ST GABRIEL'S CATHOLIC PRIMARY SCHOOL

GRIEVANCE RESOLUTION POLICY AND PROCEDURE

Approved and adopted – November 2017

Reviewed – December 2022

Next Review date – January 2024

Signed by Chair of Governors: T Miller & R Vernon

Signed by Headteacher: J P Hayes

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Our Mission Statement

St. Gabriel's is a welcoming school where:

We pray together, care for each other and learn together
We feel safe and respected
We try to do our best
Everyone is treated fairly
We have fun with our friends
With Jesus Christ at the heart of our loving Catholic community

DEFINITIONS

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

i. 'Chair' means the Chair of the Governing Body appointed from time to time.

ii. 'Clerk' means the Clerk to the Governing Body appointed from time to time.

iii. 'Companion' means a willing work colleague not involved in the subject matter of the grievance brought under this Grievance Resolution Policy and Procedure, or an accredited trade union representative or an official employed by trade union who will be expected to make themselves available for the periods of time necessary to meet the timescales under this Grievance Resolution Policy and Procedure.

iv. 'Diocesan Schools Commission' means the education service provided by the diocese, which may also be known, or referred to, as the Diocesan Education Service.

v. 'Governing Body' means the governing body of the School.

vi. 'Governors' means the governors appointed and elected to the Governing Body of the School, from time to time.

vii. '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.

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viii. 'School' means the school or college 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.

ix. 'Vice-Chair' means the Vice-Chair of the Governing Body elected from time to time.

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 School and you are an employee or worker at the School (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 School'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 School, such as the School'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 Governors delegate their authority in the manner set out in this policy.

1.4 The primary purpose of this procedure is to resolve current grievances.

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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 School's focus is on the remedial steps required to resolve a grievance.

1.7 The School does not speak of grievances being "against" any particular person but rather of grievances "relating" to a particular person.

1.8 The School 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 School 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 School's Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to the Governing Body 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:

Your grievance relates to	***Stage 1 Resolution Manager***	***Stage 2 Resolution Manager***
Pupils, parents or staff (other than the Headteacher)	The Headteacher	Chair or another non-staff Governor nominated by the Chair
The Headteacher	The Chair	Governors' Appeal Panel appointed by the Vice-Chair
A Governor or Governors (other than the Chair)	The Chair	Governors' Appeal Panel appointed by the Vice-Chair (or the Clerk if the matter

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		relates to the Vice-Chair)
The Chair (or a group of Governors including the Chair)	The Vice Chair or another non-staff Governor (other than the Chair) nominated by the Clerk	Governors' Appeal Panel appointed by the Vice-Chair (or the Clerk if the matter relates to the Vice-Chair)
The whole body of Governors	The whole body of 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 School'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 Intranet or other relevant place as notified to you by the School) and submit it to the Clerk.

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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 Intranet or other relevant place as notified to you by the School) 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. GOVERNORS' APPEAL PANEL

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

6.2 In the event that there are insufficient numbers of Governors available to participate in the Governors' Appeal Panel, the Governing Body may appoint associate members solely to participate in the 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 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 School 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 School'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 Governors at a full meeting of Governors 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;

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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 School, your completed Form GRP1 and any other relevant information will be sent by the School to the Diocesan Schools Commission who may appoint an adviser to assist the School in responding to your grievance.

11.2 In all cases the School may seek assistance from the Diocesan Schools Commission, and for maintained schools, from the Local Authority.

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 School'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 Aided Schools 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 schools 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 2022/2023w

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