DDAT
Derby Diocesan Academy Trust

Grievance Procedure

September 2026

Approved by the Trust Board: 23rd October 2026
To be reviewed: July 2027

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Grievance Procedure

1 Purpose and Scope

1.1 Derby Diocesan Academy Trust ("the Trust", "DDAT") is committed to ensuring all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without undue delay. Employees should raise concerns as soon as reasonably practicable and ideally within three months of the matter arising. The Trust reserves the right to consider grievances raised outside this timescale where there are exceptional circumstances, where the matter is ongoing, or where the grievance relates to allegations of discrimination, harassment, safeguarding concerns, or other serious matters

1.2 Managers and employees should approach grievances constructively, deal with issues promptly and not delay meetings, decisions or confirmation of those decisions.

1.3 The primary focus of managers and employees raising a grievance should be on resolving the issue informally, where possible, without the need for reference to the formal procedure.

1.4 This procedure applies to all employees within the Trust regardless of length of service. It does not apply to agency workers, consultants, contractors, volunteers or self-employed individuals.

1.5 The procedure makes reference to an individual dealing with or hearing the grievance, this may include but is not limited to, the Line Manager, Headteacher / Executive Headteacher, Chair of the Local Trust Committee, CEO or Chair of the Trustees as appropriate.

1.6 This procedure does not form part of any employee's contract of employment and DDAT may amend it at any time following consultation with the recognised Trade Unions. It has been implemented following consultation with all recognised Trade Unions.

2 Using the Grievance Procedure

2.1 A grievance is a concern, problem or complaint which is raised by an employee or a group of employees as a collective dispute. Where the grievance is raised collectively by two or more employees concerning substantially the same issue, the Trust reserves the right to adapt this procedure and may deal with the matter through collective consultation arrangements where appropriate. Where employees voluntarily agree to pursue a collective grievance, the Trust may determine, following consultation with the employees and any elected representatives, that a single grievance meeting, outcome and appeal process will apply. Employees are recommended to contact their individual Trade Union for support.

Issues that could cause grievances may include (but are not limited to):

2.1.1 Terms and conditions of employment;

2.1.2 Health and safety;

2.1.3 Work relations;

2.1.4 New working practices;

2.1.5 Bullying, harassment and sexual harassment;

2.1.6 Working environment;

2.1.7 Organisational change;

2.1.8 Discrimination, including discrimination relating to any protected characteristic under the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

2.1.9 Victimisation

2.1.10 Failure to make reasonable adjustments

The Trust will ensure that grievances involving allegations of discrimination, harassment, sexual harassment, victimisation or failure to make reasonable adjustments under the Equality Act 2010 are investigated promptly and appropriately.

2.2 The Grievance Procedure should not be used:

2.2.1 To complain about dismissal or disciplinary action. If an employee is dissatisfied with any disciplinary action taken against them, they should submit an appeal under DDAT's Disciplinary Procedure.

2.2.2 Where there is a specific policy dealing with the issue (for example, the Trust's Anti-harassment and Bullying Policy, Whistleblowing or Preventing Sexual Harassment at Work Policy), employees should refer to those policies where appropriate. Depending on the nature of the concern, the Trust may determine that the matter is more appropriately dealt with under the relevant policy or procedure and will inform those concerned accordingly.

2.2.3 Regarding issues which are the subject of collective negotiation or consultation with the Trade Unions.

2.2.4 If the complaint is repetitive of a previous grievance, the substance of which has been dealt with through another procedure, or the matter is considered to be more appropriately dealt with through another policy or procedure, the Trust will apply the use of the appropriate policy or procedure and inform those concerned.

2.2.5 Where, following investigation there is evidence that an employee has knowingly made a deliberately false or malicious allegation, this may be treated as misconduct and may lead to disciplinary action.

2.2.6 In relation to the grading of a post.

2.2.7 The Grievance Procedure should not be used solely because an employee disagrees with a reasonable management instruction, management decision or organisational requirement.

2.3 Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily paused in order to deal with the grievance. Where the grievance and disciplinary cases are related, they may be dealt with concurrently or combined, as appropriate.

