



# GRIEVANCE POLICY

## 2025/6

Approved by: Karen Pickles  
Designated Safeguarding Lead  
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### POLICY REVISION RECORD (annual reviews)

Date	Section	Revision	Updated by
05/08/22			Karen Pickles
09/09/23	Re-written policy	Re-styled to include all above as required	Karen Pickles
01/09/24		Reviewed	Karen Pickles
01/09/25		Reviewed and updated as needed	Karen Pickles

# Grievance Policy

Berkeley Guardians is committed to fostering a fair, respectful and supportive working environment, free from unlawful discrimination, harassment, victimisation and bullying. Our Grievance Policy provides a clear, transparent and timely process for raising and resolving concerns, ensuring every employee feels heard and valued.

## 1. Purpose

- Ensure that workplace concerns, problems or complaints can be raised and resolved quickly, fairly and consistently.
- Provide a mechanism for grievances that fall outside other formal procedures (e.g., disciplinary, redundancy).
- Promote trust, dignity and mutual respect among colleagues.

## 2. Scope

This policy applies to all employees of Berkeley Guardians Ltd, regardless of length of service or role.

## 3. Definitions

A grievance is any concern, problem or complaint that an employee raises with their employer in connection with their employment. Examples include:

- Working relationships with colleagues or managers
- Terms and conditions of employment
- Health and safety issues
- Bullying, harassment or discrimination
- Organisational change

## 4. Responsibilities

### 4.1 Employees

- Raise concerns promptly and in good faith, informally where possible.
- Treat colleagues with respect, dignity and courtesy throughout the process.

### 4.2 Directors

- Ensure this policy is communicated, understood and applied consistently.
- Deal with grievances equitably, without discrimination, and as swiftly as possible.
- Maintain confidentiality and protect all parties from victimisation.

#### **4.3 Investigating Directors**

- If a grievance involves one Director, the other will investigate.
- If a grievance involves both Directors, the employee will be advised to seek external advice (e.g., Citizens Advice).

### **5. Informal Resolution**

- Wherever possible, employees should first seek to resolve grievances informally by speaking directly to the colleague or line manager concerned.
- If the grievance remains unresolved after this discussion, or if informal resolution is inappropriate, the employee may initiate the formal process.

### **6. Formal Procedure**

#### **6.1 Submitting a Grievance**

- Employees must submit grievances in writing to a Director, outlining:
  - The nature of the grievance
  - Relevant dates, events and supporting evidence
  - Desired outcome or resolution

#### **6.2 Acknowledgement**

- The Director will acknowledge receipt within 5 working days and propose next steps.

#### **6.3 Investigation**

- The investigating Director will:
  - Gather relevant facts and interview witnesses as needed
  - Keep parties informed of progress
  - Ensure all interviews are conducted confidentially

#### **6.4 Grievance Meeting**

- The employee will be invited to a meeting, given at least 5 working days' notice, and may be accompanied by a colleague or trade union representative.
- The meeting will:
  - Review the written grievance
  - Allow the employee to present their case

- Consider any mitigation or context

## 6.5 Outcome

- A written decision will be provided within 10 working days of the meeting, detailing:
  - Findings of the investigation
  - Any action to be taken
  - Right of appeal

## 7. Right to Be Accompanied

Employees may bring a companion—a fellow employee or a certified union representative—to any formal grievance meetings or appeal hearings. The companion may:

- Present the employee's case
- Confer privately with the employee. They may not answer questions on the employee's behalf or prevent the employee from speaking.

## 8. Appeals

- If dissatisfied, the employee may appeal in writing within 5 working days of the outcome, stating grounds for appeal.
- Appeals will be heard by a Director not previously involved (or by an external adviser if both Directors were involved).
- A decision on appeal will be communicated in writing within 10 working days and is final.

## 9. Confidentiality

All parties must maintain confidentiality. Records of grievances and outcomes will be held securely and in accordance with our Data Protection Policy.

## 10. Related Policies

- Disciplinary Procedure
- Anti-Bullying and Harassment Policy
- Equality, Diversity & Inclusion Policy
- Safeguarding Policy
- Data Protection (Privacy) Policy

## 11. Compliance

This policy reflects the Acas Code of Practice on Disciplinary and Grievance Procedures (2015) and complies with the Equality Act 2010. Failure to follow this policy may lead to formal disciplinary action.

