



Grievance Policy

April 2018



Holy Trinity Catholic Multi Academy Company
Registered by guarantee in England and Wales. Company Number 10013691
Registered address: Blessed William Howard Catholic High School,
Rowley Avenue, Stafford ST17 9AB Tel: 01785 244236
www.holytrinitycmac.co.uk

DEFINITIONS

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

- i. 'School' means the school named at the beginning of this Grievance Resolution Policy and Procedure and includes all sites upon which the school undertaking is, from time to time, being carried out.
- ii. 'Multi Academy Company' means the company responsible for the management of the school and, for all purposes, means the employer of staff at the school.
- iii. 'MAC Board' means the board of Directors of the Multi Academy Company.
- iv. 'Chair' means the Chair of the MAC Board or the Chair of the ARC of the school appointed from time to time, as appropriate.
- v. 'Clerk' means the Clerk to the Board or the Clerk to the ARC of the school 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 Resolution 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 Resolution 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. 'MAC Member' means members appointed to the Board of the Multi Academy Company.
- ix. 'MAC Board' means the body carrying out the employment functions of the Multi Academy Company.
- x. 'ARC members' means the members appointed and elected to the ARC of the school, from time to time.
- xi. 'ARC' means the group of ARC members appointed and elected to carry out specified functions in relation to the school as delegated by the Multi Academy Company.

- xii. 'Vice-Chair' means the Vice-Chair of the Board or the Vice-Chair of the Local ARC of the school elected from time to time, as appropriate.
- xiii. '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.

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 MAC and you are an employee or worker at the MAC (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 MAC'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 MAC, such as the MAC'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 MAC 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 MAC's focus is on the remedial steps required to resolve a grievance.
- 1.7 The MAC does not speak of grievances being "against" any particular person but rather of grievances "relating" to a particular person.
- 1.8 The MAC 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 MAC 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 MAC's Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to the MAC/ARC 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.

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 Executive Headteacher/Headteacher)	Executive Headteacher/Headteacher	Chair or another non-staff MAC/ARC member nominated by the Chair
Executive Headteacher/Headteacher	The Chair	MAC/ARC's Appeal Panel appointed by the Vice-Chair
A MAC/ARC member or MAC/ARC members (other than the Chair)	The Chair	MAC/ARC's Appeal Panel appointed by the Vice-Chair (or the Clerk if the matter relates to the Vice-Chair)
The Chair (or a group of MAC/ARC members including the Chair)	The Vice Chair or another non-staff MAC/ARC member (other than the Chair) nominated by the Clerk	MAC/ARC's Appeal Panel appointed by the Vice-Chair (or the Clerk if the matter relates to the Vice-Chair)
The whole body of MAC/ARC	The whole body of MAC/ARC	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 MAC's general right to deal with grievances with the assistance specified in Paragraph 11.

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 School's Intranet or other relevant place as notified to you by the MAC) and submit it to the Clerk of the ARC.

Comment [PH1]: Is this correct?

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 School's Intranet or other relevant place as notified to you by the MAC) 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. MAC/ARC’s APPEAL PANEL

6.1 The MAC/ARC’s Appeal Panel shall comprise two or three non-staff MAC/ARC members not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of non-staff MAC/ARC members not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to a MAC/ARC’s Appeal Panel.

6.2 In the event that there are insufficient numbers of MAC/ARC members available to participate in the MAC/ARC’s Appeal Panel, the MAC may appoint associate members solely to participate in the MAC/ARC’s 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.

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 school 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 MAC 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 MAC'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 MAC/ARC members at a full meeting of the MAC 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 school site.

11. ASSISTANCE

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

11.2 In all cases the MAC 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 MACs 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 2018/2019.