



## ST MICHAEL'S CATHOLIC COLLEGE GRIEVANCE RESOLUTION POLICY 2022-24

### 1. Aim

- 1.1 Our aim is to provide an outstanding education to all the children taught by us. We expect all our employees to work together to achieve that aim in partnership through trust and integrity.
- 1.2 We are committed to the highest level of achievement for pupils of all abilities and we recognise that there are no limits to a child's potential. Our aim is simple; to facilitate academic and personal success in a rigorous learning community and in a culture, which embraces spiritual values of – serving others, tolerance, prayer and forgiveness.
- 1.3 It is our belief, therefore, that students grow into mature and responsible adults through learning together in a Catholic community by:
  - ☐ Aspiring to academic excellence and success;
  - ☐ Acquiring confidence, self-esteem and fulfillment of their individual talent;
  - ☐ Developing a love of learning, a love of Christ, and a love of each other.
- 1.4 All our policies support this aim.
- 1.5 This suite of documents contains our policies for Capability, Disciplinary, Grievance Resolution and Absence.
- 1.6 We delegate our authority in the manner set out in this document.
- 1.7 There may be occasions where these policies need to be modified to take account of the requirements of our Child Protection & Safeguarding policies and of Keeping Children Safe In Education e.g. by allowing the Local Authority Designated Officer to offer advice at appropriate stages.
- 1.8 In this document:
  - ☐ 'lawyer' includes solicitor,
  - ☐ barrister, legal executive or a person training for such roles.
  - ☐ 'working day' means any day on which in your role 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 be the same for full-time and part-time employees.
  - ☐ 'College Leader' means a person employed on the Leadership Pay Range and does not include College Business Manager or Bursar.
- ☐

### 2. Attendees of Formal Meetings

- 2.1 For any process described as informal there is no right to be accompanied and we may proceed without you having a companion present.
- 2.2 Where a policy allows you to be accompanied by a companion at a formal meeting, the provisions of this paragraph 2 will apply and **Permitted Companion** means a companion meeting the requirements.
- 2.3 You must let the relevant Manager know who your Permitted Companion will be at least one working day before the relevant meeting.
- 2.4 If you have any particular need, for example, a disability, you may also be accompanied by a suitable helper.
- 2.5 Your Permitted Companion can address the meeting in order to:

- (a) Put your case;
  - (b) Sum up your case; and
  - (c) Respond on your behalf to any view expressed at the meeting.
- 2.6 Your Permitted Companion can also confer with you during the meeting.
- 2.7 Your Permitted Companion has no right to answer questions on your behalf, or to address the meeting if you do not wish it, or to prevent you from explaining your case.
- 2.8 Where you have identified your Permitted Companion to the relevant Manager and your companion has confirmed in writing to the relevant Manager that they cannot attend the date or time set for the meeting, the relevant Manager will postpone the meeting for no more than five working days from the date set by us to a date or time agreed with your companion provided that it is reasonable.
- 2.9 You do not have a right to be accompanied by a lawyer.
- 2.10 At a disciplinary meeting the Disciplinary Manager or Appeal Manager may take advice from a lawyer.

### **3. Timing of Meetings**

Formal meetings under these policies may:

- (a) Need to be held when you were timetabled to teach;
- (b) Exceptionally be held during planning preparation and assessment time if this does not impact on lesson preparation;
- (c) Exceptionally be held after the end of the College day;
- (d) Not be held on days on which you would not ordinarily work; and
- (e) For support staff, be held at any time during the working day.

### **4. Recording of Meetings and Minutes**

- 4.1 No one is allowed to make an audio or video recording of a formal or informal meeting or interview without the prior express written permission of all persons present.
- 4.2 We may have a note taker at any formal or informal meeting or interview to take the official note of the meeting. The note taker should be someone not involved in the subject matter of the meeting.
- 4.3 Minutes will be shared with you and you will be asked to confirm if they are accurate. No subsequent meeting, interview or decision will be delayed or postponed as a result of a dispute over minutes.

