

# St. Thomas of Canterbury Catholic Academies Trust



**Thomas Becket  
Secondary**



**St. Gregory's  
Primary**



**St. Mary's  
Primary**



**The Good Shepherd  
Primary**

**Inspired by Christ, to achieve excellence, to serve and to build hope for all**

## **GRIEVANCE POLICY**

<b>Document Control</b>			
Version Number	Final_v2.0	Author	Jo Brake-Oakes
Approved by	Personnel Committee on behalf of Trust Board	Date Approved	17 <sup>th</sup> September 2019
Effective Date	17 <sup>th</sup> September 2019	Document Status	Approved
Date of next review	1 September 2020		

**THIS POLICY DOES NOT CREATE ANY CONTRACTUAL OBLIGATIONS ON ST THOMAS OF CANTERBURY CATHOLIC ACADEMIES TRUST**

## DEFINITIONS

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

- i. 'Trust' means the schools and academies who belong to the St Thomas of Canterbury Catholic Academies Trust named at the beginning of this Grievance Policy and Procedure and includes all sites upon which the Trust undertaking is, from time to time, being carried out.
- ii. St Thomas of Canterbury Catholic Academies Trust is responsible for the management of the academies/schools and, for all purposes, means the employer of staff at the academies/schools. The Trust also employs staff working directly to the Chief Executive of the Trust.
- iii. 'Board' means the Board of Directors of the St Thomas of Canterbury Catholic Academies Trust.
- iv. 'Chair' means the Chair of Trust Board or the Chair of the Local School Committee appointed from time to time.
- v. 'Clerk' means the Clerk to the Trust Board or the Clerk to the Local School Committee appointed from time to time. (It will be clear which body)
- vi. 'Companion' means a willing work colleague not involved in the subject matter of the grievance brought under this Grievance Policy and Procedure, or an accredited Trade Union representative.
- 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' mean Directors appointed to the Trust Board.
- ix. 'Trust Board' means the body carrying out the employment functions of the Trust and such term may include the Board and/or a Local School Committee of the Trust.
- x. 'Local School Committee Representatives' (LSC) means the Local School Committee representatives/members appointed and elected to carry out specified functions delegated by the Trust in relation to each of the schools/academies, from time to time.

**THIS POLICY DOES NOT CREATE ANY CONTRACTUAL OBLIGATIONS ON THE TRUST**

*This policy is based upon a template provided by the Catholic Education Service – May 2018 version*

Grievance Policy and Procedure – Final\_v2.0

Page 2 of 10

- 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.
- xii. 'Vice-Chair' means the Vice-Chair of the Trust Board or the Vice-Chair of the Local School Committee appointed from time to time, as appropriate

## 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 Trust and you are an employee or worker at the Trust (hereinafter referred to as an "employee" or "you").
- 1.2 The Trust 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 through the Trust community.
- 1.3 This Grievance policy and procedure 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 of self and others, personal growth and openness.
- 1.4 This procedure **can** be used to:
  - (a) bring about a resolution to your work related grievance unless the situation is listed at 1.5 below as falling into 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, discrimination.
- 1.5 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, 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 Trust'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;

**THIS POLICY DOES NOT CREATE ANY CONTRACTUAL OBLIGATIONS ON THE TRUST**

*This policy is based upon a template provided by the Catholic Education Service – May 2018 version*

Grievance Policy and Procedure – Final\_v2.0

Page 3 of 10

- (i) complain about matters which have been, or should have been, brought under a separate policy or procedure operated by the Trust, such as the Trust'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 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 (a) child (ren) as 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 Trust's Safeguarding Policy.
- 1.6 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 Regulations (GDPR).
- 1.7 The primary purpose of this procedure is to resolve current grievances.
- 1.8 The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievances).
- 1.9 The Trust's focus is on the remedial steps required to resolve a grievance.
- 1.10 The Trust does not speak of grievances being "against" any particular person but rather of grievances "relating" to a particular person.
- 1.11 The Trust shall seek to resolve any grievance raised by an employee during their notice period and/or garden leave period, using this policy.
- 1.12 There may be occasions where this procedure needs to be modified to comply with the requirements of the Trust's Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to Governors at appropriate stages.
- 1.13 In this policy "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
- 1.14 The Trust delegates its authority in the manner set out in this procedure

## 2. INFORMAL RESOLUTION

- 2.1 The Trust encourages employees to resolve grievances informally and without recourse to the formal grievance wherever possible
- 2.2 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.
- 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 or other appropriate options depending on the specific circumstances of the grievance.
- 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.

