



GRIEVANCE POLICY

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1. PURPOSE AND PRINCIPLES

The Ark Smallholding Ltd aims to provide a fair, respectful and safe working environment. This policy gives employees a clear route to raise concerns, problems or complaints about their own employment or workplace treatment and sets out how The Ark will seek to resolve them fairly, promptly and proportionately.

- Issues will be considered without unreasonable delay and without predetermined conclusions.
- Informal resolution will be encouraged where appropriate, but it is not compulsory where the matter is serious, unsafe or unsuitable for informal handling.
- Safeguarding, child protection, criminal, whistleblowing and urgent health-and-safety duties take priority and must not be delayed by the grievance process.
- No employee should suffer retaliation for raising a grievance or participating in a grievance process in good faith. Statutory protection against victimisation, detriment or dismissal applies where the relevant legal tests are met.
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2. WHAT IS A GRIEVANCE?

A grievance is a concern, problem or complaint that an employee raises with The Ark about their own employment, working arrangements, treatment or workplace experience.

- working conditions or workload;
- treatment by a colleague, manager or director;
- workplace relationships, bullying or unreasonable behaviour;
- discrimination, harassment or victimisation;
- contractual, pay, procedural or working-arrangement concerns;
- health and safety concerns affecting the employee personally;
- management decisions affecting the employee;
- organisational change or working practices;
- failure to make reasonable adjustments or other equality-related concerns.

A grievance does not have to use the word 'grievance'. If an employee communicates a concern clearly enough for The Ark to understand that they are seeking employment-related resolution, The Ark will consider the substance rather than reject it because a particular form or label was not used.

3. WHO THIS POLICY APPLIES TO

This policy applies to employees of The Ark, including fixed-term employees. The statutory ACAS grievance framework mainly applies to people legally classed as employees, although specific rights such as accompaniment can also apply to workers in defined circumstances.

Where appropriate, The Ark may offer workers, casual staff, volunteers, contractors, self-employed practitioners or placement students a similar fair process as organisational good practice. Doing so does not alter their legal employment status or create employee-only statutory rights where those rights do not otherwise apply. Safeguarding and whistleblowing routes remain available according to their own scope.

4. ACCESSIBILITY AND SUPPORT

- This policy will be available to staff through The Ark's usual policy-access arrangements and provided or signposted at induction.
- A grievance may be raised by email, letter or another accessible written method. An employee who has difficulty putting a grievance in writing may ask for support to record it accurately.
- Reasonable adjustments will be considered for disability, neurodivergence, communication need, literacy, language or other relevant need, including accessible documents, additional preparation time, remote attendance where appropriate or an interpreter.
- Employees may seek support from a manager, trade union, companion or other appropriate source. Safeguarding supervision may provide reflective support where the issue relates to emotionally demanding safeguarding work, but it is not the grievance investigation.

5. CHOOSING THE CORRECT ROUTE

Issue	Primary route	Key rule
Employee's own employment/treatment	Grievance Policy	Use this policy, subject to any overlapping safeguarding/whistleblowing/disciplinary issue.
Suspected wrongdoing in the public interest	Whistleblowing Policy	Assess protected-disclosure/public-interest route. The same facts may also contain a grievance.
Child harmed / at risk; adult allegation; low-level concern; mishandled safeguarding	Safeguarding & Child Protection Policy; Staff Code; low-level concerns/LADO arrangements	Safeguarding action starts immediately and does not wait for grievance handling.
Parent/pupil/commissioner/public dissatisfaction about The Ark's service	Complaints Policy	Do not use the employee grievance route as a substitute for service complaints.

Issue	Primary route	Key rule
Possible misconduct/capability by an employee	Disciplinary/capability procedure	The grievance may identify an issue that requires separate management action; another person's confidential outcome will not normally be disclosed.
Urgent danger at work	Health & Safety/emergency arrangements, and whistleblowing where relevant	Control urgent risk immediately; do not wait for grievance completion.

6. GRIEVANCE AND WHISTLEBLOWING

A grievance generally concerns the worker's own employment or treatment. Whistleblowing generally concerns information about suspected wrongdoing that the worker reasonably believes is in the public interest and falls within the legal protected-disclosure framework.

Where a staff member raises unsafe safeguarding practice, concealment of wrongdoing, risk to children, systemic failure, criminal conduct, breach of legal obligations, danger to health and safety, sexual harassment with wider public-interest implications, or another qualifying concern, The Ark will consider the Whistleblowing Policy as well as this policy.

A concern can be both a grievance and a whistleblowing disclosure. The Ark will not force the employee to choose one label where both routes are engaged. It will identify which aspects are managed under each process and coordinate them fairly.

