



# GRIEVANCE POLICY

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<b>THIS POLICY DOES NOT CREATE ANY CONTRACTUAL OBLIGATIONS ON OUR LADY IMMACULATE CATHOLIC ACADEMIES TRUST</b>			

## DEFINITIONS

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

- i. 'Trust' means the schools and academies who form part of Our Lady Immaculate Catholic Academies Trust named at the beginning of this Grievance Policy and Procedure and includes all sites upon which the Trust undertaking is, from time to time, being carried out.
- ii. Our Lady Immaculate Catholic Academies Trust is responsible for the management of the academies/schools and, for all purposes, means the employer of staff at the academies/schools. The Trust also employs staff working directly to the Strategic Executive Lead (SEL) of the Trust.
- iii. 'Trust Board' means the body carrying out the employment functions of the Trust and such term may include the Board and/or a Local Academy Committee of the Trust.
- iv. 'Chair' means the Chair of Trust Board, or the Chair of the Local Academy Committee appointed from time to time.
- v. 'SEL' means the Trust Strategic Executive Lead within whose role contains those duties of the Chief Executive Officer (CEO).
- vi. 'Directors' mean Directors appointed to the Trust Board.
- vii. 'Companion' means a willing work colleague not involved in the subject matter of the grievance brought under this Grievance Policy and Procedure, or an accredited Trade Union representative or other professional association of which the employee is a member, who should be available for the periods of time necessary to meet timescales under this Grievance Policy and Procedure.
- viii. 'Diocesan Schools Commission' means the education service provided by the diocese, which may also be known, or referred to, as the Diocesan Education Service.
- ix. 'Local Academy Committee Representatives' (LAC) means the Local Academy Committee representatives/members appointed and elected to carry out specified functions delegated by the Trust in relation to each of the schools/academies, from time to time.

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- x. '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.

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 in Paragraph 3 depending on the subject matter of the grievance.

- xi. 'Vice-Chair' means the Vice-Chair of the Trust Board, or the Vice-Chair of the Local Academy Committee appointed from time to time, as appropriate.
- xii. Working Day means any day on which you would normally work if you were a full-time employee; '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 Policy and Procedure.

## 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 Trust and you are an employee or worker at the Trust (hereinafter referred to as an "employee" or "you").
- 1.2 The Trust 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 through the Trust community which includes all of the academies that form part of the Trust.
- 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 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 1.5 below as falling into 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;

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- (c) appeal against any decision to terminate your employment whether on grounds of ill health, incapacity, redundancy, 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 Trust's Pay Policies (teachers and support staff);
  - (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 Trust, such as the Trust'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 appropriate authority as specified in the Trust'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 Regulations (GDPR) and the Data Protection Act 2018.
- 1.7 The primary purpose of this procedure is to resolve current grievances.
- 1.8 The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievances).
- 1.9 The Trust's focus will, at all times, be on the remedial steps required to resolve a grievance.
- 1.10 The Trust does not speak of grievances being "against" any particular person but rather of grievances "relating" to a particular person.
- 1.11 The Trust shall seek to resolve any grievance raised by an employee during their notice period and/or garden leave period, using this policy.

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- 1.12 There may be occasions where this procedure needs to be modified to comply with the requirements of the Trust's Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer (LADO) to offer advice to the Trust at appropriate stages, or where an employee has a disability which means that reasonable adjustments need to be made to this procedure. Where the Trust's 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.
- 1.13 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 Trust's Disciplinary Policy and Procedure. This shall not lead to any automatic delay or pause in the conduct of any matters under the Trust'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 SEL, will meet to discuss whether or not the Trust'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 SEL (as appropriate) and their decision shall be final.
- 1.14 If the grievance relates to another colleague within the Trust, the member of staff who has a grievance taken out in relation to them will be offered a companion (section 7). The companion must comply with the requirements of section 8 – Confidentiality.
- 1.15 The Trust delegates its authority in the manner set out in this procedure

