaint should be sent to the Chief Executive Officer or the HR Manager.
- 4.3. The Headteacher will acknowledge receipt of the grievance within 10 working days, together with confirmation as to what will happen next. For example, the complainant should be advised as to whether an investigation will take place, who will be involved and an indication of the expected timescales. In serious cases or where the complainant's health and wellbeing is affected, steps should be taken immediately irrespective of the nature of the complaint.
- 4.4. The timescales outlined above will be adhered to wherever possible. Where there is a legitimate reason, either party can request that the other agrees to an extension of the permitted timescale, e.g. the need for further investigation or the lack of availability of witnesses.
- 4.5. At this point, variations to the procedure can be agreed by all parties concerned to suit the particular circumstances of the case.
- 4.6. Should it be decided that an investigation take place, the Headteacher will appoint a suitable senior leader from the school or another school within the

Trust to investigate the grievance and, if necessary, consult with the Central HR Team. The investigation should be conducted in line with the Trust's guidance on workplace investigations.

- 4.7. If additional time is needed to enable a full and detailed investigation of the issues raised, the employee should be informed in writing and given a date when a decision will be reached.
- 4.8. Colleagues are not permitted to raise a counter concern and/or issue as a separate entity in response to a concern and/or issue made against them. This is not considered necessary and could undermine the whole process of finding a successful resolution. Where appropriate, concerns and/or issues raised by a colleague will be considered as part of the overall resolution request alongside the original concern and/or issue.
- 4.9. In circumstances where two or more colleagues raise the same concerns and/or issues (including collective disputes) a Trade Union or other workplace representative group or body (with the colleague's agreement) may pursue the matter on behalf of the colleagues in accordance with this Policy. Similarly, the Trust reserves the right to deal with any concerns and/or issues directly with a Trade Union or other workplace representative group or body (wherever possible) where it believes that to do so will be a more appropriate way of finding an agreed resolution
- 4.10. A hearing should be held following an investigation into the grievance in order to determine an outcome from the allegations made, unless it is clear that insufficient evidence exists to substantiate the grievance points and/or the grievance points are viewed to be subjective and lacking substantial evidence for resolution. The investigating officer will be responsible for recommending whether or not to schedule a hearing, and the commissioning manager will be responsible for taking that decision.
- 4.11. The Headteacher will, as soon as possible, confirm any decision in writing. Where the complaint is about the Headteacher, the Chief Executive Officer or their named representative will undertake this role.
- 4.12. When arranging meetings, managers should take into account the translation and interpretation needs of the individual. This procedure can be made available in other languages and formats on request. In relation to disabled employees, consideration should be given to access to buildings and

offices and any appropriate equipment or reasonable adjustments which may be required.

4.13. The grievance hearing will be conducted in the following order:

- Introductions;
- Presentation of the investigation findings by the appointed investigating school leader;
- Questions by the complainant and/or representative and the Headteacher hearing the grievance;
- Presentation of case by complainant or representative supported by any witnesses or evidence;
- Questions by the investigating senior leader and the Headteacher hearing the grievance;
- Summing up by the investigating Senior Leader and the complainant and/or representative;
- The Headteacher will adjourn the meeting to consider the evidence presented;
- Response by the Headteacher hearing the grievance.

4.14. Where the complainant is the Headteacher or another reportee of the Chief Executive Officer and the Chief Executive Officer is the subject of the complaint, then the panel meeting will be chaired by a Director of the Trust Board other than the Chair or the Vice Chair. Correspondence should be submitted to the Chair of the Trust Board, who will ensure an impartial Director is appointed to oversee the process.

5. Appeals

5.1. In those cases where the employee is not satisfied at the formal stage, the employee may appeal to the Chair of the Trust Board directly within 5 working days of being notified, for the grievance to be heard and considered by them. Any appeal must give specifically the reasons and grounds for the appeal.

5.2. The matter will end following consideration by the Chair of the Trust Board and a committee of Directors not previously involved in any previous stage of the grievance procedure.