7. GRIEVANCE AND SAFEGUARDING

Safeguarding concerns must never be delayed, contained or resolved solely within a grievance process. Anyone receiving a grievance must consider immediately whether it contains safeguarding information.

- a child has been harmed or may be at risk of harm;
- a member of staff, volunteer, contractor or other adult may have behaved inappropriately towards a child;
- the harm threshold for an allegation may be met;
- a low-level concern about adult behaviour has arisen;
- unsafe or inappropriate restrictive intervention may have occurred;
- a safeguarding concern, referral or record may have been mishandled, concealed, minimised or delayed.

Where any of these indicators is present, the Safeguarding & Child Protection Policy, Staff Code of Conduct, Low-Level Concerns arrangements and/or Leeds LADO procedure must be followed immediately as appropriate. The DSL/Deputy DSL or alternative safeguarding lead must be informed in accordance with those policies. The grievance may continue in relation to the employee's own procedural or employment concerns, but it must not bypass, derail or duplicate the safeguarding process.

An internal grievance investigation must not interfere with a LADO process, police investigation, Children's Social Care enquiry or other statutory safeguarding action. The Ark will take advice about sequencing, information sharing and whether any employment fact-finding should pause or be limited.

8. INFORMAL RESOLUTION

Where appropriate, an employee may first try to resolve a concern informally. This can be quicker and may preserve working relationships, but employees will not be required to use an informal route before raising a formal grievance where that would be inappropriate.

- a discussion with the relevant manager or Director;
- a facilitated conversation;
- agreed practical changes;
- voluntary mediation by a suitably impartial person.

Informal resolution will not normally be expected where there is a safeguarding concern, serious discrimination or harassment, possible criminal conduct, significant risk, serious misconduct, a substantial power imbalance, or where the employee reasonably does not feel safe approaching the other person.

Mediation is voluntary. It may be inappropriate for safeguarding allegations, serious harassment, serious misconduct or situations where the imbalance of power would make meaningful voluntary participation doubtful.

9. RAISING A FORMAL GRIEVANCE

An employee may raise a formal grievance when informal resolution is inappropriate, has not worked, or the employee wishes to proceed formally. It should normally be sent to the Director or the person The Ark has designated to manage employment matters.

If the grievance concerns that person, it should be sent to another uninvolved Director/senior person where available. If no suitably independent internal person is available, The Ark will appoint an external HR adviser or independent person to investigate, hear the grievance, hear the appeal, or advise the decision-maker as appropriate.

The grievance should, so far as reasonably possible, explain:

- what happened and the nature of the concern;
- relevant dates, people and events;
- steps already taken, if any;
- documents or witnesses the employee believes may be relevant;
- the outcome or resolution the employee is seeking.

A grievance will not be rejected solely because information is missing or it was submitted in an unexpected format. The Ark may ask reasonable questions to clarify what is being raised.

10. ACKNOWLEDGEMENT AND INITIAL TRIAGE

The Ark will aim to acknowledge a formal grievance within 3 working days. This is a target, not a statutory deadline. The acknowledgement will identify the person managing the matter, explain the next step and confirm any immediate safeguarding, safety, conflict-of-interest or accessibility arrangements.

At the outset The Ark will consider whether the matter also engages safeguarding, whistleblowing, health and safety, disciplinary/capability, data-protection or complaint procedures. Where processes overlap, The Ark will explain as clearly as possible how they will be coordinated.

11. INVESTIGATION

The investigation will be fair, proportionate and focused on obtaining enough reliable information to decide the grievance. The extent of investigation will depend on the seriousness and complexity of the issue.

- speaking with the employee and relevant witnesses;
- reviewing relevant emails, records, policies, rotas, contracts, risk assessments or other documents;
- giving the employee a reasonable opportunity to explain the concern and identify evidence;
- considering evidence that supports and does not support the grievance;
- avoiding predetermined conclusions and material conflicts of interest;
- sharing information only on a need-to-know basis.

Witnesses and other employees may need to be told enough to respond fairly. The Ark will not promise anonymity where fairness, safeguarding or legal duties require information to be disclosed, but it will limit disclosure to what is reasonably necessary.

12. FORMAL GRIEVANCE MEETING

A formal meeting will be arranged without unreasonable delay. The Ark will aim to hold it within 10 working days of receiving the grievance where practicable, or after any necessary preliminary investigation. The employee will be given reasonable notice and enough information to prepare.

At the meeting the employee will be able to:

- explain the grievance in their own words;
- refer to relevant evidence and identify further evidence or witnesses;
- answer and ask reasonable questions for clarification;
- explain the resolution they are seeking;
- comment on possible practical resolution.

A note will be made of the meeting. The meeting may be adjourned if further investigation is needed before a decision can fairly be reached.