## 3. RESOLUTION MANAGERS

- 3.1 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.
- 3.2 In all cases, advice from the Trust HR Manager must always be sought and it is the responsibility of the Chair of the Trust Board and Trust HR Manager to coordinate arrangements for any Trust Board Panels including Appeals.
- 3.3 Directors or Local School Committee members must declare any conflicts of interest which may result in the process eligibility. The Local School Committee or Trust may call upon reciprocal arrangements with other Diocesan Catholic schools or Multi-Academy Trusts to provide panel members.

<b><i>Grievance relates to</i></b>	<b><i>Stage 1 Resolution Manager</i></b>	<b><i>Stage 2 Resolution Manager</i></b>
Pupils, parents or staff (other than the Headteacher)	The Headteacher	Chair of the Local School Committee or another Local School Committee Member nominated by the Chair of the LSC.
The Headteacher	The CEO	Panel of Trust Board Directors (no more than 3 Directors) appointed by the Vice-Chair of the Trust Board (or the Trust HR Manager if the matter relates to the Vice-Chair of the Trust Board)

**THIS POLICY DOES NOT CREATE ANY CONTRACTUAL OBLIGATIONS ON THE TRUST**

*This policy is based upon a template provided by the Catholic Education Service – May 2018 version*

Grievance Policy and Procedure – Final\_v2.0

Page 5 of 10

<b><i>Grievance relates to</i></b>	<b><i>Stage 1 Resolution Manager</i></b>	<b><i>Stage 2 Resolution Manager</i></b>
A Local School Committee Member or Members (other than the Chair of the Local School Committee)	Chair of the Local School Committee	Panel of Trust Board Directors (no more than 3 Directors) appointed by the Vice-Chair of the Trust Board (or the Trust HR Manager if the matter relates to the Vice-Chair of the Trust Board)
Chair of the Local School Committee (or a group of LSC Members including the Chair of the LSC Committee)	Vice Chair of Trust Board or another Director of the Trust Board (other than the Chair of the Trust Board) nominated by the Trust HR Manager	Panel of Trust Board Directors (no more than 3 Directors) appointed by the Vice-Chair of the Trust Board (or the Trust HR Manager if the matter relates to the Vice-Chair of the Trust Board)
Whole Local School Committee	Vice Chair of Trust Board or another Director of the Trust Board (other than the Chair of the Trust Board) nominated by the Trust HR Manager	Panel of Trust Board Directors (no more than 3 Directors) appointed by the Vice-Chair of the Trust Board (or the Trust HR Manager if the matter relates to the Vice-Chair of the Trust Board)
Trust member of staff	The CEO	Trust Board Appeal Panel (no more than 3 Directors) appointed by the Vice-Chair of the Trust Board (or the Trust HR Manager if the matter relates to the Vice-Chair of the Trust Board)
Director of the Trust (including the Trust CEO)	2 Trust Board Directors nominated by the Chair of the Trust Board	Chair of the Trust Board + 2 Directors
Whole of the Trust	A nominated Diocesan body	A nominated Diocesan body

**THIS POLICY DOES NOT CREATE ANY CONTRACTUAL OBLIGATIONS ON THE TRUST**

*This policy is based upon a template provided by the Catholic Education Service – May 2018 version*

