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Policy Number

22d

GRIEVANCE POLICY

Ebor Academy Trust works closely with Trade Union Partners to develop and implement a fair and effective suite of people policies. Please seek advice from your trade union representative if you require support with this policy. If you are not a member of a trade union, please visit the Union tab or HR Self-service. Ebor Academy Trust welcomes Trade Unions to support staff throughout the processes associated with this policy.

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INCLUSION

Ebor Academy Trust is committed to:

- Promoting equality and diversity in its policies
- Delivering high quality teaching and services that meet the diverse needs of its children and workforce, ensuring that no individual or group is disadvantaged
- The application and outcomes from this policy will be monitored to ensure staff are treated equitably when approaching, taking and returning from family leave, and that they are not disadvantaged by taking family leave or having caring responsibilities.

1 Aims

It is the Ebor Academy Trust policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. Where you make us aware that you have a complaint, we will hold a meeting to discuss it with you, carry out any necessary investigation where required, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.

Issues that may cause grievances include:

- terms and conditions of employment;
- health and safety;
- work relations;
- new working practices;
- working environment;
- organisational change; and
- discrimination.

This policy is non-contractual. The employer may also vary application of this procedure, including any time scales for action, as appropriate. This policy has been written for staff use and contains context and background information to support its use. This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors. Related Policies: Complaints, Disciplinary, Whistleblowing

2 Using this procedure

Employees should raise matters promptly and without unreasonable delay. The employer will deal with matters in the same way. Grievances must be raised within 3 months of the incident in order to be heard under this policy. By exception, matters may be heard outside of this with CEO approval.

Complaints that may amount to an allegation of misconduct on the part of another employee will be investigated in accordance with this procedure and may be referred to and dealt with under the Disciplinary Procedure if appropriate, and you will be informed if this is the case.

This Grievance Procedure should not be used to complain about the outcomes of other procedures where there is a relevant appeal procedures in place.

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. In unrelated cases the processes will proceed in parallel. The CEO has the final say if there is any dispute.

The Trust operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this grievance procedure.

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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 and should be addressed through the appropriate joint collective negotiation and consultation arrangements.

This procedure should not be used in situations where the employee simply disagrees with a reasonable management instruction.

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This is an informal process which involves the appointment of an independent mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

Ebor Academy Trust offers access to confidential advice and counselling, which is available via our EAP provider. Staff have direct and confidential access to this via HR Self Service.

3 Confidentiality and data protection

It is the aim of Ebor Academy Trust to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with grievance matters as confidential.

Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings conducted under this procedure without the prior consent of all involved.

During any action, including any decisions taken under this procedure, the Trust or its school will collect, process and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure. Records will be kept in accordance and in line with the Trust policy on data retention.

4 Raising grievances informally - Step 1

We believe that most grievances can be resolved informally through open communication and discussion with your line manager. We would always aim to resolve your grievance informally where possible, and employees are expected to seek informal resolution before escalating the matter to formal grievance. If you feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to the Head Teacher or a more senior manager. If this does not resolve the issue, you should follow the formal procedure below. The informal process can take place through discussion or written exchange.

Whilst we encourage the informal resolution of complaints, we recognise that this is not always possible or appropriate. In such a situation, we will consider matters that are raised and we may, depending on the severity and in discussion with you, deal with the matter formally at Step 2 (below). Such cases are exceptional and require agreement between the HR Business Partner and the Head Teacher or relevant Director.

5 Formal written grievances - Step 2

If your grievance cannot be resolved informally you should put it in writing and submit it to your line manager, clearly indicating that it is a formal grievance. If the grievance directly concerns, or is raised by, the Head Teacher / Central Team Director, it should be submitted to the Executive Head or the HR Business Partner (for Central Team Staff).

The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. Please note: In some situations, we may need to ask you to provide further information. You should also state what your desired outcome would be to resolve the situation. You should note that where your grievance relates to another employee, in order for them to provide a response they will be given a copy of your grievance. This may be redacted in order to meet safeguarding requirements.

6 Investigations

In some cases, it may be necessary for us to carry out an investigation into your grievance (see appendix 1). The scale of any investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by the Head Teacher or Manager or someone else appointed by the Head Teacher or Manager. In the case of an investigation into a complaint against a Head Teacher, the HR Business Partner in agreement with the Director of Education will determine who will carry out the investigation.

You 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 us and attending interviews, as part of our investigation. Investigation meetings may be held in person, virtually or in a hybrid format.