For advice on this policy, please contact the Designated Safeguarding Lead at [karen@berkeleyguardians.com](mailto:karen@berkeleyguardians.com).

## Legislation

This policy is compliant with current legislation and the ACAS Code of Practice on Disciplinary and Grievance Procedures.

Under the Equality Act 2010, protected characteristics are:

- age
- disability
- race
- sex
- religion or belief
- gender reassignment
- sexual orientation
- pregnancy and maternity
- marriage or civil partnership

The Equality Act makes Berkeley Guardians potentially liable for harassment of employees by people who are not employees, such as customers, clients, agency workers or external consultants.

## Other Procedures

There are a number of issues that cannot be raised through the Grievance Policy. Concerns in the following areas should be raised via their respective procedures:

- recruitment and selection complaints
- restructure or redundancy consultation
- job evaluation
- pay, grading or allowance issues
- disciplinary issues

If it is unclear which procedure an employee wishes to pursue, Directors should seek advice from their Human Resources, Advice and Support consultants.

## 12. Safeguarding Concerns and Alternative Routes

Where an employee does not have a grievance but wishes to raise a concern about Berkeley Guardians or its employees, it may be appropriate to use the Safeguarding Policy.

Where an employee has a grievance regarding a child (under 18 years of age) in the care of Berkeley Guardians, this will be regarded as a complaint under the Safeguarding Policy rather than a staff grievance.

## 13. Definition of a Grievance

A grievance is any concern, problem or complaint raised by an employee about their work, working conditions or relationships with colleagues.

It is not the intention behind the behaviour that determines whether it is unacceptable, but whether the actions or comments can objectively be viewed as demeaning and unacceptable to the person making the complaint.

## 14. Repeat Grievances

Employees may not raise a grievance that is the same or substantially similar to one investigated in the previous 12 months, unless any action agreed to resolve the original grievance has not been implemented.

## 15. Formal Grievance Notification

If an employee has not completed a Formal Grievance Form, the Director must:

- Seek clarification on whether the employee intends to raise a formal grievance.
- If the employee confirms no formal grievance is being raised, prepare a brief note of that outcome.
- Share the note with the employee for verification.

## 16. Examples of Common Grievances

While this list is not exhaustive, common categories include:

- General work issues
  - Terms and conditions of employment
  - Health and safety concerns
  - Working practices or workload

- Working relationships
- Bullying
  - Offensive, intimidating, malicious or insulting behaviour
  - Misuse of power that creates a hostile, degrading or humiliating environment
  - Conduct a reasonable person could justifiably complain about
- Harassment
  - Unwanted conduct violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment
  - May relate to a protected characteristic
  - Individuals can complain about offensive behaviour even if it is not directed at them

## 17. Victimisation

Victimisation occurs when someone is treated less favourably than others because they have:

- Brought or supported proceedings under discrimination law
- Given evidence or information in relation to a complaint
- Rejected unwelcome advances
- Complained about harassment, discrimination or intimidation

Such treatment is unlawful and will be addressed through the grievance or disciplinary processes, as appropriate.

## 18. Resolving a Grievance

It is in everyone's best interests to resolve grievances promptly, fairly and informally where possible. Employees should initially seek to discuss their concerns with the Director or the individual involved, with the aim of reaching an early, mutually acceptable resolution.

## 19. Informal Process

- If an employee feels able, they should tell the colleague whose behaviour is causing concern:
  - That the behaviour is unacceptable
  - How it affects them
  - That it must stop
- If direct discussion is not possible or does not resolve the issue, the employee may:
  - Speak confidentially to one of the Directors
  - Ask a trusted colleague to raise the matter on their behalf
- If informal steps fail or are inappropriate (for example, where there is a risk of harm), the employee should initiate the Formal Grievance Procedure.

## 20. Mediation

- When informal discussions have not led to a solution, and both parties agree, mediation by a trained, independent mediator may be arranged.
- Mediation aims to improve communication, clarify misunderstandings and reach a durable agreement.
- The Directors will consult our Human Resources Advice and Support provider to identify suitable mediation services.
- Participation is voluntary and subject to mutual agreement. Costs associated with mediation will be discussed in advance and agreed before proceeding.