### **5. Appeal Manager**

A person is not prevented from being an Appeal Manager in the Disciplinary, Capability and Absence policies by virtue of having heard an appeal against any earlier decision in relation to you under that policy or any other policy.

### **6. Assistance**

In all cases involving any sanction in relation to the Principal or to a person on the Leadership Spine, or to potential or actual dismissal of any other member of staff, the Diocesan Schools Commission may send a representative to advise the relevant manager.

### **7. Use of Warnings**

In the event of any organisational change process, formal warnings/cautions under the disciplinary, capability or sickness absence policy may be used as selection criteria.

## **8. Freedom of Information/Data Protection**

This policy is disclosable under the Freedom of Information Act/GDPR.

## **9. Review**

This policy will be reviewed in June 2024

## **10. Scope of Grievance Resolution Policy**

10.1 This policy is aimed at providing you with a structure to promptly resolve current grievances which are not covered by other policies.

10.2 This Grievance Resolution policy cannot be used to:

- (a) Complain about the use of any other policy or process (e.g. disciplinary, capability, restructuring, appraisal etc.) in relation to you whilst that policy is being followed (for the avoidance of doubt such concern can be raised within those other policies or processes;
- (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, poor performance or other grounds;
- (d) Appeal against selection for redundancy;
- (e) Appeal against any decision made under any policy which contains its own appeal process;
- (f) Complain about or appeal against any decision relating to pay or grading. Such matters are covered by our Pay policy;
- (g) Complain about or appeal against any decision relating to your pension. Separate Dispute Resolution Procedures have been set up by the TPS ([http://www.teacherspensions.co.uk/public/~media/Files/Documents/24902\\_TP\\_Complaints\\_leaflet\\_Web.ashx](http://www.teacherspensions.co.uk/public/~media/Files/Documents/24902_TP_Complaints_leaflet_Web.ashx)) and the local fund of the LGPS;
- (h) 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;
- (i) Complain about any matter which is properly the subject of a statutory consultation process;
- (j) Complain about matters which have been or should have been brought under our Public Interest Disclosure policy; or
- (k) 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).

10.3 The primary purpose of this policy is not to make findings of fact on historical matters (though this may be required in resolving some grievances where an investigation may be appropriate).

10.4 Our focus is on the remedial steps required to resolve a grievance.

10.5 We do not speak of grievances being “against” any particular person but rather of grievances “relating” to a particular person.

10.6 We shall seek to resolve grievances raised by you during your notice period, using this policy.

10.7 We shall not seek to resolve grievances raised after you have ceased to be an employee, under this policy. Any grievance raised after you have ceased employment, may be dealt with by a written response from the Stage 1 Resolution Manager without any right of appeal.

## 11. Informal Resolution

- 11.1 Before raising a formal grievance under this policy, you should attempt to resolve the matter informally either through your line manager or, where possible, with the other party. This will require you to state clearly what resolution you wish to achieve.
- 11.2 If your line manager is the person to whom the grievance relates you may raise the matter informally with your line manager's line manager.
- 11.3 You may proceed to the formal process without attempting informal resolution but you will be asked to explain why you did not attempt informal resolution.
- 11.4 If there has been an informal resolution we may confirm it in writing.