The employer may initiate an investigation before holding a grievance meeting. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, we will hold a further grievance meeting with you after our investigation and before we reach a decision. Grievance meetings may be held in person, virtually or in a hybrid format. Investigations will be conducted using the Ebor investigation process (see Appendix 1).

In cases of bullying or harassment the investigation and hearing will be carried out by an independent person if the grievance has been raised against the Head or Line manager or there is a valid reason why it would be inappropriate for them to hear it.

7 Right to be accompanied

You may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a colleague. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting.

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Should you choose to bring a companion to the hearing, you will be responsible for making these arrangements and for providing your companion with any paperwork that they require for the meeting.

At the meeting, your companion may make representations to us and ask questions but must not answer questions on your behalf. You may request an adjournment to speak to them privately at any time during the meeting.

Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

If your chosen companion is unavailable at the time a meeting is scheduled, you may propose an alternative time for the meeting to take place and so long as the alternative time is reasonable, we will postpone the meeting. If your chosen companion will not be available for an extended period of time we will ask you to choose an alternative companion.

We may, exceptionally and at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) as a reasonable adjustment if you have a disability, or if you have difficulty understanding English and the requirements for adjustment are logged and in place prior to the start of the process.

Once scheduled, meetings will only be rearranged once in order to accommodate availability of the member of staff who raised the grievance, or their companion. The meeting will take place in their absence and with the available information in order to conclude the process if delays are considered to be excessive or due to repeated rescheduling.

8 **Grievance meeting**

The employer will arrange a grievance meeting, normally within 10 working days of receiving your written grievance. The aim of this meeting is to create an environment of open dialogue.

You and your companion (if any) should make every effort to attend the grievance meeting. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time (please see point 9.7).

The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made.

After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.

We will write to you, usually within 10 working days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person or via a virtual meeting.

All timescales are subject to change based on the complexity of the grievance and the need for investigation(s) to take place.

9 Standard Appeal Process

Appeal should be raised under the Ebor Standard Appeal Process (See appendix 2).

10 Collective Grievances

If you and another employee (or more than two of you) have identical grievances and all wish them to be addressed in the same grievance process, you and your colleagues can raise a collective grievance via this grievance procedure, but please refer to paragraph 3.7 above. You and all your colleagues must agree (without any pressure being exerted on staff members to join the collective process) to do this.

If you and your colleagues do not entirely voluntarily agree to this arrangement or if your grievances are not fundamentally identical, the School / Trust will arrange to hear your grievances on an individual basis.

If you and your colleagues are all members of the same trade union, your trade union representative can (if you all wish them to do so) raise the grievance on your behalf. Alternatively, you and your colleagues can agree to nominate one of you to act on behalf of all of you.

If a number of staff which exceeds 2 people submit simultaneously, a grievance about the same issue, the Trust will regard this as a collective grievance. Staff can contest this decision if they are able to demonstrate why this should not apply and provide supporting evidence.

Your collective grievance will be managed in accordance with Steps 1 to 3 above. However, the written collective grievance statement should also:

- Identify you and each of your colleagues who wish to raise the grievance
- Identify any nominated trade union representative or colleague to represent you all
- State that you have all voluntarily consented to use the collective grievance procedure
- Confirm that you understand that the grievance will give each of you 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.

11 Disciplinary Proceedings

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 School or Trust instigating the organisation's disciplinary policy against individuals identified of potential misconduct as a consequence of this procedure. In this instance the full details of the outcome may not be communicated to staff raising the grievance and any documentation circulated in relation to the outcome may be redacted accordingly. Note:

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Grievances related to sexual harassment will be subject to the relevant legal requirements specific to their case.

12 Grievance outcome

In cases where no further action is deemed necessary, there may be a need to support staff. If the grievance is not upheld, that does not mean that there was no issue nor does it mean that there is no requirement for some resolution in order to ensure that the workplace remains harmonious. The recommendations of the investigation should be considered when deciding how best to resolve matters.

In cases where the grievance is upheld, the actions will be determined as part of the outcome.

In cases involving sexual harassment, the matter will be referred to the Director People who will ensure the appropriate sharing of information, support for staff, and referral to other policies takes place.

Appendix 1: Ebor Investigation Template

[CLICK THIS LINK TO DOWNLOAD THE EBOR STANDARD INVESTIGATION TEMPLATE](#)

Appendix 2: Ebor Standard Appeal Process

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