## 21. Outcome of Mediation

Where mediation is successful and an outcome is agreed by all parties:

- The agreed resolution is binding on both parties.
- The grievance procedure is deemed closed in relation to that issue.

## 22. Formal Grievance Process

If informal resolution (including mediation) has not resolved the concern, the employee may initiate the formal grievance process:

1. Complete the Formal Grievance Form (Supporting Document A), providing:
  - A clear description of the grievance
  - Relevant dates, events and evidence
  - The outcome the employee is seeking
2. Submit the form to a Director (or the appointed Investigating Officer if the grievance concerns a Director).
3. The employee should retain a copy of the completed form.
4. If no informal attempt has been made (and no compelling reason to skip it), the Director should encourage the employee to attempt informal resolution first.

## 23. Grievance Investigation

Once a formal grievance is lodged and it is clear that informal steps are exhausted, a thorough and impartial investigation must take place:

- Gather all relevant evidence and documentation.
- Interview the employee, the subject of the grievance and any witnesses.
- Document all findings objectively.



- Base conclusions solely on facts and evidence.

## 24. Investigating Officer

- In most cases where the grievance is against a colleague, a Director will serve as the Investigating Officer.
- If the grievance is against a Director, an independent Investigating Officer will be appointed by a legal or regulatory authority.
- The relevant Director(s) will fully cooperate with any external investigation.

## 26. Grievance Meetings

The Investigating Officer will arrange a meeting with the employee raising the grievance to discuss the issues in more detail within 10 working days of the Formal Grievance Form being received or, where an external Investigating Officer is appointed, within 10 working days of that appointment.

The employee may be accompanied by a trade union representative or a work colleague. The companion must not have a conflict of interest or prejudice the meeting. An employee may ask any trade union official to accompany them, whether or not they are a member or the union is formally recognised. A non-official union representative must be certified by their union as competent to accompany the employee.

If the companion cannot attend on the proposed date, the Investigating Officer will offer an alternative date, normally within 5 working days, unless a different timeframe is mutually agreed.

The purpose of the meeting is to:

- Clarify the nature and scope of the grievance
- Determine whether mediation remains an option
- Identify any further information or witnesses required
- Discuss the employee's proposals for resolving the issue
- Agree whether the standard investigation timescale should be extended

At the end of the meeting, the Investigating Officer will indicate when the employee can expect a written response. If the Investigating Officer believes that a full response cannot be issued within 30 working days—perhaps because additional enquiries are needed—they will agree an extended deadline with the employee.

Where unavoidable delays occur (for example, due to annual leave or sickness), the Investigating Officer will contact the employee in writing, provide a progress update and agree revised timescales.

## 27. Decision and Outcome

Following the grievance meeting and any further investigation, the Investigating Officer will prepare a written report that includes:

- A summary of the issues considered
- Findings of fact based on the evidence
- Conclusions reached
- Actions to be taken (if any)
- The employee's right of appeal

The written decision will normally be issued within 10 working days of the grievance meeting or within an agreed extended timeframe.

## **28. Appeals**

If the employee remains dissatisfied, they may lodge an appeal in writing within 5 working days of the date of the decision, setting out the grounds for appeal.

Appeals will be heard by a Director who has not previously been involved in the case, or by an external adviser if both Directors were linked to the original grievance. The appeal hearing will follow the same principles—reasonable notice, right to be accompanied, impartial consideration—and a final written decision will be issued within 10 working days of the appeal hearing. The appeal outcome is final.

## **29. Record Keeping and Confidentiality**

All documentation relating to grievances—including formal forms, investigation notes, decisions and appeal records—will be stored securely and handled in accordance with our Data Protection Policy.

Access to grievance files is restricted to those who have a legitimate need to view them.

## **30. Monitoring and Review**

This Grievance Policy will be reviewed at least annually or sooner if required by changes in legislation, ACAS guidance or organisational practice. Feedback from employees and lessons learned from grievance cases will inform any revisions.