2.4 Mediation (which is a voluntary process where the mediator helps the two parties in dispute to attempt to reach an agreement), may be considered at any stage of the Grievance Procedure, but particularly where every effort to resolve the grievance informally has been made. Mediation might possibly produce an acceptable outcome without the need for formal stages of the Grievance Procedure. Either party may request mediation at any reasonable stage of the process and will only take place where all parties agree to participate.

2.5 Where concerns relate primarily to suspected malpractice, illegality, fraud, safeguarding failures or wrongdoing affecting others rather than the employee personally, employees should normally use the Trust's Whistleblowing Policy. Where an employee is personally affected by the matter concerned, the issue may be raised under this Grievance Procedure

.2.6 Nothing within this procedure prevents employees from reporting safeguarding concerns or low-level concerns regarding the conduct of adults working within the Trust. Low-level concerns are defined within the statutory Keeping Children Safe in Education (KCSiE) guidance document as any concern. Such concerns should be raised in accordance with the Trust's Managing Safeguarding Allegations and Low-Level concerns Policy.

3. Confidentiality and Data Protection

3.1 All parties involved in a grievance process are expected to maintain confidentiality wherever possible. Information relating to a grievance will only be shared where necessary for the investigation, hearing, appeal process, or where required by law.

3.2 Employees, companions and witnesses are expected to maintain confidentiality and should not disclose information relating to a grievance except where necessary, authorised, or required by law.

3.3 Electronic recordings of grievance meetings are not permitted.

3.4 Records relating to grievances will be processed and retained in accordance with the UK GDPR, Data Protection Act 2018 and the Trust's Data Protection Policy.

4 Raising Grievances Informally

4.1 Employees and managers should aim to resolve a grievance by discussing it informally before proceeding to a formal written grievance statement (however employees have the right to raise a grievance formally at any time). Initially, an employee should raise a grievance with their Line Manager. If the employee feels

unable to speak to their Line Manager (e.g. because the grievance relates to them) then the employee should speak to an appropriate member of the Senior Leadership Team, Headteacher / Executive Headteacher, Chair of the Local Trust Committee, the DDAT Central HR Team, or the Chair of the Trustees if the grievance is against the CEO.

4.2 Where a grievance involves another employee, an attempt should first be made by those involved to resolve the matter as soon as possible, bearing in mind the employees' overall responsibility to work cooperatively with colleagues in a climate of mutual respect. The majority of concerns, problems and complaints should be settled in this way if possible and without the need of line managers involvement unless requested.

4.3 As part of the informal process, the Trust may offer an informal meeting, supported by the Central HR Team, to discuss concerns and explore options for resolution. Participation is voluntary and requires the agreement of all parties involved. Where appropriate, mediation may be considered in accordance with Section 2.4. Participation in an informal meeting does not prevent an employee from progressing to the formal grievance procedure where resolution is not achieved.

5 Raising Grievances Formally

5.1 A formal grievance can be raised where the individual feels the informal process is not appropriate or should the matter not be resolved to the satisfaction of the complainant by informal discussion. The complaint should be submitted, in writing, to the Line Manager / Headteacher / Executive Headteacher or the Chair of the Trustees if the grievance is against the CEO, or the Chair of the Local Trust Committee if the grievance is against the Executive Headteacher / Headteacher, detailing the following information:

- Full name and job title;
- A summary of the facts of the grievance;
- Dates and times of any incidents, in order;
- Details of any witnesses or supporting evidence;
- Details of what efforts the employee and others have made to resolve the complaint;
- Details of who will accompany the employee to the grievance meeting; and
- Details of what resolution/outcome the employee would like.

5.2 In the event that the complaint is against the Line Manager / Headteacher / Executive

Headteacher or the CEO (or the Headteacher / Executive Headteacher / Line Manager / CEO has dealt with the grievance at the informal stage), the complaint should be sent, in writing, to the Chair of the Local Trust Committee or Chair of the Trustees in cases against the CEO who, in turn, should notify the DDAT Central HR Team.