## 2. INFORMAL RESOLUTION

- 2.1 The Trust encourages employees to resolve grievances informally and without recourse to the formal grievance 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 or, where possible, with the other party. You may choose to have a 'third party' present to facilitate discussions.
- 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, 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 in 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

- 3.1 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.
- 3.2 In all cases, advice from the Trust HR Director must always be sought and it is the responsibility of the Chair of the Trust Board and Trust HR Director to coordinate arrangements for any Trust Board Panels including Appeals.
- 3.3 Directors or Local Academy Committee members must declare any conflicts of interest, which may result in the process eligibility. The Local Academy Committee or Trust may call upon reciprocal arrangements with other Diocesan Catholic schools or Multi-Academy Trusts to provide panel members.
- 3.4 On occasions, to preserve objectivity, other Headteachers and/or senior Trust staff may need to be supplemented onto a Panel if a Panel member has already been involved with the case

<b><i>Grievance relates to</i></b>	<b><i>Stage 1 Resolution Manager</i></b>	<b><i>Stage 2 Resolution Manager (Appeal)</i></b>
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Pupils, parents or staff  (other than the Headteacher)	The Headteacher (or a member of the school's SLT as nominated by the Headteacher)	Trust SEL and 1 Director of the Trust Board <i>(Chair of the Local Academy Committee may be in attendance in an advisory capacity)</i> Headteacher and Trust HR Director will be in attendance
The Headteacher	Trust senior post holder <i>(appointed by Trust SEL)</i> and Trust HR Director	Trust SEL and 1 Director of the Trust Board <i>(Chair of the Local Academy Committee may be in attendance in an advisory capacity)</i> Trust HR Director will be in attendance
A Local Academy Committee Member or Members <i>(other than the Chair of the Local Academy Committee)</i>	Chair of the Local Academy Committee and a Director of the Trust Board	Panel of Trust Board Directors <i>(no more than 3 Directors)</i> appointed by the Vice Chair of the Trust Board
Chair of the Local Academy Committee <i>(or a group of LAC Members including the Chair of the LAC Committee)</i>	Vice Chair of Trust Board and one other Director of the Trust Board <i>(other than the Chair of the Trust Board) r</i>	Panel of Trust Board Directors <i>(no more than 3 Directors)</i> appointed by the Chair of the Trust Board
Whole Local Academy Committee	Vice Chair of Trust Board and one other Director of the Trust Board <i>(other than the Chair of the Trust Board)</i>	Panel of Trust Board Directors <i>(no more than 3 Directors)</i> appointed by the Chair of the Trust Board
<b><i>Grievance relates to</i></b>	<b><i>Stage 1 Resolution Manager</i></b>	<b><i>Stage 2 Resolution Manager (Appeal)</i></b>
Trust member of staff	Trust senior post holder <i>(appointed by Trust SEL)</i> and Trust HR Director	Trust SEL and Trust HR Director
Director of the Trust (including the Trust SEL)	2 Trust Board Directors <i>(nominated by the Chair of the Trust Board)</i>	Chair of the Trust Board plus 2 Directors <i>(not previously involved).</i>

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Whole of the Trust	A nominated Diocesan body	A nominated Diocesan body
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#### 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 grievance (see Annex 1) and/or their appeal against the grievance resolution outcome (Annex 2) or as a result of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting. Annexes 1 and 2 provide template forms for an employee to use for either submitting a notification of formal grievance or to appeal against a grievance resolution outcome, however, use of these forms is not obligatory.
- 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 (and after consulting with both the Trust HR Director and SEL) either:
- (a) request an independent investigation be carried out into the allegations made by the employee in their grievance and/or appeal against grievance outcome or, as a result of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting. The Trust HR Director will appoint the independent investigator within 5 working days of a request by the Resolution Manager or;
  - (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 or;
  - (c) recommend any other reasonable course of action.
- 4.3 Nothing in this Paragraph 4 shall prejudice the Trust'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 submit a formal grievance. This can either be submitted in writing or using the form available at Annex 1 - Notification of formal grievance form. If you submit your grievance in writing it must detail your grievance, how you've attempted to resolve your grievance informally (and if not, why not) and what resolution you are seeking. Your grievance must be submitted to the Trust HR Director.
- 5.1.2 The Trust HR Director 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

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normally be held within 10 working days of the Stage 1 Resolution Manager receiving your formal grievance from the Trust HR Director. 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 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") 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.