5.3. The procedure to be followed at an appeal hearing in front of Directors of the Trust can be found in Appendix A.

5.4. Where the complainant is the Headteacher or another reportee of the Chief Executive Officer and the Chief Executive Officer is the subject of the complaint, then the appeal panel will be constituted by Members of the Trust who have had no previous involvement in the proceeding stages. Correspondence should be submitted to the Clerk of the Trust Board – clerkingservices@nexusmat.org - who will work with Members to identify a named liaison.

6. Modified Grievance Procedure

6.1. In situations where the employee (complainant) has already left employment and the grievance procedure has not been started or completed before the last day of the employee's employment, the modified statutory grievance procedure may apply.

6.2. Use of the modified grievance procedure will be considered at the Trust's discretion.

6.3. Two step Modified Grievance procedure:

- The complainant must send a written statement of grievance to the Chief Executive Officer who will liaise with the appropriate Headteacher.
- The Headteacher will respond to the complainant in writing, answering the points raised.
- In the event that the complaint is about the Headteacher, then the Chief Executive Officer will either investigate and respond or identify a suitable other senior leader to undertake the investigation and provide a response.
- In the event the complaint is about the Chief Executive Officer, the complaint should be submitted to the Clerk of the Trust Board, for review by the Trust Board Chair. The Trust Board chair will then respond or identify a suitable other senior leader to undertake the investigation and provide a response.

6.4. There is no right of appeal against the decision of the responding leader.

6.5. Where the conclusions from this Policy determine the concerns and/or issues raised are vexatious and / or malicious, management action may be taken in accordance with the Trust's Disciplinary Policy. Where the same, or a related

concern and/or issue is being submitted repeatedly, the Trust has the right to refuse to hear, or re-hear the concerns and/or issues again.

7. Records

- 7.1. Formal correspondence relating to the grievance and the subsequent outcome, including any agreed actions, should be retained confidentially (in a sealed envelope) on the employee's personal file. It should be made clear on the envelope that it must only be opened by the Headteacher, HR Manager or Chief Executive Officer.

Appendix A: Procedure for conducting grievance appeals in front of Trust Directors or Members

1. The panel of Directors or Members must ensure that a Chair is appointed to the panel, who will oversee introductions and ensure the meeting complies with this protocol and is kept professional, suitably concise, and open.
2. The aggrieved employee (or their representative) shall state their grievance and be entitled to introduce evidence or witnesses to support their case.
3. The Chief Executive Officer and/or their representative shall then have the opportunity to ask questions of the employee and/or employee's representative and witness.
4. The Chief Executive Officer (or their representative) shall then state the position relating to the grievance and be entitled to introduce any relevant evidence or witnesses in support of their decision.
5. The aggrieved employee (or their representative) shall then have the opportunity to ask questions of the Chief Executive Officer (or their representative) and witnesses.
6. The Directors or Members shall then have the opportunity to ask questions of both the employee, (or their representative) and witnesses, the Chief Executive Officer (or their representatives) and witnesses.
7. The Chief Executive Officer (or their representative) shall be asked whether they have anything further to add relevant to the matter before the grievance is considered and to be given the opportunity to sum up her/his case.
8. The aggrieved employee (or their representative) shall be asked whether they have anything further to add relevant to their grievance before its consideration and to be given the opportunity to sum up their case.
9. Both parties will leave the appeal hearing, which will end at this stage, and Directors or Members will remain to deliberate. The Trust's Human Resources and/or Legal Advisor(s) or their representative will remain to give procedural advice to Directors/Members as required and the Directors/Members will have

the right to call on other appropriate employees of the Trust for advice if necessary.

10. In the event of Directors or Members wishing to seek further clarification on any point from one or other party, both parties shall be recalled for that purpose.
11. Following its deliberation, the panel will relay their decision to the Trust Chief Executive Officer who will confirm the outcome, in writing, within 5 working days. If the grievance was lodged about the Chief Executive Officer, the Chair of the Panel will write to confirm the decision.