

# Grievance Policy

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## GRIEVANCE POLICY

<b>Presented to Local Committees:</b>	<b>Nov 2019</b>
<b>Presented and Approved by OLOG Board of Governors (Trustees)</b>	<b>11/12/2019</b>
<b>Signature of Chair of Board of Trustees:</b>	
<b>Name of Chair of Board</b>	<b>Mick Coleman</b>
<b>Date</b>	<b>11/12/2019</b>
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## OUR LADY OF GRACE CATHOLIC ACADEMY TRUST

**This Grievance Resolution Policy and Procedure has been approved and adopted by the Academy Trust Company on 14<sup>th</sup> December 2016 and will be reviewed in December 2018**

### DEFINITIONS

In this Grievance Resolution Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. 'Academy' means the academy named at the beginning of this Grievance Policy and Procedure and includes all sites upon which the academy undertaking is, from time to time, being carried out.
- ii. 'Academy Trust Company' means the company responsible for the management of the Academy and, for all purposes, means the employer of staff at the Academy.
- iii. 'Board' means the board of Directors of the Academy Trust Company.
- iv. 'Chair' means the Chair of the Board or the Chair of the Local Governing Body of the Academy appointed from time to time, as appropriate.
- v. 'Clerk' means the Clerk to the Board or the Clerk to the Local Governing Body of the Academy appointed from time to time, as appropriate.
- vi. 'Companion' means a willing work colleague not involved in the substance of the employee's performance issues under review by this Grievance Policy and Procedure, or an accredited trade union representative or an official employed by a trade union who will be expected to make themselves available for the periods of time necessary to meet timescales under this Grievance Policy and Procedure.
- vii. 'Diocesan Schools Commission' means the education service provided by the diocese, which may also be known, or referred to, as the Diocesan Education Service.
- viii. 'Directors' means directors appointed to the Board of the Academy Trust Company.
- ix. 'Governing Board' means the body carrying out the employment functions of the Academy Trust Company and such term may include the Board and a Local Governing Body of the Academy.
- x. 'Governors' means the governors appointed and elected to the Local Governing Body of the Academy, from time to time.
- xi. 'Local Governing Body' means the group of governors appointed and elected to carry out specified functions in relation to the Academy as delegated by the Academy Trust Company.
- xii. 'Resolution Manager' or 'Manager' means a Stage 1 Resolution Manager and/or a Stage 2 Resolution Manager, as the context so requires, appointed in accordance with Paragraph 3 to conduct the formal procedure set out at Paragraph 5.
- xiii. 'Vice-Chair' means the Vice-Chair of the Board or the Vice-Chair of the Local Governing Body of the Academy elected from time to time, as appropriate.

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## 1. SCOPE OF PROCEDURE

- 1.1 This Grievance Resolution Policy and Procedure is available to you insofar as any grievance relates to your work within the Academy and you are an employee or worker at the Academy (hereinafter referred to as an “employee” or “you”).
- 1.2 This procedure **cannot** be used to:
- (a) complain about the use of any other procedure or process (e.g. disciplinary, capability, restructuring etc) in relation to you whilst that procedure is being followed;
  - (b) appeal against any formal or informal disciplinary sanction;
  - (c) appeal against any decision to terminate your employment whether on grounds of ill-health, incapacity, redundancy, misconduct, poor performance or other grounds;
  - (d) appeal against selection for redundancy;
  - (e) complain about, or appeal against, any decision relating to pay or grading. Such matters are covered by the Academy’s Pay Policy;
  - (f) complain about or appeal against any decision relating to your pension. Separate Dispute Resolution Procedures have been set up by the Teachers’ Pension Scheme and the local fund of the Local Government Pension Scheme;
  - (g) complain about any matter that forms a collective grievance where the appropriate mechanism is for representations to be made by the appropriate trade union representatives;
  - (h) complain about any matter which is properly the subject of a statutory consultation process;
  - (i) complain about matters which have been, or should have been, brought under a separate policy or procedure operated by the Academy, such as the Academy’s Complaints Policy and Procedure or Public Interest Disclosure/Whistleblowing Policy and Procedure; or
  - (j) complain about matters which are more than three months old (though this shall not prevent you referring to matters more than three months old in relation to a grievance which is otherwise live).
- 1.3 The Academy Trust Company delegates its authority in the manner set out in this policy.
- 1.4 The primary purpose of this procedure is to resolve current grievances.
- 1.5 The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievances).
- 1.6 The Academy’s focus is on the remedial steps required to resolve a grievance.
- 1.7 The Academy does not speak of grievances being “against” any particular person but rather of grievances “relating” to a particular person.
- 1.8 The Academy shall seek to resolve any grievance raised by an employee during their notice period and/or garden leave period, using this policy.
- 1.9 Where an employee has ceased to be an employee (for whatever reason), the Academy shall only consider post-termination grievances where it was not reasonably practicable for the employee to have raised such grievance during the course of their employment, subject always to paragraph 1.2(j).
- 1.10 There may be occasions where this procedure needs to be modified to comply with the requirements of the Academy’s Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to the Governing Board at appropriate stages.
- 1.11 In this policy “working day” means any day on which you would ordinarily work if you were a full time employee. In other words, it will be different for teaching and non-teaching staff but will not be different on the basis of whether an employee is full-time or part-time.

