



# Fioretti Trust

## Grievance Policy

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This policy supersedes all previous grievance policies.



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## 1. Aims

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

The procedure sets out the steps that will be taken when a grievance is raised by an employee. A grievance is a concern or problem that an employee or a group of employees might raise with their employer about their work, their terms and conditions of employment, their working environment or their relationship with colleagues.

The board of trustees encourages employees to resolve grievances in an informal manner and without recourse to the formal grievance procedure wherever possible.

Employees raising a grievance should be able to do so without fear of victimisation as a result of the grievance or any subsequent investigation/management action. All grievances shall be dealt with in a non-discriminatory and consistent way.

This policy does not form part of staff terms and conditions of employment with Fioretti Trust and can be amended at any point.

## 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](#).

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

## 3. Definition and scope

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

This policy **does not** apply to:

- Issues raised by people who are not employed by the trust, e.g. volunteers or parents/carers, as this would fall under our complaints procedure
- Redundancy dismissals
- Non-renewal of fixed-term contracts
- 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.

There are alternative procedures for the following:

- Concerns, problems or complaints made under the Public Interest Disclosure Act, which should be dealt with under the whistle-blowing procedure.
- Concerns, problems or complaints that an employee may have about pay or grading, which should be dealt with under the pay policy adopted by the Trust.

- Concerns, problems or complaints about disciplinary action, which should be raised by the employee during the disciplinary procedure adopted by the Trust.
- Concerns, problems or complaints about an actual or contemplated dismissal by an employer, which should be dealt with under the procedures of the disciplinary policy, capability or sickness policy, depending on the policy being followed.
- Concerns, problems or complaints that an employee may have over national insurance, income tax or rules of pension schemes, which are generally outside of the Trust’s control and which should be raised with the appropriate bodies such as the Inland Revenue or the Teachers’ Pension Scheme.
- Any other matters which are clearly outside the control of the Trust.

If an employee raises multiple complaints including one or more which, if submitted individually, would be dealt with under one of the procedures listed above, or if it is unclear whether the complaint is a grievance which should be dealt with under this procedure or whether it falls within other procedures (examples of which are listed above), the employee will be asked whether they wish the complaints to be heard under the grievance procedure or under another procedure. The aim is not to preclude genuine concerns from being raised, however an employee is not able to raise the same complaint using different procedures. This will not prejudice the investigation of the grievance.

## **4. Roles and responsibilities**

Being internal matters, grievances may involve a number of people in the trust. 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 and CEO**

If the grievance is raised within one of our schools, provided they are not the subject of the grievance, the headteacher will consider the grievance at the formal stage (see 5.2).

If grievance is raised within the central trust, provided they are not the subject of the grievance, the CEO will consider the grievance at the formal stage.

### **4.3 Chair of local governing body and trust board**

Where the headteacher is the subject of the grievance, the chair of the local governing body will be responsible for appointing an appropriate governor who has not been directly involved in the grievance to oversee the procedure.

Where the CEO is the subject of the grievance, the chair of the trust board will be responsible for appointing an appropriate trustee who has not been directly involved in the grievance to oversee the procedure.

### **4.4 Investigating officer**

At the formal stage, the headteacher/CEO (or appointed governor/trustee if the headteacher/CEO is the subject of the grievance) will 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/CEO (or appointed governor/trustee if the headteacher/CEO is the subject of 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. If the employee's concerns relate to their line manager, they should discuss the issue with the line manager's manager.

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's 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 to resolve the matter informally, employees should set out their grievance in writing to their line manager, in accordance with the staff grievance notification form at Appendix 1. If the subject of the grievance is their line manager, the employee should submit the written grievance to an alternative, preferably senior, manager.

Upon receipt of a grievance, the headteacher/CEO (or appointed governor/trustee if the headteacher/CEO is the subject of the grievance) will appoint an investigating officer. This will be an independent individual with no prior knowledge of the grievance.

The headteacher/CEO (or appointed governor/trustee if the headteacher/CEO is the subject of the grievance) 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 grievance panel may include:

- The [headteacher/head of school]
- The executive headteacher
- Members of the local governing body
- Members of the board of trustees

- Senior school leaders, such as the deputy head or heads of other schools in the trust
- Senior trust leaders, such as the CEO

The investigating officer will undertake a grievance investigation and will make a recommendation.

The investigating officer, supported by HR colleagues, will also arrange a formal meeting (to be held in person, or over video conferencing if appropriate) within 20 working days after the grievance has been raised. 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.

Employees have a statutory right to be accompanied by a companion at a 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 employee must let the investigating officer know that they request 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.

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 and confer with the employee during the hearing. 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.

### **5.3 Deciding on appropriate action**

The meeting will be adjourned and the grievance panel will reflect on it before coming to a decision.