## **31. Employee Subject to Grievance**

Where a grievance is raised against an employee, the Investigating Officer will:

- Arrange a private discussion to inform the employee that a concern has been raised.
- Invite the employee to a formal grievance investigation meeting, giving at least 10 working days' notice.

- Inform the employee of their right to be accompanied by a work colleague or trade union representative.

At the grievance investigation meeting, the Investigating Officer will:

- Explain the specific allegation(s) made against the employee.
- Provide the employee with an opportunity to present their account and any evidence in their defence.

## 32. Witnesses

Where witness evidence is required, the Investigating Officer must:

- Identify witnesses impartially, applying a clear and consistent method for selection.
- Invite each witness in writing (using Supporting Document C where appropriate), explaining the purpose of the meeting.
- Remind witnesses that, while their interview is held confidentially, their statement may be disclosed within the formal grievance procedure.
- Emphasise the importance of confidentiality and clarify that discussions with colleagues about the content of the investigation are prohibited.

Witnesses have the right to be accompanied by a work colleague or trade union representative, subject to the usual rules on conflicts of interest and reasonable certification for non-official union representatives.

For each witness, the Investigating Officer must record:

- The reason they were interviewed and their relevance to the investigation.
- Any decision not to interview a proposed witness, together with the rationale.

## 33. Final Grievance Meeting

To conclude the investigation, the Investigating Officer will arrange a final meeting with the employee who raised the grievance. The purpose of this meeting is to:

- Outline the key points of the investigation, including who has been interviewed
- Confirm that all areas of the original grievance have been fully explored
- Give the employee an opportunity to highlight any aspects they feel remain unaddressed
- Allow the employee to respond to any new or unexpected findings that emerged during the investigation

The meeting will normally take place within 10 working days of completing the evidence-gathering phase. The employee may be accompanied by a colleague or trade union representative, subject to the usual right-to-accompany provisions.

### 34. Notes of Meetings

- Detailed notes must be taken at every investigation meeting to ensure an accurate record of discussions.
- Where possible, a designated note-taker (an independent colleague) should attend to record the facts as stated, using the employee's own words and sequencing events as experienced by them.
- Notes should be typed up within 5 working days and sent to the individual for review and signature.
- The individual should confirm that the notes are a complete and accurate reflection of the meeting. Any proposed amendments must be agreed with the Investigating Officer.
- If agreement cannot be reached, both versions of the notes should be retained and included in the investigation report.
- If a witness or participant refuses to sign or withdraws their statement, the Investigating Officer should record the reason for refusal and may still include the unsigned notes clearly marked as such.

### 35. Responding to the Grievance

Once the Investigating Officer has gathered all necessary facts and evidence, they will:

1. Compile a written report summarising:
  - The issues investigated
  - Evidence and witness statements
  - Findings of fact
  - Recommendations for action (if any)
2. Submit the draft report to Berkeley Guardians' HR Advice and Support Consultancy for legal and procedural review.
3. Forward the final report to the Director(s) or appointed Legal Authority, who will decide whether the grievance is upheld and determine any remedial actions.

The employee raising the grievance will receive a written decision, including the outcome of the report and any steps to be taken, normally within 10 working days of the final grievance meeting or receipt of the Investigating Officer's report.

### 36. Grievance Not Upheld

If the Director(s) or Legal Authority concludes there is insufficient evidence to support the allegations, the grievance will not be upheld. In such cases:

- No further action will be taken in respect of the grievance issue.
- The employee will be notified in writing of the decision and the reasons for it.
- The employee retains the right of appeal under Section 28 of this policy.

### **37. Grievance Upheld (In Whole or In Part)**

Where the Director(s) or appointed Legal Authority finds sufficient evidence to support some or all of the allegations, one or more of the following outcomes may be applied to each upheld allegation:

- No further action, if the matter has been satisfactorily addressed.
- Formal mediation, either as a fresh intervention or follow-up to earlier discussions, to facilitate a sustainable resolution.
- Action plan, outlining specific objectives, targets and training to address and correct the behaviour in question.
- Alternative working arrangements, where reasonable operational changes (for example desk relocation, change of line management or shift patterns) can minimise contact and impact on service delivery.
- Disciplinary action, if the findings amount to a conduct issue warranting formal sanctions under the Disciplinary Policy.

