

## Grievance Policy



Written by	Harriet Carter	August 2025
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## **1. Purpose and Scope**

The purpose of this policy is to ensure that Earley Springs School manages all grievance and disciplinary matters in a manner that is lawful, transparent, consistent, and compliant with the Independent School Standards (ISS) and the ACAS Code of Practice. The School is committed to safeguarding the welfare of pupils and maintaining the highest standards of professional conduct among staff.

This policy applies to all employees of Earley Springs School, including part-time, full-time, permanent, temporary, and fixed-term staff.

## **2. Legal and Regulatory Framework**

This policy has been written to comply with:

- Education (Independent School Standards) Regulations 2014, including
  - *Part 3*: Welfare, health and safety of pupils
  - *Part 4*: Suitability of staff, supply staff, and proprietors
  - *Part 8*: Quality of leadership and management
- Employment Rights Act 1996
- Equality Act 2010
- Data Protection Act 2018 & UK GDPR
- ACAS Code of Practice on Disciplinary and Grievance Procedures (2024 update)

Compliance with these standards ensures this policy is legally defensible and suitable for use in employment tribunals or court proceedings.

## **3. Part A – Grievance Procedure**

Earley Springs encourages employees to raise concerns promptly so that issues can be resolved at an early stage. All grievances will be investigated fairly, impartially, and without unreasonable delay.

### **3.1 Informal Resolution**

Employees should initially discuss concerns with their line manager, who will attempt to resolve the issue through discussion, mediation, clarification, or practical adjustments where appropriate. Informal steps must be documented briefly and stored confidentially.

### **3.2 Formal Grievance Submission**

If the concern cannot be resolved informally-or if it is inappropriate to do so-the employee may submit a written grievance. Upon receipt, the School will appoint an appropriate manager, independent from any conflict of interest, to oversee the process.

### **3.3 Grievance Meeting**

A formal meeting will normally be scheduled within 10 working days. Employees have the legal right to be accompanied by a trade union representative or workplace colleague. During the meeting the employee will have full opportunity to explain the grievance, present relevant evidence, and request witness involvement where appropriate.

### **3.4 Outcome**

The decision will be confirmed in writing within 5 working days, setting out:

- findings of fact;
- the rationale for the decision;
- actions to be taken;
- recommendations for resolution.

### **3.5 Appeal**

Employees may appeal the decision within 5 working days. Appeals will be heard by a senior manager or proprietor not previously involved in the case. The appeal decision will be final and provided in writing.

## **4. Part B - Disciplinary Procedure**

This disciplinary framework is designed to uphold professional conduct, safeguarding standards and effective performance. The School will act proportionately and objectively, ensuring that no decision is taken without a thorough investigation.

### **4.1 Investigations**

Before any disciplinary hearing occurs, the School will conduct an investigation to establish facts. This may involve interviewing witnesses, reviewing documents, examining safeguarding implications and seeking professional advice if necessary. Suspension-where needed for safeguarding or investigatory reasons-will be on full pay and clearly explained in writing.

### **4.2 Disciplinary Hearing**

If an investigation identifies a case to answer, the employee will receive:

- written notice of allegations;
- all evidence to be considered;
- at least 48 hours' notice of the hearing;

- the right to be accompanied.

The hearing will be chaired by someone not involved in the investigation and with appropriate seniority.

#### **4.3 Decision and Sanctions**

Outcomes will be communicated in writing and may include:

- written warning;
- final written warning;
- dismissal with notice;
- summary dismissal (only for gross misconduct).

The written decision will include:

- findings and evidence relied upon;
- justification for the chosen sanction;
- expectations for improvement (where relevant);
- consequences of further misconduct.

#### **4.4 Appeal**

Appeals must be lodged within 5 working days. The appeal will be heard by a manager or proprietor uninvolved in earlier stages. The appeal decision will be final.

### **5. Misconduct vs. Gross Misconduct**

#### **5.1 Misconduct**

Misconduct includes behaviour or performance falling below required standards-for example:

- repeated lateness;
- refusal to follow reasonable and lawful instructions;
- misuse of school property or breaches of communication protocols.

#### **5.2 Gross Misconduct**

Gross misconduct is behaviour so serious that it undermines the employment relationship and may justify dismissal without notice. Examples include:

- safeguarding breaches;
- theft or fraud;
- physical violence or abusive conduct;
- discrimination or harassment;
- serious breaches of confidentiality;

- wilful negligence putting pupils, staff, or the School at risk.

These lists are illustrative, not exhaustive.

## **6.Complaints Linked to Grievances**

Where a grievance arises as a result of a parental or external complaint, this will be managed in line with the School's Complaints Policy. In such cases, the matter will follow the established complaints process to ensure that concerns raised by parents or members of the public are handled transparently, consistently, and in accordance with statutory requirements. Staff will be kept informed as appropriate throughout the complaints process, and any employment-related issues arising from the complaint will be considered separately under the relevant HR procedures.

## **7. Records, Confidentiality, and Data Protection**

All grievance and disciplinary records will be handled confidentially and stored securely in accordance with the Data Protection Act 2018 and UK GDPR. Records will be kept only as long as necessary and may be inspected by regulatory bodies when required. Information will be shared only with individuals who have a legitimate need to know (e.g., investigators, hearing managers, safeguarding leads).

## **8. Monitoring, Review, and Governance**

The Proprietor and senior leadership team will review this policy annually, or sooner if changes to legislation, ACAS guidance, or Independent School Standards occur. Records of all grievance and disciplinary cases will be reviewed periodically to ensure fairness, consistency, and compliance