The chair of the panel will communicate the decision to the employee in writing within 2 working days. The decision will set out the action that will be taken to resolve the grievance. It will also inform the employee that they can appeal if they are not satisfied with the outcome, and explain how to do this.

### **5.4 Appeals**

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

The employee should set out their grounds of appeal in writing within 10 working days of receiving the grievance outcome.

School-based staff should submit a request for appeal to the Clerk of the board of Trustees.

Central trust staff should submit a request for appeal to the Clerk of the board of Trustees.

An appeal is not designed to re-hear the matter but to examine the grounds of appeal. The employee should therefore be specific about the grounds of the appeal.

However, a full re-hearing may be appropriate in exceptional circumstances.

The headteacher (or appointed governor if the headteacher is the subject of the grievance) will appoint a grievance appeal panel consisting of 3 people. This will be a group of people independent from any previous stage of the grievance procedure, and the panel will be chaired by an independent individual.

The appeals panel may include:

- The [headteacher/head of school]
- The executive headteacher
- Members of the local governing body
- Members of the board of [trustees/directors]
- Senior school leaders, such as the deputy head
- Senior trust leaders, such as the CEO

Appeals will be heard without unreasonable delay and in any event within 20 working days of the date of the appeal notice. The headteacher/CEO (or appointed governor/trustee if the headteacher/CEO is the subject of the grievance) will tell the employees the time and place of the appeal meeting in advance (to be held in person, or over video conferencing if appropriate).

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 2 working days of the appeal. The decision of the appeal panel will be final.

## **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. Malicious and vexatious allegations**

The fact that an allegation has not been substantiated following a formal investigation does not mean that it should be considered as malicious or vexatious. No action will be taken against any member of staff who makes an allegation in good faith, reasonably believing it to be true, even if the outcome is that there is no case to answer.

However, after receiving advice from Fioretti Central HR, there may be exceptional cases which lead the Grievance Manager to believe that a grievance may be malicious or vexatious. In these circumstances, the Trust may decide that a new investigation is conducted under the Disciplinary Procedure against the original complainant, with new terms of reference. Following this process, the investigator may conclude that there is no case to answer or that the matter should continue to be dealt with as a disciplinary matter in accordance with the Trust's disciplinary procedure.

## 8. Grievances from former employees

Wherever possible, a grievance should be raised by an employee and dealt with before an employee leaves employment.

The ACAS Code of practice on disciplinary and grievance procedures does not expressly state that it applies to grievances raised by employees who have left the organisation and therefore while it does not require employers to hear or consider grievances from former employees it may be viewed as good practice by an Employment Tribunal for them to do so. Therefore, provided that a former employee sets out their grievance and the basis for it in writing within 20 working days (other than in exceptional circumstances) of ceasing to be employed by the Trust, the headteacher or, where the headteacher is the subject of the grievance, the CEO (when the CEO is the subject of the grievance this should be the Chair of Trustees, where it is a member of the Central Team this will be the CEO), will:

- Acknowledge receipt of the grievance within 10 working days of receipt.
- Where possible, invite the employee to a meeting to hear their grievance.
- Investigate any issues raised on the basis of the letter received within 10 working days of receipt where practicable.
- Respond in writing to the employee outlining the findings of the investigation and stating if any of the allegations in the grievance had been upheld.
- If the former employee is dissatisfied with the outcome of the investigation into their formal grievance, they have the right to appeal against that decision. The appeal process will be heard by three governors (for complaints dealt with by the headteacher), for complaints dealt with by the CEO or Chair of Trustees the appeal panel will be three directors.
- If appropriate, the Trust can offer the former employee, or the former employee may request a two-stage process and the Employer will respond only in writing and therefore a grievance hearing would not take place.

## 9. 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.

The trust will store and retain all records relating to grievance procedures for no longer than is necessary, in line with data protection legislation and our data retention policy.

## 10. Monitoring arrangements

This policy will reviewed every 3 years years, but can be revised as needed from time-to-time. It will be reviewed by the Chief Operating Officer.

The policy will be approved by the board of trustees.

## 9. Links with other policies

This policy links with our policies on:

- Complaints procedure, which sets out how grievances will be raised by those not employed by the Trust

- Equality
- Privacy notice for staff
- Staff capability policy
- Staff code of conduct
- Staff disciplinary procedures
- Staff wellbeing policy

**Appendix 1: Staff grievance notification form:**

Name:	School:
Job title:	Department:
Describe the nature of your grievance, including: <ul style="list-style-type: none"> <li>• A full description of your grievance</li> <li>• Relevant evidence, such as facts, dates and names of individuals involved</li> </ul>	
<b>Please state the following:</b>	
The date on which you first raised your grievance, and with whom	
The action taken in respect of your grievance at the informal stage	

The outcomes you are seeking and the actions you would like taken to resolve the situation	
Whether you would like to explore a resolution through mediation	
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: