

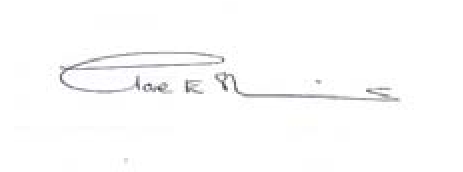
**MOUNT ST MARY’S CATHOLIC HIGH SCHOOL**

***Educating the Individual for the Benefit of All***

# GRIEVANCE POLICY

**Mount St Mary’s Catholic High School Grievance Policy**

Adopted by Mount St Marys’ Governing Body on 1 September 2021

Signed Chair of Governors

Review date: September 2027

## DEFINITIONS

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

1. ‘Diocesan Schools Commission’ means the education service provided by the diocese, which may also be known, or referred to, as the Diocesan Education Service.
2. ‘Chair’ means the Chair of the Mount St Mary’s (MSM) Governing Body appointed from time to time.
3. ‘Clerk’ means the Clerk of the MSM Governing Body appointed from time to time.
4. ‘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.
5. ‘Governors’ means the governors appointed to the MSM Governing Body, from time to time.
6. ‘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.
7. ‘Vice-Chair’ means the Vice-Chair of the MSM Governing Body appointed 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 MSM and you are an employee or worker at MSM (hereinafter referred to as an “employee” or “you”).

1.2 This procedure **cannot** be used to:

1. 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;
2. appeal against any formal or informal disciplinary sanction;
3. appeal against any decision to terminate your employment whether on grounds of ill-health, incapacity, redundancy, poor performance or other grounds;
4. appeal against selection for redundancy;
5. complain about or appeal against any decision relating to pay or grading;
6. 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;
7. 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;
8. complain about any matter which is properly the subject of a statutory consultation process;
9. complain about matters which have been, or should have been, brought under a separate policy or procedure operated by MSM, such as the MSM Complaints policy and procedure; or
10. 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. The MSM Governors delegate their authority in the manner set out in this procedure.
    2. The primary purpose of this procedure is to resolve current grievances.
    3. The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievances).
    4. MSM‘s focus is on the remedial steps required to resolve a grievance.
    5. MSM does not speak of grievances being “against” any particular person but rather of grievances “relating” to a particular person.
    6. MSM shall seek to resolve any grievance raised by an employee during their notice period and/or garden leave period, using this procedure.
    7. Where an employee has ceased to be an employee (for whatever reason), MSM 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).
    8. There may be occasions where this procedure needs to be modified to comply with the requirements of the MSM Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to Governors at appropriate stages.
    9. 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 nonteaching 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* |
| Students, parents or staff  (other than the  Headteacher) | The Headteacher | Chair of Governors or another non-staff  Governor nominated by the Chair |
| The Headteacher | The Chair of Governors | Governors’ Appeal  Panel appointed by the  Vice-Chair of Governors |
| A Governor or Governors  (other than the Chair of Governors) | The Chair of Governors | Governors’ Appeal  Panel appointed by the  Vice-Chair of Governors  (or the Clerk to  Governors if the matter relates to the Vice-Chair of Governors) |
| The Chair of Governors (or a group of Governors  including the Chair of  Governors) | The Vice Chair of  Governors or another non-staff Governor  (other than the Chair of  Governors) nominated by the Clerk to  Governors | Governors’ Appeal  Panel appointed by the  Vice-Chair of Governors  (or the Clerk to  Governors if the matter relates to the Vice-Chair of Governors) |
| 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:

1. Request an independent investigation be carried out into the allegationsmade 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;

1. Make a recommendationthat the employee who has raised the grievance attend independent mediation with any other party who is the subject of the grievance;
2. Recommend any other reasonable course of action.

4.3 Nothing in this Paragraph 4 shall prejudice MSM‘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 MSM) and submit it to 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.

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 to solely 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 procedure 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.

7.4 Your companion can address the Resolution Meeting in order to:

1. put your case;
2. sum up your case; and
3. respond on your behalf to any view expressed at the Resolution Meeting.
   1. Your companion can also confer with you during the meeting.
   2. Your companion has no right to:
4. answer questions on your behalf;
5. 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 MSM to a date or time agreed with your companion, provided that it is reasonable in all the circumstances.

## 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, MSM 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.

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 MSM 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.

9.3 be held after the end of the MSM school day.

9.4 not be held on days on which you would not ordinarily work.

## 10. VENUE FOR RESOLUTION MEETINGS

If your grievance raises sensitive issues, the relevant Resolution Manager may hold the meeting off the MSM site.

## 11. ASSISTANCE

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

11.2 In all cases MSM 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. You will not be allowed to raise the same matter under both procedures.

## TEMPLATE LETTERS

1. From Clerk on receipt of form GRP1

1. From Stage 1 Resolution Manager arranging resolution meeting

1. Stage 1 Resolution Letter

1. From Clerk on receipt of form GRP2

1. From Stage 2 Resolution Manager arranging resolution meeting

1. Stage 2 Final Resolution Letter

## FROM CLERK ON RECEIPT OF FORM GRP1

Dear [ ]

### Receipt of Form GRP1

Thank you for sending me your Form GRP1.

In accordance with the MSM Grievance Resolution Policy and Procedure (a copy of which is attached), I have formally appointed [NAME] as the Stage 1 Resolution Manager.

[As the subject matter of your complaint touches the religious character of the

School, I have forwarded a copy to the Diocesan Schools Commission.]

[As the subject matter of your complaint concerns a child protection issue, I have forwarded a copy to the Designated Person for Child Protection.]

Yours sincerely

**[ ]**

#### Clerk to the Governors

Enc. Grievance Resolution Policy and Procedure cc. [Stage 1 Resolution Manager]

## FROM STAGE 1 RESOLUTION MANAGER ARRANGING RESOLUTION MEETING

Dear [ ]

### Stage 1 Resolution Meeting

The Clerk to Governors has forwarded to me your MSM Form GRP1, which I received [today][DATE].

I am inviting you to attend a Resolution Meeting with [me] [the whole body of governors as your grievance is against a decision we have taken collectively] on [DATE] at [TIME].

[Due to the sensitivities around your complaint, I have arranged to see you off site at [VENUE] OR [The meeting will be held at School in [LOCATION]].

You may be accompanied at the meeting by either:

1. a work colleague not otherwise involved in the complaint and who

is willing to attend; or

1. an accredited trade union representative of a union recognised by the School.

If you have not indicated this on your MSM Form GRP1, please let me know as soon as possible who you intend to bring as your companion at least one working day before the meeting.

The purpose of the meeting is for me to see if your grievance can be resolved.

Yours sincerely

**[ ] [Headteacher] [Chair of Governors] [Vice Chair of Governors] [Governor] [The Chair of Governors on behalf of the full Governing Body] Stage 1 Resolution Manager**

cc. Clerk to Governors

## STAGE 1 RESOLUTION LETTER

Dear [ ]

### Resolution Letter

I write further to our meeting on [DATE].

I have read the following documents:  Your MSM Form GRP1

 [INSERT OTHER DOCUMENTS]

I have spoken with the following people:

 [INSERT]

I have considered your proposed resolution.

I have decided that:

 [INSERT]

If you disagree with this decision, you should formally appeal by completing MSM Form GRP2 and sending it to the Clerk to Governors within five working days of this letter.

If you are content with my decision, a report of your grievance and the outcome will be presented to the non-staff Governors at a full meeting as a confidential item once any related procedures have been completed.

Yours sincerely

**[ ] [Headteacher] [Chair of Governors] [Vice Chair of Governors] [Governor] [The Chair of Governors on behalf of the full Governing Body] Stage 1 Resolution Manager**

cc. Clerk to Governors

## 4. FROM CLERK ON RECEIPT OF MSM FORM GRP2

Dear [ ]

### Receipt of MSM Form GRP2

Thank you for sending me your MSM Form GRP2 appealing against the Resolution Letter dated [DATE] from [NAME].

In accordance with the MSM Grievance Resolution Procedure, I have formally appointed [NAME] as the Stage 2 Resolution Manager(s).

Yours sincerely

**[ ]**

**Clerk to the Governors**

cc. [Stage 2 Resolution Manager]

## 5. FROM STAGE 2 RESOLUTION MANAGER ARRANGING RESOLUTION MEETING

Dear [ ]

### Stage 2 Resolution Meeting

The Clerk to Governors has forwarded to me your MSM Form GRP2, your MSM Form GRP1 and your Stage 1 Resolution Letter, which I received [today][DATE].

I am inviting you to attend a Resolution Meeting with me [and [NAME], the other members of the MSM Governors’ Appeal Panel] on [DATE] at [TIME].

[Due to the sensitivities around your complaint, I have arranged to see you off site at [VENUE] OR [The meeting will be held at School in [ROOM]].

You may be accompanied at the meeting by either:

1. a work colleague not otherwise involved in the complaint and who

is willing to attend; or

1. an accredited trade union representative of a union recognised by MSM.

(c)

Please let me know as soon as possible who you intend to bring as your companion at least one working day before the meeting.

The purpose of the meeting is for me to see if your grievance can be resolved.

Yours sincerely

**[ ] [Chair of Governors] [Governor] [Chair of Governors’ Appeal Panel]**

**Stage 2 Resolution Manager**

cc. Clerk to Governors

## 6. STAGE 2 FINAL RESOLUTION LETTER

Dear [ ]

### Final Resolution Letter

I write further to our meeting on [DATE].

I/We have now read the following documents:

* Your MSM Form GRP1
* Your MSM Form GRP2
* The Resolution Letter
* [INSERT OTHER DOCUMENTS]

I/We have spoken with:

* [INSERT]

I/We have considered your proposed resolution.

I/We have decided that:

* [INSERT]

This decision is final and there is no further right of appeal.

A report of this grievance will be presented to the non-staff members of the full MSM Governing Body as a confidential item once any related procedures are completed.

Yours sincerely

**[ ]**

#### [Chair of Governors] [Governor] [Chair of Governors’ Appeal Panel] Stage 2 Resolution Manager

cc. Clerk to Governors

**MOUNT ST MARY’S CATHOLIC HIGH SCHOOL**

**GRIEVANCE RESOLUTION POLICY AND PROCEDURE**

**FORM GRP1 NOTIFICATION OF FORMAL GRIEVANCE TO THE CLERK TO GOVERNORS**

|  |  |  |
| --- | --- | --- |
| **Submitted by** | **Name:** |  |
| **Job Title:** |  |

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

|  |
| --- |
|  |

Parents

|  |
| --- |
|  |

Students

|  |
| --- |
|  |

Staff (other than the Headteacher)

|  |
| --- |
|  |

Headteacher

|  |
| --- |
|  |

A Governor

|  |
| --- |
|  |

The Chair of Governors

|  |
| --- |
|  |

The Governors as a whole

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

|  |  |
| --- | --- |
| 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: |

|  |  |
| --- | --- |
| 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. |

|  |  |
| --- | --- |
| 10. | My grievance does/does not\* include a complaint that raises a child protection issue. |

|  |  |
| --- | --- |
| 11. | I will/will not\* need special help at my Resolution Meeting. |

|  |  |
| --- | --- |
| 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 MSM 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 the GRP1 may be forwarded to the Diocesan Schools Commission and to the Designated Person for Child Protection. 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*

**MOUNT ST MARY’S CATHOLIC HIGH SCHOOL**

**GRIEVANCE RESOLUTION POLICY AND PROCEDURE**

**FORM GRP2**

**NOTIFICATION OF APPEAL AGAINST GRIEVANCE RESOLUTION**

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

14. 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

|  |  |
| --- | --- |
| 15. | I disagree with the Stage 1 Resolution Letter because: |

|  |  |
| --- | --- |
| 16. | I want the Stage 2 Resolution Manager to: |

|  |  |
| --- | --- |
| 17. | I will/will not\* need special help at the Stage 2 Resolution Meeting. |

|  |  |
| --- | --- |
| 18. | My companion at the Stage 2 Resolution Meeting will be: |

|  |  |
| --- | --- |
| 19. | My companion cannot attend a Resolution Meeting on the following dates/times:       |

|  |  |  |  |
| --- | --- | --- | --- |
| |  | | --- | |  |   **Signed:**   |  | | --- | |  |   **Print name:**   |  | | --- | |  |   **Date:** |

OFFICE USE ONLY

Received by Clerk to Governors on:

Stage 2 Resolution Manager:

Received by Stage 2 Resolution Manager:

Resolution Meeting held:

*\* delete as appropriate*