

HR Service

Diocese of Nottingham Catholic Multi-Academy Trusts

Grievance
Resolution Policy
and
Procedure



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Grievance Resolution Policy and Procedure

Contents

St Thérèse of Lisieux Catholic Multi Academy Trust

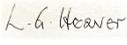
Commitment to equality:

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

This Grievance Resolution Policy and Procedure has been subject to consultation with the Recognised Trade Unions. It was approved and adopted by the CMAT as detailed below:

Policy Approved by:	Date of Approval
Board of Directors – Our Lady of Lourdes Catholic Multi Academy Trust	
Board of Directors – St Therese of Lisieux Catholic Multi Academy Trust	30/03/2021
Board of Directors – St Ralph Sherwin Catholic Multi Academy Trust	
Board of Directors – St Thomas Aquinas Catholic Multi Academy Trust	

It will be reviewed after 24 months in consultation with the Recognised Trade Unions.

Signed by Director of the CMAT: 

Signed by CEO: 

DEFINITIONS

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

- i. 'CMAT' means the Catholic Multi Academy Trust, that is the company responsible for the management of the Central Team and the Academies and, for all purposes, means the employer of staff within the Central Team and the Academies.
- ii. 'Board' means the board of Directors of the CMAT who are responsible for carrying out the employment functions of the CMAT.
- iii. 'Central Team' means all staff employed in the Central Office functions of the CMAT.
- iv. 'Chair' means the Chair of the Board of the CMAT as appointed from time to time.
- v. 'Companion' means a willing work colleague not involved in the subject matter under which the policy is being invoked, a trade union official, an accredited representative of a trade union or other professional association of which the employee is a member.
- vi. 'Diocesan Education Service' means the education service provided by the diocese in which the CMAT is situated, which may also be known, or referred to, as the Diocesan School Commission.
- vii. 'Directors' means directors appointed to the Board of the CMAT from time to time.
- viii. 'Governor' means a member of the Local Governing Body of the School
- ix. 'Headteacher' means the most senior teacher in the School who is responsible for its management and administration. Such teacher may also be referred to as the Head of School or Executive Headteacher.
- x. 'Local Governing Body' means the Governors appointed from time to time to carry out specified functions in relation to the School as delegated by the CMAT.
- xi. '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. This may include or refer to a panel of Directors.
- xii. 'School' means the Academy named at the beginning of this Policy and Procedure and includes all sites upon which the Academy undertaking is, from time to time, being carried out.
- xiii. 'Vice-Chair' means the Vice-Chair of the Board of the CMAT as appointed from time to time.
- xiv. 'Working Day' means any day on which you would ordinarily work if you were a full-time employee. In other words, 'Working Day' will apply differently to teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this Policy and Procedure.

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

I. SCOPE OF PROCEDURE

- I.1 This Policy is available to you insofar as any grievance relates to your work within the CMAT and you are an employee or worker at the CMAT (hereinafter referred to as an “employee” or “you”).
- I.2 The CMAT is committed to ensuring respect, objectivity, belief in the individual, consistency of treatment and fairness in the operation of this policy. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the CMAT community which includes all of the schools in the CMAT and within the Central Team.
- I.3 This Policy offers opportunities to ensure justice for teachers, support staff and pupils alike and has the potential for the expression of Christian qualities such as honesty, self-knowledge, respect for others and their gifts, recognition of the needs and achievements of others, challenge to self and others, personal growth and openness.
- I.4 This procedure can be used to:
- (a) bring about a resolution to your work-related grievance unless the situation is listed at Paragraph 1.5 below as falling within a separate procedure;
 - (b) to raise a grievance in relation to, (but not limited to), terms and conditions of employment, health and safety, work relations, bullying and harassment, new working practices, working environment, organisational change and discrimination.
- I.5 The presence at work of the employee under investigation may be an obstacle to a proper investigation
- (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 unless your complaint relates to the fair implementation of such procedure or process;
 - (b) appeal against any formal or informal disciplinary sanction;
 - (c) appeal against any decision to terminate your employment, for whatever reason;
 - (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 CMAT’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, as may be relevant);

