

Catholic Education Service of England and Wales Policies Summary

The Catholic Education Service of England and Wales (CESEW) publishes five policies for teachers:

- Appraisal;
- Capability;
- Disciplinary;
- Grievance;
- Managing Staff Attendance.

The first four policies have been consulted on recently (in 2020) with the NASUWT. However, they have not been agreed because they do not meet the Union's minimum expectations. The Sickness Absence Policy was last consulted on in 2018 and an update has been sent to unions for consultation in February 2021. The CESEW is not an employer and therefore the policies must be negotiated locally before adoption by an employer, whether an academy trust or a voluntary-aided school.

Please see below a summary of key reasons why the CESEW policies are not compliant with the NASUWT checklists. Please note that this does not include all the areas of concern; in particular, those relating to casework support.

Many voluntary-aided schools and academies follow local authority policies. It is important that the adoption of CESEW policies does not put NASUWT members at a detriment with the established/current policy. Given that there are only five policies, schools may continue to use local authority policies for other matters; for example Pay, Flexible Working, or Dignity at Work. Consideration should be given to whether the CESEW policies fit in with the suite of policies used by the school.

Appraisal Policy

NASUWT Checklist	CESEW Policy
A limit of three objectives.	No limit to objectives.
A requirement to agree objectives.	'Seek to agree' objectives; however, the appraiser makes the final decision.
A limit of three observations for no longer than three hours.	No limit on the number or frequency of observations.
The evidence required for successful appraisal should be agreed in the planning meeting.	A wide variety of evidence can be used, including assessment results and relationships with colleagues and parents. 'Where possible', the evidence should be agreed.
A capability process cannot be invoked in the appraisal procedure.	A capability process can be invoked by the line manager during the appraisal process.

Improvements to the 2020 policy gained through consultation with the NASUWT:

The Appraisal planning meeting should involve a professional dialogue.

The Teachers' Standards should not be used as a checklist.

Appraisers will include a review of the teacher's workload in the report.

Capability Policy

NASUWT Checklist	CESEW Policy
Capability can only be invoked where there is clear, triangulated evidence of sustained underperformance that the appraisal procedure has failed to address following an informal process.	The policy can be invoked by the Governors or their delegate at any stage deemed appropriate, although the expectation is that it will only be invoked after the procedure set out in the Appraisal Policy and Procedure has been fully exhausted.
The minimum time required to complete the Capability procedure is 26 weeks.	Less than 16 weeks is required to complete the Capability procedure.

Improvements to the 2020 policy gained through consultation with the NASUWT:

Previously a headteacher, chair or CEO could dismiss an employee. The new scheme of delegation specifies a panel. Please note that schemes of delegation are often amended by trusts and schools.

Disciplinary Policy (Please note the Wales Disciplinary Policy is awaiting further consultation)

NASUWT Checklist	CESEW Policy
Minor complaints should be expunged from the record if not proven.	A line manager may give informal advice and guidance which is noted on the employee's record for six months. This may be referred to at a later stage. The employee may comment but may not appeal or take out a grievance against such informal action.
Sanctions: Verbal/recorded warning – 3 months First written warning – 6 months Final written warning – 12 months	Sanctions: First written warning – 6 months Final written warning – 12 months
Documentation for a hearing should be provided 10 days before the hearing.	Documentation for a hearing should be provided 5 days before the meeting.
The timescale for the appeal is 10 days.	The timescale for the appeal is 20 days.
The policy will be monitored by unions within a certain timescale.	The policy will be reviewed by the CESEW in 2022/23.
The policy should be monitored to ensure consistency of application and adherence to equalities legislation.	The school/trust is committed to promote equality of opportunity and eliminate unlawful discrimination; however, there is no commitment to monitor the outcomes of the policy under the Public Sector Equality Duty.

Improvements to the 2020 policy gained through consultation with the NASUWT:

The policy now includes a possible outcome of 'No case to answer', whereas previously the only outcome other than a sanction was 'insufficient evidence to substantiate the allegations'.

Sanctions: A written warning has changed from 12 months to 6 months, and a final written warning from 24 months to 12 months.

Previously, a headteacher, chair or CEO could dismiss an employee. The new scheme of delegation specifies a panel. Please note that schemes of delegation are often amended by trusts and schools.

Grievance Policy

NASUWT Checklist	CESEW Policy
Employees may raise a grievance about: Terms and Conditions of Employment; Health and Safety; Work Relations; Bullying and Harassment; New Working Practices; Working Environment; Organisational Change; Discrimination.	An employee may raise a grievance on the matters in the NASUWT checklist. However, the policy lists a number of reasons why an employee may not be permitted to take out a grievance; for example, if informal disciplinary advice is given by a line manager. This list is likely to discourage staff members from taking out a grievance to resolve a complaint.
Managers should be properly trained to deal with grievances.	No management training is required.
A collective grievance procedure.	There is no provision for collective grievance.
A provision to respond to post-termination grievances.	There is no provision for post-termination grievances.
The policy will be monitored in line with equalities legislation.	The policy is committed to promoting equality of opportunity and eliminating discrimination; however, there is no requirement to monitor this.

Improvements to the 2020 policy gained through consultation with the NASUWT:

The 2018 policy did not require the Grievance Manager to pronounce that the complaint had been upheld, partially upheld, or not upheld. Effectively, there was no clear conclusion to the process. An outcome is now required.

Managing Staff Attendance Policy

This policy is undergoing trade union consultation in February 2021.

NASUWT Checklist	CESEW Policy
At least two informal review meetings will take place before a formal meeting.	An informal stage is discretionary; the policy states that the school is not procedurally required to implement an informal approach.
The policy should promote a positive Health and Safety Culture which appreciates that from time to time employees become ill, through no fault of their own, and as a consequence may be unable to attend work. Warnings should not be given to employees for long-term absence.	Formal warnings/cautions are given for periods of absence.

NASUWT Checklist <i>(continued)</i>	CESEW Policy <i>(continued)</i>
Employers will make every effort to assist staff to fully recover and return to work, including by giving a commitment to phased return to work programmes. Phased returns to work will be from 4-6 weeks and employees will receive full contractual pay.	Although phased return is included in the policy, there are no time scales or a commitment to full contractual pay.
Sections relating to terminal illness, mental health, injury at work and infectious disease.	No reference to terminal illness, mental health, injury at work and infectious disease.
No employee will be dismissed on grounds of sickness absence without due warning and without following an agreed sickness procedure. All alternatives to dismissal will be thoroughly explored with the employees and their trade union.	Dismissal for long-term sickness could take place within 12 weeks (two stages of 4-12 weeks following a 4-week trigger period of absence).
Sickness absence levels will be annually reviewed and monitored and will be shared on an annual basis with trade unions.	No requirement for governors/trust to review absence data.