Our Lady of Lourdes Primary School

GRIEVANCE RESOLUTION POLICY AND PROCEDURE

OUR LADY OF LOURDES

Grievance Resolution Policy and Procedure

Schools - Grievance Resolution Policy and Procedure – England - (Updated October 2020 – with minor amendment May 2022)
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‘In God, we are, we know, we act’

Validation grid

Title	Grievance Resolution Policy and Procedure
Author	Barbara Costa and Catholic Education Service
Associate Author	
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Headteacher Barbara Costa

Chair of Governors Fiona Kerin

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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.

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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 as appointed from time to time.

ii. 'Clerk' means the Clerk to the Governing Body as 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 a trade union official, an accredited representative of a trade union or other professional association of which the employee is a member, who should be 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 in which the School is situated, which may also be known, or referred to, as the Diocesan Education Service.

v. 'Governing Body' means the governing body of the School as constituted from time to time.

vi. 'Governors' means the governors appointed or elected to the Governing Body from time to time.

vii. 'Headteacher' means the most senior teacher in the School who is responsible for its management and administration.

viii. '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.

ix. '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.

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

xi. '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 Grievance Resolution Policy and Procedure.

1. SCOPE

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 contracted by the Governing Body to work at the School (hereinafter referred to as an "employee" or "you").

1.2 The School is committed to ensuring respect, objectivity, belief in the dignity of 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 School community.

1.3 This Grievance Resolution 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 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.

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 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 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;

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(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 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, such as the School's Complaints Policy and Procedure or Public Interest Disclosure/Whistleblowing Policy and Procedure;

(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); or

(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 other appropriate authority as specified in the School'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) and the Data Protection Act 2018.

1.7 The Governors delegate their 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 order to resolve some grievances).

1.10 The School's focus will, at all times, be on the remedial steps required to resolve a grievance.

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

1.12 The School shall seek to resolve any grievance raised by an employee during their notice period and/or garden leave period, using this policy.

1.13 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, or where an employee has a disability which means that reasonable adjustments need to be made to this procedure. Where the School's Child Protection and Safeguarding Policies are invoked, this Grievance Policy and Procedure may be suspended until such time as the Governing Body determines, in its sole discretion, that it is appropriate to resume it. All modifications will be discussed with the employee.

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1.14 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 School's Disciplinary Policy and Procedure. This shall not lead to any automatic delay or pause in the conduct of any matters under the School's Disciplinary Policy and Procedure. In such circumstances, the employee and the Headteacher, or in the case where the disciplinary matter relates to the Headteacher, the Chair, will meet to discuss whether or not the School'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 Headteacher or the Chair (as appropriate) and their decision shall be final.

2. INFORMAL RESOLUTION

2.1 The Governing Body 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 procedure, you should try to resolve the matter informally either through your line manager, Headteacher 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 resolution 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, in order to reach a resolution you will need to be able to explain what outcome you are seeking.

2.5 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 on your personnel file.

2.6 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

The Resolution Manager should, apart from in exceptional circumstances, 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:

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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 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 (in consultation with the Diocesan Schools Commission)	Governors' Appeal Panel appointed by the Vice-Chair (or the Clerk if the matter relates to the Vice-Chair)
The whole body of Governors	A representative of the Diocesan Schools Commission	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, the Resolution Manager will carry out an investigation into the allegations made by the employee in their Form GRP1 and/or GRP2 (as described in Paragraph 5 below) 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, the Resolution Manager may, where they reasonably believe 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 GRP1 and/or GRP2 (as described in Paragraph 5 below) or as a result of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting. The Clerk

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will appoint the independent investigator within 5 Working Days of a request by the Resolution Manager to do so;

(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 complete a Form GRP1 (Appendix 1 to this Policy and Procedure and available on the School wesbite) and submit it to the Clerk. The Clerk will acknowledge receipt of your Form GRP1 within 3 Working Days of receipt by the Clerk.

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. You will be informed of the date of the Stage 1 Resolution Meeting in writing. At the Stage 1 Resolution Meeting, the Stage 1 Resolution Manager will ask you to explain the nature of your grievance and will invite you to suggest how it might be resolved. The Stage 1 Resolution Manager will then discuss the matter with you with a view to understanding how your grievance might be resolved. Stage 1 Resolution Meetings may be adjourned if the Stage 1 Resolution Manager, in their sole discretion, determines that further investigations are required in order to resolve the grievance. If a Stage 1 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.