## 12. Resolution Managers

- The table below sets out the normal level of delegation for dealing with formal grievances. The Resolution Manager where possible should be someone not personally involved in the matter which is the subject of the grievance:

<i>Your grievance relates to:</i>	<i>Stage 1 Resolution Manager (not previously involved)</i>	<i>Stage 2 Resolution Manager (not previously involved)</i>
Pupils, parents or staff (other than the Principal or Senior Leadership Team)	A member of the Senior Leadership Team appointed by the Principal	The Principal
Member of the Senior Leadership Team	The Principal	Chair of Governors' nominee
The Principal or a Governor (other than the Chair of Governors)	Chair of Governors' nominee	Chair of Governors
The Chair of Governors (or a group of Governors including the Chair of Governors) or the Whole Governing Body	Vice-Chair of Governors or their nominee	All remaining governors

## 13. Formal Grievance

### 13.1 Stage 1

- (a) If you have not been able to resolve a problem informally, you must use Form GRP1 (attached to this policy) and submit it to the Principal if the grievance relates to Pupils, Parents or Staff or the Clerk to the Governing Body if it relates to the Principal, Chair of Governors or a Governor.
- (b) A Resolution Manager will be appointed following (wherever possible) the guidance in Paragraph 3 above.

- (c) The Resolution Manager will arrange to meet with you as soon as possible, normally within ten working days of us receiving the Form GRP1 from you.
- (d) After this Resolution Meeting, the Resolution Manager will confirm a response in writing (the “Resolution Letter”) and inform you of your right to appeal.
- (e) Where applicable, the GRP1 form should include:
  - o Clear, specific descriptions of the grievance against the named individual(s)
  - o Dates, times and names of witnesses (when these are known)
  - o Statements from witnesses, if any
  - o Factual description of events and direct quotes if remembered
  - o A brief description of the context of each incident
  - o Any other supporting documentation.

### 13.2 Stage 2

- (a) If you are not satisfied with the Stage 1 Resolution Manager’s response, you can appeal by sending a completed Form GRP2 (attached to this policy) to the Resolution Manager within five working days of the response being sent to you.
- (b) A different Resolution Manager will be appointed following (wherever possible) the guidance in Paragraph 3 above.
- (c) The Stage 2 Resolution Manager will arrange for a meeting with you as soon as possible, but normally within ten working days of us receiving the Form GRP2 from you.
- (d) After this Resolution Meeting, the Stage 2 Resolution Manager will confirm a response in writing (the “Final Resolution Letter”).
- (e) The decision of the Stage 2 Resolution Manager is final and there will be no further right of appeal and no fresh grievance may be issued in relation to the matter.

## 14. Permitted Companion

You may bring a Permitted Companion to any formal meeting under this policy.

## 15. Confidentiality and Transparency

- 15.1 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 as a fair investigation may require disclosure of the existence and content of the grievance.
- 15.2 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, we will not be able to inform you of the disciplinary action, if any, which has been taken as a result of your grievance.
- 15.3 You should not disclose the fact of 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 or your trade union representative).
- 15.4 At the conclusion of your grievance and after any related disciplinary or other processes have been completed, a report will be presented to the Governing Body excluding staff governors as a confidential item. This report will not identify you but will identify, on an anonymous basis, the content of your complaint so that the governors are aware of any concerns that are being raised by staff and are assured that processes to resolve concerns are operating effectively.

## 16. Venue for Resolution Meetings

If your complaint raises sensitive issues, the Resolution Manager may decide to hold the meeting away from your normal place of work.

## 17. Independent Mediation

As part of a resolution of a grievance, a Resolution Manager may propose independent mediation particularly in situations where there are relationship difficulties and/or personality clashes between employees.

## 18. Guidance to Resolution Managers

The ACAS Guide to Discipline and Grievances at Work contains the following guidelines:

