



Grievance Policy Review 2019/2020 – Outline of Changes

Revised grievance policies for English and Welsh school and academy staff have now been published on the CES website. The policies underwent a thorough review process including updating for changes in the law and practice, consultation with National Trade Union Representatives, and then subsequent amendment before final publication.

The table below provides an outline of the key changes that have been made to the policies. It does not list every change that has been made and it is not a substitute for reading the new policies carefully. The first part of the table covers changes that apply to the policies generally and includes all changes to the policies for schools. All paragraph numbers listed are the paragraph numbers in the Schools – England – model policy. The second section covers changes that apply only to the academies version of the policy. These changes have generally been made alongside the changes listed in the first part of the table.

It should be noted that the policies are models. In response to feedback, they are available in fully amendable word format and schools should take appropriate legal and/or HR advice where substantive changes to the models are made. Schools should also engage in local consultation before any revised policy is adopted and issued to staff.

Change	Comment
The definition of Companion has been changed.	This definition now includes explicit reference to a trade union official in order to follow the appropriate legislation.
The definition of Headteacher has been changed.	The previous definition was somewhat unclear, and it has been amended to rectify that.
All references to School Days/School Week have been replaced by Working Day and Working Week and where there was no definition of School Days and School Week, Working Day and Working Week have been inserted.	This change has been made to provide consistency across the model policies. It will also make it easier for the employee and the employer to establish what the appropriate timescales are for the various stages of the grievance process.
At Paragraph 1.4 we have inserted: “new working practices, working environment, organisational change”.	This change has been made to reflect the wording found in the ACAS guidance following a request from National Trade Union Representatives.
At Paragraph 1.5(a) we have inserted: “unless your complaint relates to the fair implementation of such procedure or process”.	This change has been made following consultation with National Trade Union Representatives. It serves to clarify the limited scope in which the grievance policy can be used to review action taken pursuant to other employment policies and procedures. This also helps to clarify the interaction between this policy and other policies.

At Paragraph 1.5(h) we have inserted: “unless your complaint relates to the fair implementation of such process”.	This change has been made following consultation with National Trade Union Representatives. It serves to clarify the limited scope in which the grievance policy can be used.
At Paragraph 1.6 we have included a reference to the Data Protection Act 2018.	This change has been made to reflect the current legislative regime governing data protection.
At Paragraph 1.13 we have inserted: “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 employees.”	This change has been made following consultation with National Trade Union Representatives. The new wording seeks to remind employers that there may be circumstances in which adjustments need to be made to the grievance procedure.
At Paragraph 1.14 we have inserted: “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.”	This change has been made following consultation with National Trade Union Representatives. The revised wording follows the ACAS guidance and it also ensures that the grievance policy is consistent with the disciplinary policy.
At Paragraph 2.2 we have inserted reference to the Headteacher here.	This change was made following consultation with National Trade Union Representatives. This change has been made to make it clear that informal resolution can be sought with the Headteacher, even if they are not the individual’s line manager.
At Paragraph 2.4 we have inserted: “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”.	This change was made following consultation with National Trade Union Representatives who suggested that employees should be required to state what resolution they are looking for when informal resolution is sought.
At Paragraph 2.5 we have inserted: “Following an informal resolution meeting, you will be provided with a note of the meeting and you will	This change was made following consultation with National Trade Union Representatives.

have an opportunity to provide written comments on the note of the meeting prior to it being included in your personnel file”.	
At Paragraph 3 we have replaced the words “where possible” with “apart from in exceptional circumstances”.	This change was made following consultation with National Trade Union Representatives. The purpose of this change is to reflect the importance of the Resolution Manager not being someone personally involved in the matter, in order to maintain the integrity of the process.
At Paragraph 5.1.1 we have inserted: “the clerk will acknowledge receipt of your Form GRP1 within 3 Working Days of receipt by the Clerk” (similar wording has also been inserted at Paragraph 5.2.1)	This change was made following consultation with National Trade Union Representatives. The purpose of this change is to provide clarification as to when acknowledgement of receipt will be provided.
At Paragraph 5.1.5 we have inserted: “you will be provided with a copy of the notes from the Stage 1 Resolution Meeting with the Stage 1 Resolution Letter”.	This change was made following consultation with National Trade Union Representatives.
At Paragraph 5.1.4 we have inserted: “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.	This change was made following consultation with National Trade Union Representatives. The purpose of this change is to clarify for employees what the potential outcomes of a Stage 1 Resolution Meeting are.
At Paragraph 5.2.4 we have inserted: “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 will be taken; or b) Your appeal is not upheld.	This change was made following consultation with National Trade Union Representatives. The purpose of this change is to clarify for employees the potential outcomes of a Stage 2 Resolution Letter.
At Paragraph 6.2 we have inserted the word “exceptional”.	This change has been made following consultation with National Trade Union Representatives. The purpose of this change is to clarify that only in exceptional circumstances will there be insufficient governors.
At Paragraph 7.1 we have made it clear that a Companion can attend any meeting called pursuant to the policy.	This change was made following consultation with National Trade Union Representatives in order to add clarity for employees.
At Paragraph 9.1 we have inserted: “the aim is that meetings under this Procedure will be held at mutually convenient times but depending on the circumstances may;”	This addition was made to make this policy consistent with the other CES model policies.
At Paragraph 9.2 we have inserted: “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”.	This change has been made to add clarity and to make this policy consistent with the other model policies.

<p>At paragraph 12 we have inserted: “if the Resolution Manager believes the grievance is false, malicious or vexatious, a new investigation under the School’s 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.”</p>	<p>This change was made following consultation with National Trade Union Representatives. The aim of this wording is to provide clarity for employees and to ensure that they are aware of the potential consequences of bringing a false, malicious or vexatious grievance.</p>
<p>At Paragraph 14, under protection from victimisation we have inserted the following: “This Grievance Policy and Procedure allows staff to seek to resolve grievances without fear of reprisal, victimisation, or disadvantage.”</p>	<p>This change was made following consultation with National Trade Union Representatives. This change has been made to clarify that when an employee uses the grievance policy and procedure they should not fear reprisal, victimisation or disadvantage.</p>
<p>Appendix 1 and 2 We have included forms GRP1 and GRP2 as appendices to the policy.</p>	<p>This change was made following consultation with National Trade Union Representatives whose view was that these documents should be included with the policy for ease of reference.</p>
Academies	
<p>We have removed all reference to Principal and replaced it with the term Headteacher.</p>	<p>This change has been made to ensure continuity across CES employment policies and procedures.</p>
<p>At paragraph 3 we have inserted the following user note: “[Please make sure that specific attention is paid to this table in order to ensure that it fits with your governance structures and adapt it accordingly. This table has been drafted on the basis that the employment function will be conducted at Board level]”.</p>	<p>This change has been made to ensure that users consider how the table of Resolution Managers will apply in their specific governance structure prior to adopting the policy.</p>

Catholic Education Service

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