



Tudhoe Learning Trust

Grievance Policy and Procedure

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Introduction

It is our 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. We aim to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.

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

The Trust has overall responsibility for this policy, including keeping it under review.

This procedure does not form part of any employee's contract of employment.

Raising a grievance

Issues that could cause grievances may include:

- terms and conditions of employment;
- health and safety;
- work relations;
- bullying and harassment;
- new working practices;
- working environment at your Trust;
- organisational change; and
- discrimination.

This Grievance Procedure should not be used to complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the appropriate procedure.

We operate 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.

If you have difficulty at any stage of the Grievance Procedure because of a disability or because English is not your first language, you should discuss the situation with your manager or the Headteacher as soon as possible.

Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process.

Bullying, harassment and sexual harassment

Bullying can be described as behaviour that is 'offensive, intimidating, malicious, or insulting, or possibly a misuse of power with the intention to undermine, humiliate, degrade or unfairly criticise'. Harassment is unwanted behaviour that can be 'intimidating, hostile, humiliating or de-grading' and that relates to a protected characteristic covered by the Equality Act 2010.

Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It also covers treating someone less favourably because they have submitted to, or refused to submit to, unwanted conduct of a sexual nature or in relation to gender reassignment or sex. Sexual harassment could take many forms. The following are not definitive, but examples may include; sexual comments or jokes, which may be referred to as 'banter'; intrusive questions about a person's private or sex life or a person discussing their

own sex life; sending sexually explicit emails, text messages or messages via other social media; unwelcome touching, hugging, massaging or kissing.

Since the introduction of the Worker Protection (Amendment of Equality Act 2010) Act 2023, the law requires employers to take reasonable steps to prevent sexual harassment of their employees. As such, the Trust takes action to prevent sexual harassment from occurring through strategic risk assessments which consider factors that might increase the likelihood of sexual harassment in the workplace and the steps that can be taken to minimise them, i.e. employee engagement, training, monitoring, and evaluation.

Employees who have been sexually harassed, or who have witnessed sexual harassment, or who have bullying and/or other harassment complaints, are encouraged to raise their concerns through the Grievance Policy so that matters can be dealt with appropriately. In the first instance employees are encouraged to report such matters to their Headteacher, line-manager, or another trusted senior colleague.

Mediation

Mediation can be initiated at any point in the grievance process at the suggestion of one of the parties involved or the manager/headteacher dealing with the issue. It can be a useful tool to resolve a range of issues such as relationship breakdowns, communication problems, personality clashes or perceived bullying and harassment, but it may not always be relevant or appropriate in all scenarios.

As mediation is a voluntary process it can only work if all parties agree to participate. The process involves the relevant individuals engaging in one or more facilitated discussions, guided by an impartial mediator. The mediator will act neutrally and encourage the individuals to engage in a constructive dialogue and to actively listen to one another. It is a solution focused approach with the aim of helping the individuals to reach a mutually acceptable outcome.

The nature of discussions within mediation sessions is entirely confidential between those directly involved in the meetings. Although a headteacher may suggest mediation as being a potential option to help address issues raised, they will not receive any details of what has been discussed between parties and the mediator does not share any information the headteacher, other than to advise when the process has been completed and whether issues have been successfully resolved. Only those directly involved will know what, if any, agreement has been reached, unless there is joint agreement by both participants to disclose that information to third parties.

Where agreement and resolution are achieved through mediation it will be binding in good faith (not legally binding) on both parties. If the mediation has resulted in the issues being satisfactorily addressed this should conclude matters, but if there are any outstanding issues further investigation may still be necessary.

For more information regarding mediation, please contact the HR Manager. Headteachers should be aware that there will be a cost associated with this if an independent mediator is sourced.

Raising Grievances Informally

Most grievances can be resolved quickly and informally through discussion with your line-manager or the Headteacher. If you feel unable to speak to your line-manager or Headteacher, for example. If this does not resolve the issue, you should follow the formal procedure below.

Formal Written Grievances

If your grievance cannot be resolved informally you should put it in writing and submit it to your manager or the Headteacher, indicating that it is a formal grievance. If the grievance concerns

the Headteacher, you should submit it to the Trust Chief Executive Officer.

The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved, witnesses and the resolution you are seeking. In some situations, we may ask you to provide further information in writing.

Investigation

It may be necessary for us to carry out an investigation into your 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 you and any witnesses, and/or reviewing relevant documents. The investigation may be carried out by your manager or the Headteacher or someone else appointed by the Trust Chief Executive Officer.

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.

We may initiate an investigation before holding a grievance meeting where we consider this appropriate. 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.

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.

At the meeting, your companion may make representations to us and ask questions but should not answer questions on your behalf. You may talk privately with them 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 and will not be available for more than five working days afterwards, we may ask you to choose someone else.

We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.

Grievance meetings

We will arrange a grievance meeting as soon as is reasonably practicable after receipt of your written grievance (depending on school holidays). You will normally be given at least two school day's notice of the date.

You and your companion (if any) should make every effort to attend grievance meetings. 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, usually within 5 school days of the original date.

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 one week 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.

Outcomes

Once the formal investigation is concluded, the headteacher/investigating officer will communicate the outcome to the employee in writing, clearly outlining the reasons for the decision and including a copy of the investigation report. The employee will not be provided with any information relating to the outcomes or any subsequent action that may be taken against other individuals involved in the process.

In complex cases, the headteacher/investigating officer may feel that it is also appropriate to meet with the employee who raised the issues to talk through the findings.

Where the issues raised were against another employee, the headteacher/investigating officer will also write to that employee summarising the outcome of the investigation and recommendations for supplementary action, however, they will not receive a copy of the investigation report.

The range of outcomes are as follows:

- Upheld
The complaint has been proven on the balance of probability, and some remedial action may need to be taken. This may include mediation, disciplinary action, or an action plan.
- Not upheld
The complaint has not been proven, or it cannot be substantiated on the balance of probability. This means that no remedial action will be required, however, the headteacher/investigating officer may feel that the complaint has arisen out of a misunderstanding or lack of clarity and may recommend that policies or processes are reviewed to avoid the same misunderstanding happening again.
- Partially upheld
Where there are different aspects to the complaint, it may be that some are found to be proven whilst others are not.

There may be occasions where the Trust decides that it is appropriate for an independent investigating officer to undertake the investigation on behalf of the school. If this is the case, then it would be appropriate for the chair of governors (or identified person) to review the content of the report prior to the outcome being relayed to relevant parties.

Appeals

If the grievance has not been resolved to your satisfaction you may appeal in writing to the Trust, stating your full grounds of appeal, within 10 Trust days of the date on which the decision

was sent or given to you.

We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a more senior employee who has not previously been involved in the case (although they may ask anyone previously involved to be present). You have a right to bring a companion to the appeal hearing.

We will confirm our final decision on the outcome of your appeal in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

Further Information

If you would like any further information or advice in relation to this Policy, please contact the Trust HR Manager on 01388 811 765 or office@tudhoelearningtrust.co.uk