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- (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. However, should an employee prefer to have their grievance handled individually, this will be considered);
 - (h) complain about any matter which is the subject of a statutory consultation process unless your complaint relates to the fair implementation of such statutory consultation process;
 - (i) complain about matters which have been, or should have been, brought under a separate policy or procedure operated by the School or Trust, such as the CMAT's Complaints Policy and Procedure or Whistleblowing Policy and Procedure; or
 - (j) complain about matters which are more than three months old where the grievance has already been dealt with or is no longer relevant or live (though this shall not prevent you referring to matters more than three months old in relation to a grievance which is otherwise live);
 - (k) raise a safeguarding concern in relation to child or children (any such concern should be reported immediately to the Designated Safeguarding Lead or to the Local Authority Designated Officer or appropriate authority as specified in the CMAT's Safeguarding Policy).
- I.6 An employee is entitled to have access, by arrangement, to their personnel file and to request the deletion of time-expired records in line with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.
- I.7 The primary purpose of this procedure is to resolve current grievances, it is not to make findings of fact on historical matters (though this may be required in resolving some grievances).
- I.8 The CMAT does not speak of grievances being "against" any particular person but rather of grievances "relating" to a particular person.
- I.9 The CMAT shall seek to resolve any grievance raised by an employee during their notice period and/or garden leave period, using this policy.
- I.10 There may be occasions where this procedure needs to be modified to comply with the requirements of the CMAT's Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to the CMAT at appropriate stages, or where an employee has a disability which means that reasonable adjustments need to be made to this procedure. Where the CMAT's Child Protection and Safeguarding Policies are invoked this Grievance Policy and Procedure may be suspended until such time as the Board determines, in its sole discretion, that it is appropriate to resume it. All modifications will be discussed with the employee.

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- 1.11 Subject to Paragraphs 1.5(a) and (b), there may be occasions when an employee brings a grievance pursuant to this Grievance Resolution Policy and Procedure in connection with actions taken under the CMAT's Disciplinary Policy and Procedure. This shall not lead to any automatic delay or pause in the conduct of any matters under the CMAT's Disciplinary Policy and Procedure. However, where the Grievance relates to the fair implementation of action being taken under the Disciplinary procedure or process, the CEO (or in the case where the disciplinary matter relates to the CEO, the Chair) will, having sought advice from HR, decide whether or not the Disciplinary Policy and Procedure should be suspended whilst the grievance is dealt with. The decision of the CEO (or Chair where appropriate) on this matter shall be final.

2. INFORMAL RESOLUTION

- 2.1 The CMAT encourages employees to resolve grievances informally and without recourse to the formal grievance procedure wherever possible.
- 2.2 Before raising a formal grievance under this Policy, you should try to resolve the matter informally either through your Line Manager, the Headteacher (where applicable, or if your grievance relates to the Headteacher, the CEO) or, where possible, with the other party.
- 2.3 Where there is scope to reach a resolution informally, various strategies will be discussed with you and you may wish to suggest possible strategies that may assist in reaching informal resolution.
- 2.4 Examples of informal action might include engaging in informal discussions with you; introducing team building sessions; offering team training; mediation sessions. Where a grievance is raised informally, in order to reach a resolution, you will need to be able to explain what outcome you are seeking.
- 2.5 If an employee does not feel that there is a reasonable prospect of resolving their grievance informally and/or if attempts to do so have been unsuccessful, they may invoke the formal grievance resolution procedure set out below.

