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Grievance Policy and Procedure

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Good Practice

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Definitions

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

- i **'The Romero Catholic Academy'** means the Company named at the beginning of this **Grievance Policy and Procedure** and includes all sites upon which the Company is undertaking, from time to time, being carried out. The Romero Catholic Academy includes; **Corpus Christi, Good Shepherd, Sacred Heart, Blue Sky, SS Peter and Paul, St Gregory, St John Fisher, St Patrick, Cardinal Wiseman, Shared Services Team.**
- ii **'Romero Catholic Academy'** means the Company responsible for the management of the Academy and, for all purposes, means the employer of staff at the Company.
- iii **'Board'** means the board of Directors of the Romero Catholic Academy.
- iv **'Chair'** means the Chair of the Board or the Chair of the Local Academy Committee of the Academy appointed from time to time, as appropriate.
- v **'Governance Professional'** means the Governance Professional to the Board or the Governance Professional to the Local Academy Committee of the Academy appointed from time to time, as appropriate.
- vi **'Catholic Senior Executive Leader'** means the person responsible for performance of all Academies and Staff within the Multi Academy Company and is accountable to the Board of Directors.
- vii **'Diocesan Schools Commission'** means the education service provided by the diocese, which may also be known, or referred to, as the Birmingham Diocesan Education Service.
- viii **'Local Academy Committee'** means the governing body of the School.
- ix **'Academy Committee Representatives'** means the governors appointed and elected to the Local Academy Committee of the School, from time to time.
- x **'Principal'** means the substantive Principal, who is the person with overall responsibility for the day to day management of the school.
- xi **'School'** means the school or college within The Romero Catholic Academy and includes all sites upon which the school undertaking is, from time to time, being carried out.
- xii **'Shared Services Team'** means the staff who work in the central team across the Company (e.g. HR/ Finance)
- xiii **'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 Academy and you are an employee or worker at the Academy (hereinafter referred to as an “employee” or “you”)
- 1.2 The Academy 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 academy community which includes all of the academies in the Romero Catholic MAC
- 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 to self and others, personal growth and openness.
- 1.4 This procedure **can** be used to:
- bring about a resolution to your work-related grievance unless the situation is listed below as falling into a separate procedure;
 - 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:
- 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;
 - appeal against any formal or informal disciplinary sanction;
 - appeal against any decision to terminate your employment whether on grounds of ill health, incapacity, redundancy, misconduct, poor performance or other grounds;
 - appeal against selection for redundancy;
 - complain about, or appeal against, any decision relating to pay or grading. Such matters are covered by The Romero Catholic Academy’s Pay Policy;
 - 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;
 - 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;
 - complain about any matter which is properly the subject of a statutory consultation process;
 - complain about matters which have been, or should have been, brought under a separate policy or procedure operated by The Romero Catholic Academy, such as the Academy’s Complaints Policy and Procedure or Public Interest Disclosure/Whistleblowing Policy and Procedure; or
 - 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). 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 Academy'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 Regulation (GDPR)
- 1.7 The Romero Catholic Academy delegates its authority in the manner set out in this policy.
- 1.8 The primary purpose of this procedure is to resolve current grievances.
- 1.9 The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievances).
- 1.10 The Academy's focus is on the remedial steps required to resolve a grievance.
- 1.11 The Academy does not speak of grievances being "against" any particular person but rather of grievances "relating" to a particular person.
- 1.12 The Academy shall seek to resolve any grievance raised by an employee during their notice period and/or garden leave period, using this policy.
- 1.13 There may be occasions where this procedure needs to be modified to comply with the requirements of the Academy's Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to the Romero Catholic Academy at appropriate stages or where an employee has a disability which means that reasonable adjustments need to be made to this procedure. Where the Romero Catholic Academy 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.
- 1.14 Subject to Paragraphs 1.5 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 Romero Catholic Academy's Disciplinary Policy and Procedure. This shall not lead to any automatic delay or pause in the conduct of any matters under the Romero Catholic Academy's Disciplinary Policy and Procedure. In such circumstances, the employee and the Principal, or in the case where the disciplinary matter relates to the Principal, the Chair, will meet to discuss whether or not the Romero Catholic Academy's Disciplinary Policy and Procedure should be suspended whilst the grievance is dealt with. The final decision as to whether or not to suspend the Disciplinary Policy and Procedure in such circumstances will be taken by the Principal or the Chair (as appropriate) and their decision shall be final.
- 1.15 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 nonteaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this policy and procedure.

2. Informal Resolution

- 2.1 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.
- 2.2 The Romero Catholic Academy encourages employees to resolve grievances informally and without recourse to formal grievance wherever possible.
- 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. Where a grievance is raised informally, 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.
- 2.6 The Romero Catholic Academy gives a period of 5 working days from receipt of informal Grievance being raised to be resolved. If five days is insufficient, then by mutual agreement of both parties this timescale can be extended considering specific circumstances and if appropriate this timescale can be extended to a specified/agreed number of days.
- 2.7 Following an informal resolution meeting, you will be provided with a note of the meeting, and you will have an opportunity to provide written comments on the note of the meeting prior to it being included in your personnel file.