5.1.4 The Stage 1 Resolution Manager will aim to 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 or any reconvened Stage 1 Resolution meeting ("the Stage 1 Resolution Letter"). The outcome of your grievance will be set out in 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.

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

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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 Form GRP2 (Appendix 2 to this Policy and Procedure and available on the School website) to the Clerk within 5 Working Days of the date of the Stage 1 Resolution Letter. The Clerk will acknowledge receipt of your Form GRP2 within 3 Working Days of receipt by the Clerk.

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 the Stage 2 Resolution Manager receiving your completed Form GRP2 from the Clerk. You will be informed of the date of the Stage 2 Resolution Meeting in writing.

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. 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 is being taken; or

(b) your appeal is not upheld.

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

6. GOVERNORS' APPEAL PANEL

6.1 Governors' Appeal Panels shall comprise 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 but only where they have not previously been involved in the matter.

6.2 In the exceptional 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 You may be accompanied at any meetings held pursuant to this policy by a Companion (including any informal resolution meetings and mediation meetings).

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.

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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 relevant Resolution Manager that they cannot attend the date or time set for the Resolution Meeting, the Resolution Meeting will be postponed for a period not in excess of five Working Days from the date set by the School to a date and time agreed with your Companion. 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 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 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 the Governing Body as a confidential item.

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9. TIMING OF MEETINGS

9.1 The aim is that meetings under this Procedure will be held at mutually convenient times but depending on the circumstances may:

(a) need to be held when you were timetabled to teach (if that is appropriate to your role);
(b) exceptionally 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.

9.2 Where an employee is persistently unable or unwilling to attend a meeting without good cause the Resolution Manager will make a decision on the evidence available.

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 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. If the Resolution Manager believes the grievance is false, malicious or vexatious a new investigation under the 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.

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 this policy and the School's Public Interest Disclosure Policy and Procedure.

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14. PROTECTION FROM VICTIMISATION

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

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APPENDIX 1

FORM GRP1

Submitted by	**Name:**	
	Job Title:	

1. I wish to formally complain about the behaviour, conduct or decisions of:

- ☐ Parents
- ☐ Pupils
- ☐ Staff (other than the Headteacher)
- ☐ Headteacher
- ☐ A Governor or Governors (other than the Chair)
- ☐ The Chair of Governors (or a group of Governors including the Chair)
- ☐ The Governors as a whole

2. The details of my complaint are *(where possible please identify dates, times and names)*:

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3. **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*):

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

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

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

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7. The outcome I am seeking to resolve this grievance is:

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

9. My grievance does/does not* include a complaint that I am subject to discrimination, bullying or harassment (if necessary provide relevant information).

10. My grievance does/does not* include a complaint that raises a child protection issue (if necessary provide relevant information).

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11. I will/will not* need special help at my Resolution Meeting (if necessary provide relevant information).

12. My companion at the Stage 1 Resolution Meeting will be:

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

-
-
-

I have read the Grievance Resolution Policy and Procedure and am aware that false, malicious or vexatious grievances may result in disciplinary action against me for gross misconduct. I am aware that this GRP1 may be forwarded to the Diocesan Schools Commission and/or to the Designated Person for Child Protection (as appropriate). I am aware that a report on the outcome of this grievance will be submitted to the Governors.

Signed:	
Print name:	
Date:	

OFFICE USE ONLY

Received by Clerk to Governors on:

Stage 1 Resolution Manager:

Received by Stage 1 Resolution Manager:

Resolution Meeting held:

Refer to DSC: YES/NO

Refer to Designated Person CP: YES/NO

** delete as appropriate*

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APPENDIX 2

FORM GRP2

Submitted by	**Name:**	
	Job Title:	
Stage 1 Resolution Manager:		

1. 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 Letter

2. I disagree with the Stage 1 Resolution Letter because:

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3. I want the Stage 2 Resolution Manager to:

4. I will/will not* need special help at the Stage 2 Resolution Meeting (if necessary provide relevant information).

5. My companion at the Stage 2 Resolution Meeting will be:

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

-
-
-

I have read the Grievance Resolution Policy and Procedure and am aware that false, malicious or vexatious grievances may result in disciplinary action against me for gross misconduct. I am aware that my GRP1 and this GRP2 may be forwarded to the Diocesan Schools Commission and/or to the Designated Person for Child Protection (as appropriate). I am aware that a report on the outcome of this grievance will be submitted to the Governors.

Signed:	
Print name:	
Date:	

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Received by Clerk to Governors on:

Stage 2 Resolution Manager:

Received by Stage 2 Resolution Manager:

Resolution Meeting held:

** delete as appropriate*

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