3. RESOLUTION MANAGERS

- 3.1 The Resolution Manager should 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 school based staff (other than the Headteacher)	The Headteacher or Line Manager/CEO (as appropriate) in the Central Team	Directors' Appeal Panel
The Headteacher	CEO	Directors' Appeal Panel
A Governor or Governors on the Local Governing Body (including the Chair or the whole Local Governing Body)	CEO	Directors' Appeal Panel
Staff within the Central Team (other than the CEO)	CEO	Directors' Appeal Panel
CEO and Executive posts within the central Team	Chair of the CMAT Board	Directors' Appeal Panel
A CMAT Director or Directors (other than the Chair)	Chair of the CMAT Board	Directors' Appeal Panel
The Chair of the CMAT Board (or a group of Directors including the Chair)	A representative appointed by the Diocesan Director of Education	An independent panel appointed by the Diocesan Director of Education
The whole body of CMAT Directors	A representative appointed by the Diocesan Director of Education	An independent panel appointed by the Diocesan Director of Education

3.2 The Diocesan Director of Education must be advised when the grievance procedure is implemented for any of the following posts:

- CEO
- Headteacher (including acting and executive headteachers)
- Executive posts within the CMAT central teams.
- All other reserved posts

3.3 Where a formal grievance relates to a matter concerning the religious character of the CMAT your completed Form GRPI and any other relevant information will be sent by the CMAT to the Diocesan Education Service who may appoint an adviser to assist the CMAT in responding to your grievance.

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 GRPI and/or Appeal Registration Form 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 that an independent investigation be carried out into the allegations made by the employee in their Form GRPI and/or Appeal Registration Form or as a result of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting. The HR Manager 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. Mediation must be agreed by both parties;
- (c) Recommend any other reasonable course of action which may resolve the grievance.

5. FORMAL GRIEVANCE

5.1 Stage I

- 5.1.1 If you have not been able to resolve a problem through informal discussions in accordance with Paragraph 2, you must complete Form GRPI (Appendix I to this Policy and Procedure and available on the HR Self Service Portal or other relevant place as notified to you by the CMAT) and submit it to the HR Manager.
- 5.1.2 The HR Manager will formally appoint a Stage I Resolution Manager following the guidance in Paragraph 3 above.
- 5.1.3 The Stage I Resolution Manager will arrange to meet with you as soon as possible to discuss your grievance. This meeting is a Stage I Resolution Meeting and will normally be held within 10 working days of the Stage I Resolution Manager receiving your completed Form GRPI from the HR Manager. You will be informed of the date of the Stage I Resolution Meeting in writing. At the Stage I Resolution meeting, the Stage I Resolution manager will ask you to explain the nature of the grievance and will invite you to suggest how it might be resolved.
- 5.1.4 The Stage I Resolution Manager will then discuss the matter with you with a view to understanding how your grievance might be resolved. Stage I Resolution Meetings may be adjourned if the Stage I Resolution Manager, in their sole discretion, determines that further investigations are required in order to resolve the grievance. If a Stage I Resolution Meeting is adjourned the reconvened meeting will be arranged once the further investigation is complete and you will be provided with at least 5 Working Days' notice in writing of the date of the reconvened meeting.
- 5.1.5 The Stage I Resolution Manager will aim to confirm the outcome of the Stage I Resolution Meeting in writing to you within 5 working days of the date of the Stage I Resolution Meeting ("the Stage I Resolution Letter"). In certain circumstances, further investigation may be required following the Stage I Resolution Meeting. In such circumstances, the Stage I Resolution Manager shall keep you updated of the process and the likely timescale. They will then hold a further Stage I Resolution Meeting with you following the conclusion of their further investigations (as detailed in 5.1.4) after which they will write to you with their outcome. The outcome of your grievance will be set out in the Stage I Resolution Letter as follows:

- (a) your grievance is upheld and you will be told what action will be taken; or;
- (b) your grievance is partially upheld and you will be told what action will be taken; or
- (c) your grievance is not upheld.

5.1.6 You will be provided with a copy of the notes from the Stage 1 Resolution Meeting.

5.2 **Stage 2 – (APPEAL)**

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 CMAT Appeal Registration Form (Appendix 2 to this Policy and Procedure and available on the HR Self Service Portal or other relevant place as notified to you by the CMAT) to the HR Manager within 10 working days of the Stage 1 Resolution Letter being sent to you.