5.3 In the event of the aggrieved person being the Headteacher / Executive Headteacher / CEO or Line Manager, and it has not been possible to resolve the matter at the informal stage, it will be referred to the Chair of the Local Trust Committee / Chair of the Trustees who will seek to resolve the grievance personally with the support of the DDAT Central HR Team.

5.4 The individual who is appointed to hear the grievance (Grievance Hearing Manager) will acknowledge the grievance letter, normally within 10 working days of receiving the letter by inviting the employee to a formal Grievance Hearing to consider their grievance. The formal meeting will usually be held within 15 working days of the grievance acknowledgement and response letter being sent to the employee (unless further time is required because, for example, further investigation of the grievance is needed).

5.5 Where the Line Manager / Headteacher / Executive Headteacher / Chair of the Local Trust Committee / Chair of the Trustees has played an active part in trying to facilitate an informal resolution, before the implementation of the formal stage, then they will arrange for three panel members of appropriate seniority to hear the case and the Line Manager / Headteacher / Executive Headteacher / Chair of the Local Trust Committee / Chair of the Trustees may be present to provide the background to the case.

5.6 Where the Line Manager / Headteacher / Executive Headteacher / Chair of the Local Trust Committee / CEO / Chair of the Trust Board have not been involved in any prior consideration of the grievance then they may hear the case. They are advised to consider involving two panel members of appropriate seniority to join them in hearing the case, particularly where the matter is complex or has wider implications. HR advice and guidance will be available to the person(s) hearing the case.

5.7 The Line Manager who dealt with the grievance at the informal stage may be asked to provide any relevant written information and evidence and/or attend the hearing.

5.8 Any employee who is the subject of the grievance may be invited to attend the meeting as deemed appropriate by the panel depending on the circumstances. They will usually, where possible, be provided with at least 10 working days' notice of the hearing. They will receive all documentation relevant to their involvement usually within 5 working days of the meeting. The employee has a statutory right to be accompanied and can bring a workplace colleague or Trade Union representative to the meeting. They may make representations on the employees' behalf however, they cannot answer any of the questions raised. The Trust may, at its absolute discretion, allow the employee to bring a companion who is not a Trade Union representative or work colleague (for example a family member) as a reasonable adjustment if the employee has a disability.

5.9 The employee raising the grievance has the statutory right to be accompanied to the meeting by a workplace colleague or Trade Union representative. The employee must inform the appropriate individual hearing the grievance who their chosen companion

is at least 5 working days before the meeting. The Trust may, at its absolute discretion, allow the employee to bring a companion who is not a Trade Union representative or work colleague (for example a family member) as a reasonable adjustment if the employee has a disability.

5.10 The purpose of the meeting is to give the employee the opportunity to explain their grievance and to seek a resolution. The employee should be prepared to explain their case, provide relevant evidence and to make clear the action they seek to resolve the grievance. Their Trade Union representative or workplace companion may make representations on their behalf but should not answer questions on their behalf. Employees may request at any time during the meeting to confer privately with their companion or Trade Union representative. All parties are expected to conduct themselves respectfully throughout the grievance process. Abusive, threatening or inappropriate behaviour may be treated as misconduct and managed under the Trust's Disciplinary Procedure.

5.11 It may be necessary for the Trust to carry out an investigation into the grievance. The amount of investigation will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from relevant individuals or witnesses and or reviewing relevant documents. In line with the ACAS Code of Practice, there will not be a requirement to call witnesses to attend a hearing, nor is there scope for the employee to question witnesses directly. However, the grievance will be dealt with in a fair and consistent way in accordance with the ACAS Code of Practice and the employee will be given the chance to have their say. The investigation will usually be carried out by a Grievance Hearing Manager appointed by the Trust. The individual who has raised the grievance will be expected to co-operate fully and promptly with any investigation. Employees are expected to cooperate fully with the investigation, including attending meetings, providing relevant information and identifying any witnesses they believe may assist. It may be that an investigation is needed before holding a grievance meeting where the Trust considers this appropriate. In other cases, the Trust may hold a grievance meeting before deciding what (if any) investigation to carry out.