Grievance Policy and Procedure – Final\_v2.0

Page 6 of 10

## **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 grievance and/or their appeal against the grievance resolution outcome or as a result of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting. Annexes 1 and 2 provide template forms for an employee to use for either submitting a notification of formal grievance or to appeal against a grievance resolution outcome however use of these forms is not obligatory.
- 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 and after consulting with both the Trust HR Manager and CEO:
- (a) Request an independent investigation be carried out into the allegations made by the employee in their grievance and/or appeal against grievance outcome or, as a result of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting. The Trust HR Manager will appoint the independent investigator within 5 working days of a request by the Resolution Manager or;
  - (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 or;
  - (c) Recommend any other reasonable course of action.
- 4.3 Nothing in this Paragraph 4 shall prejudice the Trust'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 submit a formal grievance. This can either be submitted in writing or using the form available at Annex 1, Notification of formal grievance form. If you submit your grievance in writing it must detail your grievance, how you've attempted to resolve your grievance informally (and if not, why not) and what resolution you are seeking. Your grievance must be submitted to the Trust HR Manager.
- 5.1.2 The Trust HR Manager 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 formal grievance from the Trust HR Manager.
- 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 either submitting a formal appeal or by sending a completed Appeal against Grievance

**THIS POLICY DOES NOT CREATE ANY CONTRACTUAL OBLIGATIONS ON THE TRUST**

*This policy is based upon a template provided by the Catholic Education Service – May 2018 version*

Grievance Policy and Procedure – Final\_v2.0

Page 7 of 10

Resolution Outcome form (see Annex 2) to the Trust HR Manager within 5 working days of the Stage 1 Resolution Letter being sent to you.

5.2.2 The Trust HR Manager 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 appeal from the Trust HR Manager.

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. TRUST BOARD DIRECTORS’ APPEAL PANEL**

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

6.2 In the event that there are insufficient numbers of Directors available to participate in the Trust Board Directors’ Appeal Panel, the Trust Board may appoint associate members to solely participate in the Trust Board Directors’ Appeal Panel on the recommendation of a nominated Diocesan body.

6.3 In all cases, advice from the Trust HR Manager must always be sought and it is the responsibility of the Chair of the Trust Board and Trust HR Manager to coordinate arrangements for any Trust Board Panels including Appeals.

## **7. COMPANION**

7.1 If you are an employee and have presented a grievance either in writing or have completed a Notification of Formal Grievance Form you may be accompanied at any meetings under this procedure by a Companion (see Definition)

7.2 You must inform the relevant Resolution Manager know who your Companion will be at least three 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 but you should also inform the Resolution Manager of their name.

7.4 Your 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 Resolution Meeting.

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,

**THIS POLICY DOES NOT CREATE ANY CONTRACTUAL OBLIGATIONS ON THE TRUST**

*This policy is based upon a template provided by the Catholic Education Service – May 2018 version*

Grievance Policy and Procedure – Final\_v2.0

Page 8 of 10

the relevant Resolution Manager will postpone the Resolution Meeting for no more than five working days from the date set by the Trust 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 Trust 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 The parties should not disclose the facts 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 Trust'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 may be presented to the Local Staff Committee and Trust Board (where appropriate) 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 Trust 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 Trust site.

## **11. ASSISTANCE**

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

11.2 In all cases the Trust may seek assistance from the Diocesan Trusts 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.

**THIS POLICY DOES NOT CREATE ANY CONTRACTUAL OBLIGATIONS ON THE TRUST**

*This policy is based upon a template provided by the Catholic Education Service – May 2018 version*

Grievance Policy and Procedure – Final\_v2.0

Page 9 of 10

If two or more complaints are submitted from the same person about the same issue, the Trust retains the right to either request further evidence or decide not to pursue the complaint and there will be no further right of appeal.

### **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 Trust's Public Interest Disclosure Policy and Procedure for further details). You will not be allowed to raise the same matter under both procedures.

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

This policy has been developed utilising a template policy and procedure produced by the Catholic Education Service (CES) for use in Catholic Voluntary Aided Trusts and Academies in England, amended in September 2013, updated in June 2016 and again in May 2018 following consultation with the national trade unions. This procedure will be reviewed in readiness for the academic year September 2019/20.