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## 2. INFORMAL RESOLUTION

Before raising a formal grievance under this procedure, you should try to resolve the matter informally either through your line manager or, where possible, with the other party.

## 3. RESOLUTION MANAGERS

The Resolution Manager should, where possible, be someone not personally involved in the matter which is the subject of the grievance and will be appointed in accordance with the table below depending on the subject matter of the grievance:

<i>Your grievance relates to</i>	<i>Stage 1 Resolution Manager</i>	<i>Stage 2 Resolution Manager</i>
Pupils, parents or staff (other than the Principal/Headteacher)	The Principal/Headteacher	Chair or another non-staff Director/Governor nominated by the Chair
The Principal/Headteacher	The Chair	Directors'/Governors' Appeal Panel appointed by the Vice-Chair
A Director/Governor or Directors/Governors (other than the Chair)	The Chair	Directors'/Governors' Appeal Panel appointed by the Vice-Chair (or the Clerk if the matter relates to the Vice-Chair)
The Chair (or a group of Directors/Governors including the Chair)	The Vice Chair or another non-staff Director/Governor (other than the Chair) nominated by the Clerk	Directors'/Governors' Appeal Panel appointed by the Vice-Chair (or the Clerk if the matter relates to the Vice-Chair)
The whole body of Directors/Governors	The whole body of Directors/Governors	A panel appointed by the Diocesan Schools Commission

## 4. POWERS OF RESOLUTION MANAGERS

- 4.1 As part of the resolution of a grievance raised under the formal procedure at Paragraph 5 below, a Resolution Manager will carry out an investigation into the allegations made by the employee in their Form GRP1 and/or GRP2 or as a result of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting.
- 4.2 As part of the resolution of a grievance raised under the formal procedure at Paragraph 5 below, a Resolution Manager may, where he/she reasonably believes that such action will result in a partial or full resolution of the grievance:
- (a) Request an independent investigation be carried out into the allegations made by the employee in their Form GRP1 and/or GRP2 or as a result of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting. The Clerk will appoint the independent investigator within 5 working days of a request by the Resolution Manager;
  - (b) Make a recommendation that the employee who has raised the grievance attend independent mediation with any other party who is the subject of the grievance;
  - (c) Recommend any other reasonable course of action.
- 4.3 Nothing in this Paragraph 4 shall prejudice the Academy's general right to deal with grievances with the assistance specified in Paragraph 11.

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## **5. FORMAL GRIEVANCE**

### **5.1 Stage 1**

- 5.1.1 If you have not been able to resolve a problem through informal discussions in accordance with Paragraph 2, you must use Form GRP1 (available on the Academy's Intranet or other relevant place as notified to you by the Academy) and submit it to the Clerk.
- 5.1.2 The Clerk will formally appoint a Stage 1 Resolution Manager following the guidance in Paragraph 3 above.
- 5.1.3 The Stage 1 Resolution Manager will arrange to meet with you as soon as possible to discuss your grievance. This meeting is a Stage 1 Resolution Meeting and will normally be held within 10 working days of the Stage 1 Resolution Manager receiving your completed Form GRP1 from the Clerk.
- 5.1.4 The Stage 1 Resolution Manager will confirm the outcome of the Stage 1 Resolution Meeting in writing to you within 5 working days of the date of the Stage 1 Resolution Meeting ("the Stage 1 Resolution Letter").

### **5.2 Stage 2**

- 5.2.1 In the event that you are not satisfied with the outcome of the Stage 1 Resolution Meeting as set out in the Stage 1 Resolution Letter, you can appeal by sending a completed Form GRP2 (available on the Academy's Intranet or other relevant place as notified to you by the Academy) to the Clerk within 5 working days of the Stage 1 Resolution Letter being sent to you.
- 5.2.2 The Clerk will formally appoint a Stage 2 Resolution Manager (who will not be the Stage 1 Resolution Manager) following the guidance in Paragraph 3 above.
- 5.2.3 The Stage 2 Resolution Manager will arrange to meet with you as soon as possible to discuss your appeal. This meeting is a Stage 2 Resolution Meeting and it will normally be held within 10 working days of receiving your completed Form GRP2 from the Clerk.
- 5.2.4 The Stage 2 Resolution Manager will confirm the outcome of the Stage 2 Resolution Meeting in writing to you within 5 working days of the date of the Stage 2 Resolution Meeting ("the Stage 2 Resolution Letter"). The decision of the Stage 2 Resolution Manager is final and there will be no further right of appeal.