5.12 If the employee's chosen companion is not able to make the meeting time that has been scheduled and is not available for more than 5 working days afterwards, the Trust may ask the employee to choose someone else.

5.13 In some cases, an adjournment to the meeting may be necessary to investigate further and the Trust might hold further meetings as appropriate. Such meetings will be arranged without unreasonable delay.

5.14 The individual hearing the grievance will issue a letter confirming the outcome usually within 10 working days of the meeting; there may be circumstances of delays due to complexities of the case including further investigation. The employee(s) raising the grievance will be informed of any delays. The letter should include an explanation of what action will be taken, or an explanation that no action will be taken, along with the reasons for this.

The outcomes are as follows:

- Upheld

- Partially upheld
- Not upheld

5.15 The employee who raised a grievance will be informed of their right of appeal.

5.16 Where a grievance is upheld and evidence indicates potential misconduct by another employee; the Trust may consider whether separate action should be taken under the Trust's Disciplinary Procedure.

6 Appeal

6.1 Where a grievance has not been resolved to the aggrieved employee's satisfaction, the employee can submit a formal written notice of appeal within 5 working days of receipt of the written outcome to the DDAT Central HR Team (hr@ddat.org.uk) who will forward it onto the appropriate appeals panel. The full grounds of their appeal should be clearly set out within the appeal letter. The employee may appeal where:

6.1.1 There was procedural irregularity which may have affected the outcome.
6.1.2 Relevant evidence was not considered.
6.1.3 New evidence has become available that could not reasonably have been provided earlier.
6.1.4 The decision reached was unreasonable based on the evidence available.

6.2 The Trust will usually respond to the letter of appeal within 10 working days of receipt, inviting the employee to attend an appeal hearing.

6.3 The employee will usually be given at least 10 working days' notice of the date, time and location of the appeal hearing and will be informed of their statutory right to be accompanied by either a Trade Union representative or workplace colleague. The Trust may, at its absolute discretion, allow the employee to bring a companion who is not a Trade Union representative or work colleague (for example a family member) as a reasonable adjustment if the employee has a disability.

6.4 Any employee who is the subject of the grievance may also be informed of the appeal hearing if appropriate and invited to attend the appeal hearing as agreed by the appeal panel, depending on the circumstances. They also have the right to be accompanied by either a Trade Union representative or workplace colleague.

6.5 The appeal panel shall hear the appeal. The appeal panel shall comprise of three independent panel members who have not previously been involved in the case. If the Chair of the Local Trust Committee / Trustees has already been involved, the Vice Chair may be selected.

6.6 The individual or panel who heard the grievance will prepare a written statement for the appeal. If the employee seeks to rely on any documents, these must be provided to the appeal panel. All documents relevant to the appeal, and on which either party seeks to rely, shall usually be provided to the appropriate parties at least 5 working days prior to the appeal hearing (or other timeframe agreed by the parties).

6.7 The outcome of the appeal panel is final and there shall be no other right of appeal.

This concludes the Trust's internal grievance procedure.

6.8 The appeal panel will confirm the outcome and detail of the appeal panel's decision in writing, which should be sent within 5 working days of the appeal hearing.

6.9 The appeal panel may wish to adjourn the hearing to investigate further matters raised or to consider an outcome, and if so, they will inform the employee of the appropriate timescales and when it is likely the outcome will be communicated.

6.10 No employee will suffer detriment, victimisation, or retaliation for raising a grievance in good faith, participating in a grievance investigation or acting as a witness. Any allegation of victimisation arising from involvement in the grievance process will be treated seriously and may itself be addressed under this procedure or the Disciplinary Procedure.

7 Support for those involved

7.1 Support may be gained through the schools Employee Assistance Programme e.g. Schools Advisory Service or Westfield Health for Derby Cathedral School, or via Education Support: Education Support, supporting teachers and education staff. Support can also be accessed via the Mental Health First Aiders either in school or via the DDAT Central Team. Trade Union representatives can also provide support.

An Equality Impact Assessment has been completed for this procedure.