13. RIGHT TO BE ACCOMPANIED

Where the statutory right applies, an employee or worker may make a reasonable request to be accompanied at a formal grievance hearing by a fellow worker, an accredited/certified trade union representative, or an employed trade union official.

The companion may address the meeting to put and sum up the worker's case, respond on the worker's behalf to views expressed, and confer privately with the worker. The companion does not have a right to answer factual questions in place of the worker, speak if the worker does not wish them to, or prevent others from explaining their case.

If the chosen qualifying companion cannot attend at the proposed time, The Ark will comply with the statutory postponement requirements where they apply. In particular, where the worker proposes a reasonable alternative within five working days of the original date, the hearing must be postponed to that time.

The Ark may also allow another suitable support person where the statutory right does not apply, particularly where this would assist accessibility, communication, wellbeing or fair resolution. This additional flexibility is discretionary except where required as a reasonable adjustment or by another legal duty.

14. DECISION AND WRITTEN OUTCOME

After completing any necessary investigation, The Ark will decide the grievance fairly on the information available. The decision will be communicated in writing without unreasonable delay. The Ark will normally aim to issue the written outcome within 10 working days of the final grievance meeting or completion of necessary investigation, but more complex cases may take longer.

The outcome may state that the grievance is:

- upheld;
- partially upheld;
- not upheld.

Depending on the circumstances, action may include:

- agreed corrective or practical action;
- mediation or facilitated discussion;
- management instruction or change in working arrangements;
- training, supervision or support;
- review or amendment of a policy, risk assessment or procedure;
- referral to safeguarding, whistleblowing, disciplinary/capability, health-and-safety, data-protection or another process;
- no further action where the grievance is not upheld.

The outcome will explain the main reasons for the decision and any action relevant to resolving the employee's grievance. If the matter results in confidential disciplinary or management action concerning another employee, The Ark will not normally disclose the details or sanction.

15. APPEAL

An employee who believes the grievance has not been satisfactorily resolved may appeal. The appeal should normally be submitted in writing within 5 working days of receiving the outcome. This is The Ark's target period, not a statutory limitation period; a late appeal may be accepted where there is a reasonable explanation.

The appeal should explain the grounds, for example:

- a material procedural unfairness;
- relevant evidence was not reasonably considered;
- significant new evidence has become available;
- the conclusion was not reasonably supported by the evidence;
- the proposed resolution does not reasonably address an upheld concern.

Where reasonably possible, the appeal will be handled by a person who was not previously involved and has authority to make or approve the final decision. In The Ark's small structure, if no independent internal person is available, an external HR adviser or independent person

may conduct the appeal and make a delegated decision or recommendation to the legally responsible decision-maker.

An appeal meeting will be arranged without unreasonable delay, with reasonable notice and the statutory right to accompaniment where applicable. The final internal outcome will be confirmed in writing without unreasonable delay. There is no further internal appeal unless The Ark exceptionally decides that this is necessary to correct a material procedural problem.

16. FOLLOW-UP, OUTCOMES AND SUBSEQUENT MONITORING

Where action is agreed or directed, The Ark will identify who is responsible and a reasonable review point. Follow-up should be proportionate to the issue and may include:

- checking that agreed practical actions have been completed;
- a follow-up meeting with the employee;
- reviewing whether working relationships or communication have improved;
- checking that discrimination, victimisation or retaliation has not occurred;
- reviewing training, supervision, risk assessment or policy changes;
- management oversight of a time-limited action plan.

Monitoring will not become indefinite surveillance. It will have a clear purpose, proportionate scope and review/end point, and will comply with the Data Protection Policy.

17. OVERLAPPING GRIEVANCE AND DISCIPLINARY PROCESSES

If an employee raises a grievance during a disciplinary or capability process, The Ark will decide fairly whether the procedures should run concurrently, whether one should be paused, or whether part of the grievance can be considered within the other process.

A disciplinary process will not automatically stop merely because a grievance has been raised. Equally, it will not be continued in a way that prevents a genuine related grievance from being considered fairly. Safeguarding and external statutory processes remain separate and take priority where required.

18. HEALTH AND SAFETY CONCERNS

A personal concern about working conditions may be raised as a grievance. However, an urgent health-and-safety risk, immediate serious danger, or a concern that may amount to public-interest wrongdoing must also be acted on under the Health & Safety Policy, emergency arrangements and/or Whistleblowing Policy as appropriate.

No employee is expected to wait for the grievance process to finish before an urgent risk is controlled or reported.

19. EQUALITY, DISCRIMINATION, HARASSMENT AND VICTIMISATION

The Ark will handle grievances involving discrimination, harassment, sexual harassment or victimisation consistently with the Equality Act 2010 and other applicable employment law. Workplace bullying may be unacceptable even where it does not meet the legal definition of harassment.