Copies of all correspondence must be forwarded to the Trust HR Director and advice sought where appropriate.

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.

## 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 either submitting a formal written appeal or by sending a completed Appeal against Grievance Resolution Outcome form (see Annex 2) to the Trust HR Director within 5 working days of the Stage 1 Resolution Letter being sent to you. The appeal will usually only be considered on the following grounds:

- procedural irregularity i.e., grievance procedure was not followed;
- new evidence is being submitted;
- relevant evidence was not taken into account.

5.2.2 The Trust HR Director 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 hear your appeal. This meeting is a Stage 2 Resolution Meeting and it will normally be held within 10 working days of receiving your appeal from the Trust HR Director. 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 (Appeal) in writing to you within 5 working days of the date of the Stage 2

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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 will be 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. TRUST BOARD DIRECTORS’ APPEAL PANEL**

- 6.1 The Trust Board Directors’ Appeal Panel shall comprise of two or three Directors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of Directors not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to a Trust Board Directors’ Appeal Panel.
- 6.2 In the event that there are insufficient numbers of Directors available to participate in the Trust Board Directors’ Appeal Panel, the Trust Board may appoint associate members to solely participate in the Trust Board Directors’ Appeal Panel on the recommendation of a nominated Diocesan body.
- 6.3 In all cases, advice from the Trust HR Director must always be sought and it is the responsibility of the Chair of the Trust Board and Trust HR Director to coordinate arrangements for any Trust Board Panels including Appeals.

## **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. (see Definition).
- 7.2 You must inform 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 meeting in order to:
  - (a) put your case;
  - (b) sum up your case; and
  - (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) answer questions on your behalf;
  - (c) address the meeting if you do not wish it; or
  - (d) prevent you from explaining your case.

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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 Trust to a date or time agreed with your Companion provided that it is reasonable in all the circumstances. 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 Any party that raises a grievance under this procedure cannot be guaranteed anonymity. The Trust does not tolerate any form of harassment, bullying or victimisation. Any such behaviour will not be tolerated and will be managed under appropriate procedures.

8.3 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 Trust 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.

8.4 The parties should not disclose the facts 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 Trust's Disciplinary Policy and Procedure.

8.5 At the conclusion of your grievance, and after any related disciplinary or other processes have been completed, a report may be presented to the Local Academy Committee and Trust Board (where appropriate) as a confidential item.

## **9. TIMING OF MEETINGS**

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

- a. need to be held when you are 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 this is appropriate to your role);
- c. 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 including Trust offices or another school.

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## **11. ASSISTANCE**

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

11.2 In all cases the Trust may seek assistance from the Diocesan Trusts 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. If the Resolution Manager believes the grievance is false, malicious, or vexatious a new investigation under the Trust 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.

If two or more complaints are submitted from the same person about the same issue, the Trust retains the right to either request further evidence or decide not to pursue the complaint and there will be no further right of appeal.

## **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 Trust's Public Interest Disclosure Policy and Procedure for further details). You will not be allowed to raise the same matter under both policies.

## **14. PROTECTION FROM VICTIMISATION**

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

## **15. REVIEW OF THIS PROCEDURE**

This policy has been developed utilising a template policy and procedure produced by the Catholic Education Service (CES) for use in Catholic Voluntary Aided Trusts and Academies in England, amended in September 2013, updated in June 2016, May 2018, October 2020 and May 2022 following consultation with the national trade unions.

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