### **38. Communicating the Outcome and Next Steps**

After deciding the outcome, the Director will:

- Meet with the employee who raised the grievance (if appropriate) to explain how conclusions were reached.
- Issue a written decision to the employee who raised the grievance, using the “Outcome Letter – Employee Raising a Grievance” template (Supporting Document H) and attach a copy of the full investigation report.
- Where the grievance was raised against another employee or a Director, issue a separate letter using the “Outcome Letter – Employee Whom Grievance Is Against” template (Supporting Document I). The full report is not shared in this case.
- Promptly implement any agreed actions (for example, mediation sessions, action plan milestones or disciplinary measures) and monitor progress to ensure they are effective.

### **39. Legal Authority Notification**

Where a Legal Authority has been instructed on behalf of the employee, it is the Authority’s responsibility to communicate the outcome directly to the employee in accordance with their own procedures.

## 40. Appeal

If the employee is dissatisfied with the decision of the Director(s) or Legal Authority, they may appeal:

- Appeal window: within 10 working days of receiving the outcome.
- Submission: in writing, setting out the grounds for appeal, addressed to the Director(s) or Legal Authority who handled the grievance.
- Appeal meeting: will be arranged as the final forum for reviewing the grievance issues.

## 41. Collective Grievances

Under the Employment Act 2002 (Dispute Resolution) Regulations 2004, grievances may be raised collectively when two or more employees share the same concern.

- Raising a collective grievance: must be in writing on behalf of at least two employees (including one of the complainants).
- Appropriate representative: an official of a recognised independent trade union, or an employee elected or appointed under an established procedure and authorised to resolve grievances on behalf of others.
- Compliance: a collective grievance treated in this way satisfies the procedural requirements for each individual involved.

## 42. Post-Employment Grievances

This procedure also applies to former employees where:

- The grievance was not known to Berkeley Guardians before termination, or
- The formal process had not begun prior to the end of employment.

Process for former employees:

- Submission deadline: within three months of the effective date of termination, in writing to Berkeley Guardians (or to the appointed Legal Authority if the grievance concerns both Directors).
- Investigation: the Director will investigate the grievance (no meeting with the former employee is required but may be arranged at the Director's discretion).
- Response: a written decision will be provided within 10 working days of receipt.
- Finality: this response concludes Berkeley Guardians' procedure; there is no further right of appeal.

# AEGIS Grievance Procedure

## Parties Who May Raise a Complaint

The following parties may have a grievance against a school or guardianship organisation:

- Overseas parent(s)
- UK homestay family
- School
- Guardianship organisation
- Overseas agent or other placing organisation

## Stage 1 – Informal Resolution

In the first instance, all complaints should be raised informally with the school or guardianship organisation.

- A chronological record must be kept of all correspondence, responses and actions taken.
- Parties are encouraged to resolve the matter directly.
- An impartial arbitrator with relevant experience may be invited to assist, if both sides agree.

## Stage 2 – Formal Complaint

If the issue cannot be resolved informally, the complainant should submit a formal complaint in writing to the school or guardianship organisation.

- The written complaint must set out the nature of the grievance and any evidence.
- A chronological record of all further correspondence, responses and actions taken must be maintained.

## Stage 3 – AEGIS Complaint Panel

When a formal complaint remains unresolved at Stage 2, both parties may refer the matter in writing to:

The Trustees of AEGIS c/o Yasemin Wigglesworth, Executive Officer AEGIS The Wheelhouse, Bond's Mill Estate Bristol Road, Stonehouse Gloucestershire GL10 3RF E-mail: [info@aegisuk.net](mailto:info@aegisuk.net) Telephone: +44 (0) 1453 821293

AEGIS will appoint a three-person panel—one member acting as chair—to hear the grievance. Panel members will be independent and impartial arbiters. An interpreter may attend where required. AEGIS will keep a written record of the complaint, investigation and outcome, and will provide a written report of findings and any recommendations to both the complainant and, where appropriate, the subject of the complaint.

