



## **CST GRIEVANCE RESOLUTION POLICY AND PROCEDURE**

### **SCOPE OF PROCEDURE**

- 1.1 This Grievance Resolution Policy and Procedure applies to all CST employees. The purpose of the policy is to provide a structure to address and resolve any grievance that employees may have relating to their work in CST, CST Professional Development and National Teacher Accreditation (NTA).
- 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.);
  - (b) appeal against any formal or informal disciplinary sanction;
  - (c) appeal against any decision to terminate 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;
  - (f) complain about or appeal against any decision relating to pension benefits;
  - (g) complain about any matter that forms a collective grievance, i.e. affects all staff;
  - (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 CST;
  - (j) complain about matters which are more than three months old (though this shall not prevent the complainant referring to matters more than three months old in relation to a grievance which is otherwise live).
- 1.3 The primary purpose of this procedure is to resolve *current* grievances. The primary purpose is not to make findings of fact on historical matters (although this may be required in resolving some grievances).
- 1.4 The focus is on the remedial steps required to resolve a grievance relating to a particular person.

September 2018

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VAT Registration Number 270 0880 18

CST Registered Office; George Spencer Academy, Arthur Mee Road, Stapleford, Nottingham NG9 7EW - Tel 0115 917 0142



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1.5 Where an employee has ceased to be an employee (for whatever reason), CST 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. Notice periods and garden leave are regarded as periods of employment.

### **INFORMAL RESOLUTION**

Before raising a formal grievance under this procedure, the member of staff should try to resolve the matter informally with the other party, either directly or through the Executive Officer or the Chief Executive Officer if the grievance is about the Executive Officer. If the Chief Executive Officer is the subject of the grievance, then the member of staff should try to resolve the matter informally with the Chief Executive Officer, supported if necessary by a trustee acting as mediator.

Where the involvement of the Executive Officer/Chief Executive Officer/Chair of the Governance and Compliance Committee has been sought, it may be necessary to investigate the grievance in order to seek to resolve it. As part of this process, the Executive Officer/Chief Executive Officer/Chair of the Governance and Compliance Committee may:

- Determine that an independent investigation be carried out into the allegations made by the employee and determine who should undertake that investigation.
- 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.
- Recommend any other reasonable course of action.

### **FORMAL GRIEVANCE**

#### **1.6 Stage 1**

1.6.1 If the complainant has not been able to resolve a problem through informal discussions in accordance with section 2, the complainant must put their grievance in writing and submit it to the Executive Officer in the first instance, unless the grievance relates to the Executive Officer in which case the grievance should be addressed to the Chief Executive Officer. If the grievance is about the Chief Executive Officer, it should be addressed to the Chair.

1.6.2 The Executive Officer (or Chief Executive Officer/ Chair) will arrange to meet with the complainant as soon as possible to discuss the grievance. This meeting will normally be held within 10 working days of the grievance being received in writing.

1.6.3 The Executive Officer (or Chief Executive Officer/Chair of the Governance and Compliance committee) will confirm the outcome of the Stage 1 Resolution

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Meeting in writing to the complainant within 5 working days of the date of the meeting.

### 1.7 Stage 2

- 1.7.1 In the event that the complainant is not satisfied with the outcome of the meeting as set out in the letter, the complainant can appeal within 5 working days of the letter being sent. The complainant should put their appeal in writing to the Chair of the Board of Trustees.
- 1.7.2 The Chair will appoint a Panel of Trustees not previously involved in the matter to meet with complainant as soon as possible to hear the appeal. This meeting will normally be held within 10 working days of receiving the appeal.
- 1.7.3 The Panel of Trustees will confirm the outcome of the second meeting in writing to the complainant within 5 working days of the date of the meeting. The decision of the Panel is final and there will be no further right of appeal.

### REPRESENTATION

- 1.8 If the complainant is involved in making a grievance at stage one or stage two leading to a meeting within this policy, the complainant may be accompanied at such interview or meeting by a Trade Union representative, friend or companion.
- 1.9 The complainant must let the Chief Executive Officer/ Chair of the Governance and Compliance Committee know who their representative will be at least one working day before any interview or meeting.
- 1.10 If the complainant has any particular reasonable need, for example, because a disability, the complainant can also be accompanied by a suitable helper.
- 1.11 The complainant's representative can address the relevant interview or meeting in order to:
- (a) put the complainant's case
  - (b) sum up the complainant's case
  - (c) respond on the complainant's behalf to any view expressed at the relevant interview or meeting; and
  - (d) ask questions on the complainant's behalf

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- 1.12 The complainant's representative can also confer with complainant during the relevant interview or meeting.
- 1.13 The complainant's representative has no right to:
- (a) answer questions on behalf of the complainant;
  - (b) address the relevant interview or meeting if the complainant does not wish it; or
  - (c) prevent the complainant from explaining their case.
- 1.14 Where the complainant has identified a representative and they have confirmed in writing to the Chief Executive Officer/Chair of the Governance and Compliance Committee that they cannot attend the date or time set for the relevant interview or meeting, it will be postponed for no more than five working days from the date set to a date or time agreed with the complainant's representative provided that it is reasonable in all the circumstances. Should the complainant's representative subsequently be unable to attend the rearranged date, the meeting may be held in their absence or written representations will be accepted.
- 1.15 Such meetings will not normally be arranged for days when the complainant is not in work. If the allegations are sensitive the relevant Manager may hold the interview or meeting away from the workplace.

### **CONFIDENTIALITY AND TRANSPARENCY**

- 1.16 Proceedings and records of any grievance will be kept as confidential as possible but circumstances can mean that grievances cannot always be dealt with on an entirely confidential basis.
- 1.17 A grievance could result in the instigation of disciplinary action in respect of another employee and, to protect the confidentiality of that process, CST may not be able to inform the complainant of the fact of the disciplinary process or of any disciplinary action which has been taken as a result of the grievance.
- 1.18 The complainant should not disclose the fact or content of any grievance to any employee or third party (except their representative).

### **FALSE, VEXATIOUS OR MALICIOUS GRIEVANCES**

- 1.19 The definition of unreasonably persistent behaviour is 'done repeatedly or as a habit'. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant.'

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1.20 In order to counter this, we reserve the right to refuse to investigate persistent and/or vexatious grievances.

1.21 Such grievances may result in disciplinary action under the Disciplinary Policy.

### **PUBLIC INTEREST DISCLOSURE/WHISTLEBLOWING**

1.22 A grievance may, in certain cases, amount to a protected disclosure under the Employment Rights Act. If the complaint is deemed to be a protected disclosure, then the Whistleblowing Policy will be followed. The complaint will then *not* be pursued under the Grievance Polity.

1.23 In complex cases, it may be that some parts of the complaint meet the threshold of a public disclosure and other parts do not. In this instance, the Chair of the Governance and Compliance Committee will be put in writing to the complainant, which parts of the complaint will be dealt with under the Whistleblowing policy and which parts will be dealt with under the Grievance policy. The same matter/s cannot be considered under both policies.

### **REVIEW**

This procedure may from time to time be reviewed and amended or updated in the light of working experience, employment law and case law and the circumstances of the Company. An up-to-date copy will be retained in the workplace for the perusal of all staff.

Authorised signatory

Date 21 September 2018; Revised 2 November 2018

Date of review: July 2019

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