5.2.2 The HR Manager will acknowledge receipt of your appeal normally within 3 working days of receipt and 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 write to you inviting you to a meeting to discuss your appeal. You will be given 5 working days' notice and will be able to bring a Companion. This meeting is a Stage 2 Resolution Meeting and it will normally be held within 10 working days of receiving your completed CMAT Appeal Registration Form from the HR Manager.

5.2.4 The Stage 2 Resolution Manager will usually 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. The outcome of your appeal will be set out in the Stage 2 Resolution Letter as follows:

- (a) your appeal is upheld and you will be told what action will be taken; or
- (b) your appeal is partially upheld (where there is more than one point of appeal) and you will be told what action will be taken; or
- (c) your appeal is not upheld.

5.2.5 You will be provided with a copy of the notes from the Stage 2 Resolution Meeting.

6. DIRECTORS' APPEAL PANEL

- 6.1 The Directors' Appeal Panel shall comprise two or three Directors not previously involved in the matter
- 6.2 In the event that there are insufficient numbers of Directors available to participate in the Directors' Appeal Panel, the CMAT may appoint a Director from another CMAT within the Diocese solely to participate in the Directors' Appeal Panel.

7. COMPANION

- 7.1 If you are an employee and have presented a completed Form GRPI you may be accompanied at any meetings under this policy by a Companion.
- 7.2 You must let the HR 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 HR Manager that they cannot attend the date or time set for the Resolution Meeting, the relevant Resolution Manager will not usually postpone the Resolution Meeting for a period in excess of five working days from the date set by the CMAT 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.

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8. CONFIDENTIALITY AND TRANSPARENCY

- 8.1 Proceedings and records of any grievance will be kept confidential, where possible, however certain details may need to be disclosed in order that any grievance can be properly investigated and/or addressed. The GRPI and Appeal Registration Form may be forwarded to the Diocesan Education Service and to the Designated Person for Child Protection and a report on the outcome of a formal grievance will be submitted to the Directors.
- 8.2 Where a grievance results in the instigation of disciplinary action in respect of another employee and to protect the confidentiality of that process the CMAT will 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 Any parties who have raised a grievance or are involved in the grievance in any way, must not disclose the fact or content of any grievance, or any discussion relating to the 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 CMAT's Disciplinary Policy and Procedure.

9. TIMING OF MEETINGS

- 9.1 Meetings under this procedure may:
- (a) need to be held when you were timetabled to teach (if that is appropriate to your role).
 - (b) normally not be held during planning, preparation and administration time if this does not impact on lesson preparation (if that is appropriate to your role);
 - (c) exceptionally be held after the end of the school day;
 - (d) not be held on days on which you would not ordinarily work;
 - (e) be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

10. VENUE FOR INTERVIEWS OR MEETINGS

- 10.1 If your grievance raises sensitive issues, the relevant Resolution Manager may, in their absolute discretion, hold the meeting off the School or Central Offices site.
- 10.2 Meetings may also be held virtually.

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11. FALSE, VEXATIOUS OR MAICIOUS GRIEVANCES

- 11.1 Making a false, vexatious or malicious grievance under this procedure is a serious disciplinary offence which could result in dismissal for gross misconduct. If the Resolution Manager believes the grievance is false, malicious or vexatious a new investigation under the CMAT's Disciplinary Policy and Procedure will take place. The fact that an allegation has not been substantiated following a formal investigation should not mean that it will be automatically considered false, malicious or vexatious.

12. PUBLIC INTEREDT DISCLOSURE/WHISTLEBLOWING

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

13. PROTECTION FROM VICTIMISATION

- 13.1 This Grievance Policy and Procedure allows staff to seek to resolve grievances without fear of reprisals, victimisation or disadvantage.

14. COLLECTIVE GRIEVANCE

- 14.1 If the same grievance is raised by two or more employees by a recognised TU representative or workplace colleagues, this grievance can be handled as a collective grievance. The employees may nominate a representative and invite them to proceed with the grievance. Should an employee prefer to have their grievance handled individually, this will be considered.

15. MONITORING

The policy will be monitored to ensure consistency of application and adherence to Equalities Legislation.