

**THE BLESSED EDWARD BAMBER CATHOLIC MULTI ACADEMY TRUST
GRIEVANCE RESOLUTION POLICY AND PROCEDURE**

1. SCOPE OF PROCEDURE

1. This Grievance Resolution Policy and Procedure is available to you if you work within the Trust, whatever your employment status.
2. 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;
 - (b) appeal against any formal disciplinary sanction;
 - (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 (please refer to the Managing Staffing Establishment Policy);
 - (e) complain about or appeal against any decision relating to pay or grading. Such matters are covered by the Trust's Pay Policy;
 - (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;
 - (i) Complain about matters which have been or should have brought under the Trust's Public Interest Disclosure/Whistleblowing policy and procedure or
 - (j) 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).
- 1.3 The Trust delegates its authority in the manner set out in this procedure.
- 1.4 The primary purpose of this procedure is to resolve current grievances.
- 1.5 The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievances).
- 1.6 The Trust's focus is on the remedial steps required to resolve a grievance.

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- 1.7 The Trust does not speak of grievances being “against” any particular person but rather of grievances “relating” to a particular person.
- 1.8 The Trust shall seek to resolve grievances raised by an employee during their notice period, using this procedure.
- 1.9 The Trust shall not seek to resolve grievances raised after an employee has ceased to be an employee, under this procedure.
- 1.10 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 to offer advice to the Trust and its officers at appropriate stages.
- 1.11 In this policy “working day” means any day on which you would ordinarily work. In other words it may be different for teaching and non-teaching staff. It will be different for full-time and part-time employees

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. In certain circumstances, the Trust may offer the opportunity for external mediation, if both parties are agreeable.

3. RESOLUTION MANAGERS

The Resolution Manager, where possible, should be someone not personally involved in the matter which is the subject of the grievance and will be appointed as follows on the basis of the subject matter of the grievance:

<i>Your grievance relates to</i>	<i>Stage 1 Resolution Manager</i>	<i>Stage 2 Resolution Manager</i>
Staff (other than the Headteacher)	The Headteacher	CEO/Executive Director
The Headteacher	CEO/Executive Director	Chair of the Board
CEO/Executive Director	Chair of the Board	Trust Appeal Panel
The Chair of the Board	The Vice Chair of the Board or a Panel of Trust Members appointed for this purpose, as appropriate.	Trust Appeal Panel
The Trust	The Trust	A panel appointed by the Diocesan Schools Commission

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4. FORMAL GRIEVANCE

1. Stage 1

- 1.1 If you have not been able to resolve a problem through informal discussions, you must submit details of your grievance in writing it to the Clerk to the Board.
- 1.2 A Resolution Manager will be appointed, following (wherever possible) the guidance in Paragraph 3 above.
- 1.3 The Resolution Manager will arrange to meet with you as soon as possible, normally within ten working days of receiving your written notice of grievance from the Clerk to the Board.
- 1.4 After this resolution meeting, the Resolution Manager will confirm a response in writing (the "Resolution Letter").

2. Stage 2

- 1.1 If you are not satisfied with the Stage 1 Resolution Manager's response, you can appeal to the Clerk to the Board in writing, setting out the grounds of your appeal, within five working days of the response being sent to you.
- 1.2 The Clerk will formally appoint a different Resolution Manager, following (wherever possible) the guidance in Paragraph 3 above.
- 1.3 The Stage 2 Resolution Manager will arrange for a meeting with you as soon as possible, but normally within ten working days, after receipt of your written notice of appeal from the Clerk to the Trust.
- 1.4 After this resolution meeting, the Stage 2 Resolution Manager will confirm a response in writing (the "Final Resolution Letter"). The decision of the Stage 2 Resolution Manager is final and there will be no further right of appeal.

5. TRUST' APPEAL PANEL

- 1.1 The Trust Appeal Panel shall comprise three members not previously involved in the matter.
- 1.2 In the event that there are insufficient numbers of Trust Members available to participate in the Panel, the Chair of the Trust or Vice-Chair as appropriate may appoint associate members to solely participate in the Panel on the recommendation of the Diocesan Schools Commission

6. COMPANION

- 1.1 If you are an employee and have submitted a grievance in writing, you can be accompanied at any meetings under this procedure by a companion who must be either a willing work colleague not involved in the subject matter of your grievance and or an accredited trade union representative.
- 1.2 You must let the relevant Manager know who your companion will be at least one working day before the relevant meeting.
- 1.3 If you have any particular need, for example, a disability, you may also be accompanied by a suitable helper.

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- 1.4 Your companion can address the meeting in order to:
- (a) put your case
 - (b) sum up your case
 - (c) respond on your behalf to any view expressed at the meeting.
- 1.5 Your companion can also confer with you during the meeting.
- 1.6 Your companion has no right to answer questions on your behalf, or to address the meeting if you do not wish it, or to prevent you from explaining your case.
- 1.7 Where you have identified your companion to the relevant Manager and your companion has confirmed in writing to the relevant Manager that they cannot attend the date or time set for the meeting, the relevant Manager will postpone the meeting for no more than five working days from the date set by the Trust to a date or time agreed with your companion provided that it is reasonable.

7. CONFIDENTIALITY AND TRANSPARENCY

- 1.1 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.
- 1.2 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, 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.
- 1.3 You should not disclose the fact of 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 or your trade union representative).

8. TIMING OF MEETINGS

Meetings under this procedure may:

- 1.1 need to be held when you were timetabled to teach.
- 1.2 exceptionally be held during planning preparation and administration time if this does not impact on lesson preparation.
- 1.3 not be held on days on which would not ordinarily work.

9. VENUE FOR RESOLUTION MEETINGS

If your complaint raises sensitive issues, the Resolution Manager may hold the meeting off the Academy site.

10. ASSISTANCE

- 1.1 Where a formal grievance relates to a matter concerning the religious character of the Trust, it may be sent by the Trust to the Diocesan Schools Commission who may send an advisor to assist the Trust in responding to your grievance.
- 2 In any other matters the Trust may seek assistance from the Diocesan Schools Commission.

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11. 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.

12. 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 Procedure for further details). You will not be allowed to raise the same matter under both procedures.

13. REVIEW OF THIS PROCEDURE

This procedure was first produced September 2014 and follows the principles set out in the Catholic Education Service (CES) policy and procedure for use in Catholic Voluntary Aided Schools and Academies in England. It will be kept under regular review and any proposed changes will be the subject of consultation with the recognised trade unions.

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