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 Principal) in either a School or the Shared Services Team	A Principal or Senior Leader	Chair or another non- staff Academy Representatives nominated by the Chair of Academy Committee
The Principal, CSEL, Senior Management in Shared Services Team (ABD; Head of HR/Finance)	Foundation Director, Academy Business Director or Catholic Senior Executive Leader	Directors'/Academy Representatives' Appeal Panel appointed by the Vice-Chair of Board
A Director/Academy Committee representative or Directors/ Academy Committee representative (other than the Chair)	The Chair of the relevant Committee	Directors'/Academy Committee representatives' Appeal Panel appointed by the Vice-Chair (or the Governance Professional if the matter relates to the Vice-Chair)
The Chair (or a group of Directors / Academy Committee representatives including the Chair)	The Vice Chair or another non-staff Director/Governor (other than the Chair) nominated by the Governance Professional	Directors' / Academy Committee representatives' Appeal Panel appointed by the Vice-Chair (or the Governance Professional if the matter relates to the Vice-Chair)
A Director	Chair of the Board	A panel appointed by the Birmingham Diocesan Schools Commission
Academy Committee representatives	Chair of the Committee	A panel appointed by the Birmingham 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 because 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:
- i. Request an independent investigation be carried out into the allegations made by the employee in their Form [GRP1](#) and/or [GRP2](#) or because of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting. The Governance Professional will appoint the independent investigator within 5 working days of a request by the Resolution Manager;
 - ii. 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;
 - iii. Recommend any other reasonable course of action.
- 4.3 Nothing in this Paragraph 4 shall prejudice the Academy's general right to deal with grievances with the assistance specified in Paragraph 11.

5. Formal Grievance

5.1 Stage 1

- i. 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 Academy's Intranet or other relevant place as notified to you by the Academy) and submit it to hr@romeromac.com and acknowledgement of your form will be within 3 working days of receipt by the HR department.
- ii. The School Principal will formally appoint a Stage 1 Resolution Manager following the guidance in Paragraph 3 above.
- iii. 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 HR department.
- iv. The Stage 1 Resolution Manager will prepare evidence for the School Principal. The School Principal will feed back 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") 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.

5.2 Stage 2 (Appeal)

- i. 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 Academy's Intranet or other relevant place as notified to you by the Academy) to the HR Department by emailing hr@romeromac.com within 5 working days of the Stage 1 Resolution Letter being sent to you.
- ii. The HR Department will formally appoint a Stage 2 Resolution Manager (who will not be the Stage 1 Resolution Manager) following the guidance in Paragraph 3 above.
- iii. 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 HR Department.

The Stage 2 Resolution Manager will prepare evidence for the School Principal. The School Principal will feed back 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 Principal following Stage 2 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 is as follows:

- a) your appeal is upheld and you will be told what action will be taken; or
- b) your appeal is not upheld.

6. Directors’/Governors’ Appeal Panel

- 6.1 The Directors’/Governors’ Appeal Panel shall comprise two or three non-staff Directors/Governors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of non-staff Directors/Governors not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to a Directors’/ Governors’ Appeal Panel.
- 6.2 In the event that there are insufficient numbers of Directors/Governors available to participate in the Directors’/Governors’ Appeal Panel, the Romero Catholic Academy may appoint associate members solely to participate in the Directors’/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 ie work colleague or Union representative (not family member)
- 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:
 - i. put your case;
 - ii. sum up your case;
 - iii. respond on your behalf to any view expressed at the Resolution Meeting; and
 - iv. 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:
 - i. answer questions on your behalf;
 - ii. address the meeting if you do not wish it; or
 - iii. prevent you from explaining your case.
- 7.7 Where you have stated, in writing to the Resolution Manager, that your chosen Companion cannot attend the meeting; the Resolution Manager will postpone the meeting to a more suited time. Please note that the postponed meeting will take place within 5 working days from the original meeting. 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 Academy 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 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 Academy'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 Directors/Governors at a full meeting of the Governing Board as a confidential item.

9. Timings 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 Academy site.

11. Assistance

- 11.1 Where a formal grievance relates to a matter concerning the religious character of the Academy, your completed Form GRP1 and any other relevant information will be sent by the Academy to the Diocesan Schools Commission who may appoint an adviser to assist the Academy in responding to your grievance.
- 11.2 In all cases the Academy 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 Academy's Public Interest Disclosure Policy and Procedure for further details). You will not be allowed to raise the same matter under both policies.

PROTECTION FROM VICTIMISATION

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

14. Monitoring and Review of this policy

This procedure produced by the Catholic Education Service (CES) for use in Catholic Voluntary Academies in England, was amended in September 2013, updated in June 2016, May 2018 and October 2020 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 version was reviewed in accordance with CES guidance and employment legislation in September 2019.

This procedure will be reviewed in readiness for the academic year 2022/2023.

15. Links to other policies

This Grievance Policy is linked to our:

- TRCA Complaints Policy
- TRCA Whistleblowing Policy