## **6. DIRECTORS'/GOVERNORS' APPEAL PANEL**

- 6.1 The Directors'/Governors' Appeal Panel shall comprise two or three non-staff Directors/Governors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of non-staff Directors/Governors not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to a Directors'/Governors' Appeal Panel.
- 6.2 In the event that there are insufficient numbers of Directors/Governors available to participate in the Directors'/Governors' Appeal Panel, the Academy Trust Company may appoint associate members solely to participate in the Directors'/Governors' Appeal Panel on the recommendation of the Diocesan Schools Commission.

## **7. COMPANION**

- 7.1 If you are an employee and have presented a completed Form GRP1 you may be accompanied at any meetings under this policy by a Companion.
- 7.2 You must let the relevant Resolution Manager know who your Companion will be at least one working day before the relevant Resolution Meeting.
- 7.3 If you have any particular reasonable need, for example, because you have a disability, you may also be accompanied by a suitable helper.

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- 7.4 Your Companion can address the Resolution Meeting in order to:
- (a) put your case;
  - (b) sum up your case;
  - (c) respond on your behalf to any view expressed at the Resolution Meeting; and
  - (d) Ask questions on your behalf.
- 7.5 Your Companion can also confer with you during the meeting.
- 7.6 Your Companion has no right to:
- (a) answer questions on your behalf;
  - (b) address the meeting if you do not wish it; or
  - (c) prevent you from explaining your case.
- 7.7 Where you have identified your Companion and they have confirmed in writing to the relevant Resolution Manager that they cannot attend the date or time set for the Resolution Meeting, the relevant Resolution Manager will postpone the Resolution Meeting for no more than five working days from the date set by the Academy to a date or time agreed with your Companion provided that it is reasonable in all the circumstances. Should your Companion subsequently be unable to attend the rearranged Resolution Meeting, the Resolution Meeting may be held in their absence or written representations will be accepted.

## **8. CONFIDENTIALITY AND TRANSPARENCY**

- 8.1 Proceedings and records of any grievance will be kept as confidential as possible but you must appreciate that circumstances can mean that grievances cannot always be dealt with on an entirely confidential basis.
- 8.2 A grievance you raise could result in the instigation of disciplinary action in respect of another employee and, to protect the confidentiality of that process, the Academy may not be able to inform you of the fact of the disciplinary process or of the disciplinary action which has been taken as a result of your grievance, if any.
- 8.3 You should not disclose the fact or content of any grievance to any employee or third party without the express consent of the Resolution Manager (except that you are allowed to approach a prospective Companion). Failure to comply with this clause may render you liable to disciplinary action under the Academy's Disciplinary Policy and Procedure.
- 8.4 At the conclusion of your grievance, and after any related disciplinary or other processes have been completed, a report will be presented to the non-staff Directors/Governors at a full meeting of the Governing Board as a confidential item.

## **9. TIMING OF MEETINGS**

Meetings under this procedure may:

- 9.1 need to be held when you were timetabled to teach;
- 9.2 exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation;
- 9.3 be held after the end of the school day;
- 9.4 not be held on days on which you would not ordinarily work;
- 9.5 be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

## **10. VENUE FOR RESOLUTION MEETINGS**

If your grievance raises sensitive issues, the relevant Resolution Manager may hold the meeting off the Academy site.

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## **11. ASSISTANCE**

11.1 Where a formal grievance relates to a matter concerning the religious character of the Academy, your completed Form GRP1 and any other relevant information will be sent by the Academy to the Diocesan Schools Commission who may appoint an adviser to assist the Academy in responding to your grievance.

11.2 In all cases the Academy may seek assistance from the Diocesan Schools Commission.

## **12. FALSE, VEXATIOUS OR MALICIOUS GRIEVANCES**

Making a false, vexatious or malicious grievance under this procedure is a serious disciplinary offence which could result in dismissal for gross misconduct.

## **13. PUBLIC INTEREST DISCLOSURE/WHISTLEBLOWING**

You should be aware that a grievance may, in certain cases, amount to a protected disclosure under the Employment Rights Act (please see the Academy's Public Interest Disclosure Policy and Procedure for further details). You will not be allowed to raise the same matter under both policies.

## **14. REVIEW OF THIS PROCEDURE**

This procedure produced by the Catholic Education Service (CES) for use in Catholic Voluntary Academies in England, was amended in September 2013 and updated in June 2016 following consultation with the national trade unions. It may be adapted, as appropriate, for use in joint Church academies subject to the approval of the CES on referral by the relevant Catholic diocese. This procedure will be reviewed in readiness for the academic year 2019/2020.

## **15. CES UPDATE**

The Trust contacted the CES for an update on timescales for the review of this policy and understand that the unions and other parties are currently engaged in a consultation process. This policy therefore continues to be used by the Trust and will be updated when a new model is available or in December 2020, whichever occurs sooner.