**The panel's decision is final.**

## **Stage 4 – Court Proceedings**

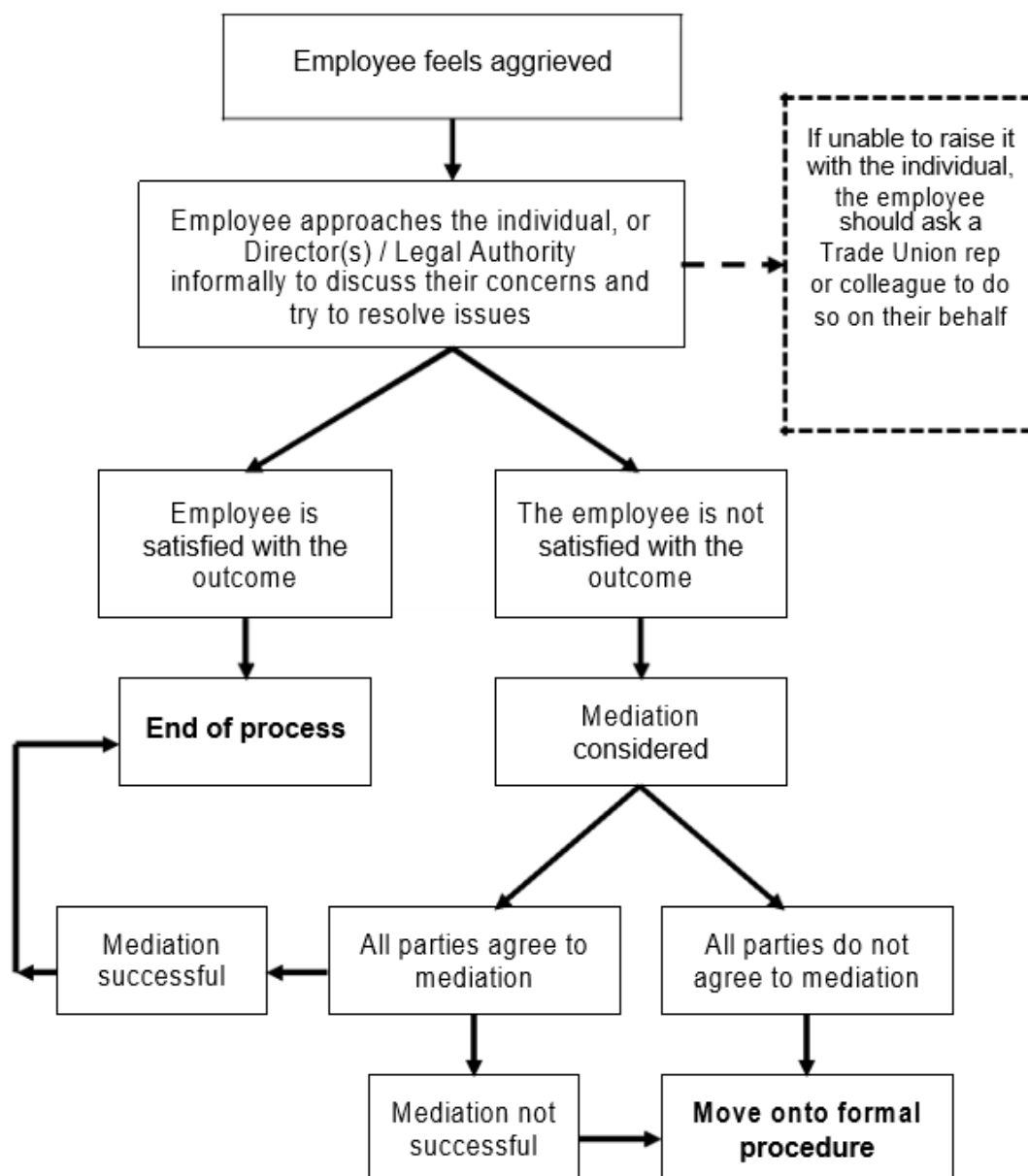
**If the panel's decision at Stage 3 does not resolve the complaint, the complainant may pursue the matter through the courts.**

**Please see separate Grievance Document for all flowcharts, standard letters and other relevant documentation**



## Flowcharts

### Informal grievance process



## Formal grievance process