<p><i><u>“Preparing for the meeting, the [Resolution Manager] should:</u></i></p> <ul style="list-style-type: none"><li><i>(a) “Consider whether similar grievances have been raised before, how they have been resolved and any follow-up action that has been necessary</i></li><li><i>(b) Consider arranging an interpreter where the employee has difficulty speaking English</i></li><li><i>(c) Consider whether any reasonable adjustments are necessary for a person who is disabled and/or their companion</i></li><li><i>(d) Consider whether to offer independent mediation.</i></li><li><i>(e) <u>In conducting the meeting the [Resolution Manager] should:</u></i></li><li><i>(a) Remember that a grievance hearing is not the same as a disciplinary hearing and is an occasion when discussion and dialogue may lead to an amicable solution</i></li><li><i>(b) Make introductions as necessary</i></li><li><i>(c) Invite the employee to restate their grievance and how they would like to see it resolved</i></li><li><i>(d) Put care and thought into resolving grievances. They are not normally issues calling for snap decisions and the employee may have been holding onto the grievance for a long time. Make allowances for any reasonable “letting off steam” if the employee is under stress.</i></li><li><i>(e) Consider adjourning the meeting if it is necessary to integrate new facts which arise</i></li><li><i>(f) Sum up the main points</i></li><li><i>(g) Tell the employee when they might reasonably expect a response if one cannot be made at that time.”</i></li></ul>

## 19. False or Malicious Allegations

Making a false or malicious allegation under this policy is a serious disciplinary offence which could result in dismissal for gross misconduct.

## 20. Public Interest Disclosure

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

Submitted by	Name:	
	Job Title:	

- I wish to formally complain about the behaviour, conduct or decisions of:*
- ☐ Parents
- ☐ Pupils
- ☐ A member of staff
- ☐ A member of the Senior Leadership Team
- ☐ The Principal
- ☐ A Governor
- ☐ The Chair of Governors
- ☐ The Governors as a whole

EITHER I have attempted to resolve my grievance informally by (please detail your attempts at informal resolution) OR I have not attempted to resolve this matter informally because (delete where appropriate):

In considering my grievance, I ask you to consider speaking to the following:

In considering my grievance, I ask you to look at the following attached documents:


In considering my grievance, I ask you to look for the following documents:

The outcome I am seeking to resolve this grievance is:

During the period in which you investigate my grievance, I would like you to consider taking the following steps (if any):

My grievance does/does not\* include a complaint that I am subject to discrimination, bullying or harassment.

My grievance does/does not\* include a complaint that raises a child protection issue.



I will/will not\* need special help at my Resolution Meeting.

My companion at the Stage 1 Resolution Meeting will be:

My companion cannot attend a Resolution Meeting on the following dates/times:

I have read the College's Grievance Resolution policy and am aware that false, malicious or vexatious grievances may result in disciplinary action against me for gross misconduct. I am aware that the GRP1 may be forwarded to the Designated Person for Child Protection and the Local Authority Designated Officer. I am aware that a report on the outcome of this grievance will be submitted to the Governors. I acknowledge that I must not disclose the fact of or content of this Form GRP1 to any employee or third party without the express consent of the Resolution Manager.

Signed:		
Print name:		
Date:		

**OFFICE USE ONLY**

Received on:

Stage 1 Resolution Manager:

Received by Stage 1 Resolution Manager:

Resolution Meeting held:

Refer to Designated Person CP: YES/NO

Refer to LADO: YES/NO

*\* delete as appropriate*

Submitted by	Name:	
	Job Title:	

Stage 1 Resolution Manager:	
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*I wish to formally appeal against the Stage 1 Resolution Manager's decision.*  
*I attach:*

- ☐ A copy of my Form GRP1
- ☐ The Stage 1 Resolution Manager's Resolution Letter

I want the Stage 2 Resolution Manager to:
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I will/will not* need special help at the Stage 2 Resolution Meeting.
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My companion at the Stage 2 Resolution Meeting will be:
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My companion cannot attend a Resolution Meeting on the following dates/times:
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Signed:	<table border="1"><tr><td></td></tr></table>	

Print name:	<table border="1"><tr><td></td></tr></table>	

Date:	<table border="1"><tr><td></td></tr></table>	

OFFICE USE ONLY

Received on:

Stage 2 Resolution Manager:

Received by Stage 2 Resolution Manager:

Resolution Meeting held:

\* delete as appropriate

July 2022



**Signed:**

**Date:...** 22/09/22

***Chair of the Governing Body***

Review Date: July 2024