The Ark will consider reasonable adjustments throughout the process. A grievance involving conduct towards pupils may also raise safeguarding or staff-conduct concerns and must be dual-routed where appropriate.

20. NO VICTIMISATION AND KNOWINGLY FALSE ALLEGATIONS

Employees will not be subjected to retaliation because they have raised a grievance, supported another person's grievance or participated as a witness in good faith. Where the conduct is a protected act under equality law or a protected disclosure under whistleblowing law, specific statutory protections apply.

A grievance that is not upheld, is mistaken, or cannot be proved is not for that reason misconduct. Deliberately fabricating evidence or knowingly making a false allegation may be considered under the disciplinary procedure, but any such conclusion must itself be reached fairly and must not be used to deter genuine concerns.

21. CONFIDENTIALITY AND DATA PROTECTION

Grievances will be handled sensitively and information will be shared only with people who reasonably need it for the process, support, decision-making or legal compliance. Absolute confidentiality cannot be guaranteed.

Information may need to be shared for a fair investigation, safeguarding referral, LADO process, police or Children's Social Care enquiry, legal advice, regulatory/commissioning duty, data-protection obligation or other lawful purpose.

Requests for grievance records or investigation material will be handled under applicable data-protection and disclosure rules. There is no automatic entitlement under this policy to the complete investigation file where disclosure would infringe another person's rights, reveal restricted safeguarding information, breach legal privilege or otherwise be unlawful.

22. RECORD KEEPING

- the grievance and acknowledgement;
- investigation plan/notes and relevant evidence;
- meeting invitations and notes;
- written outcome;
- appeal and appeal outcome;
- agreed follow-up actions and review notes.

Records will be stored securely with access limited to appropriate people and retained in accordance with The Ark's Data Protection Policy and retention arrangements. Employment records will be kept in the appropriate personnel/HR record. Safeguarding information must also be recorded and stored in the safeguarding system required by the Safeguarding & Child Protection Policy; safeguarding material must not be left only in a grievance file.

23. TEMPORARY ADJUSTMENTS OR SUSPENSION

Suspension is not an automatic response to a grievance or allegation. Where temporary changes are necessary to protect a child, employee, investigation or working relationship,

The Ark will consider the least restrictive proportionate option, such as changes to duties, supervision, contact, rota or location.

Any suspension or adjustment will be risk-based, kept under review, and managed consistently with employment law, safeguarding advice and the relevant disciplinary/allegations procedure. It will not be treated as a disciplinary finding.

24. FORMER EMPLOYEES AND COLLECTIVE GRIEVANCES

If a former employee raises a grievance after employment has ended, The Ark will consider what fair and proportionate action remains possible, including whether the matter should instead be handled as safeguarding, whistleblowing, data protection, legal or other correspondence. The full internal procedure may not always be practicable after employment has ended.

Where two or more employees raise the same or closely related concerns, The Ark may agree to handle them together where this is fair and efficient, while preserving individual issues where necessary. Collective grievances formally raised by a recognised trade union or appropriate workplace representative may fall outside the individual ACAS Code provisions and should be handled according to any applicable collective arrangements.

25. ROLES AND CONFLICTS OF INTEREST

Role/situation	Arrangement
Ordinary grievance	Director or designated employment lead manages or appoints an investigator/decision-maker.
Grievance about the normal decision-maker	Another uninvolved Director/senior person handles it where available.
Only senior person is involved / no impartial internal route	External HR adviser or independent person is appointed to investigate/hear/appeal or provide an independent recommendation.
Grievance about safeguarding handling by DSL/Director	Use the alternative safeguarding reporting route immediately and seek Leeds LADO/commissioner advice where applicable; employment grievance issues can be considered separately.
Appeal	Different uninvolved decision-maker where reasonably possible; external independent support where internal independence cannot realistically be achieved.

26. TIMESCALES

The ACAS Code requires prompt handling without unreasonable delay; it does not prescribe fixed statutory grievance deadlines for each internal stage. The Ark therefore uses the following service targets:

Stage	Target
Acknowledgement	Within 3 working days of formal receipt.
Initial meeting	Normally within 10 working days, where practicable.
Investigation	As promptly as the complexity and fairness of the case allow; employee updated if materially delayed.
Written outcome	Normally within 10 working days of the final meeting/completion of necessary investigation.

Stage	Target
Appeal lodged	Normally within 5 working days of written outcome; reasonable late appeals considered.
Appeal meeting/outcome	Without unreasonable delay; timing depends on availability, complexity and need for independence.

These are targets rather than rigid legal deadlines. Delay may be unavoidable because of absence, reasonable adjustments, witness availability, complex evidence, safeguarding/LADO/police/Children's Social Care processes, legal advice or the need to appoint an independent person. The Ark will explain significant delay and keep the matter under review.