



BDMAT

Birmingham Diocesan
Multi-Academy Trust

Staff Grievance Policy

Issued: March 2019
Next review due: Autumn 2022



Roles and responsibilities

The Birmingham Diocesan Multi-Academy Trust (BDMAT) is accountable for all policies across its schools. All policies whether relating to an individual academy or the whole Trust will be written and implemented in line with our ethos and values as articulated on our website. In particular our values include treating all stakeholders, including our staff with dignity and respect and ensuring that they have hope for a positive future. Leaders implementing this policy should be minded of these values when deal with staff through the procedures within this policy.

BDMAT is an equal opportunities employer and treats its employees equally. The board of directors has committed to the government's Disability Confidence initiative.

A Scheme of Delegation for our school sets out the responsibilities of the Local Academy Board and Headteacher. The Headteacher of each school is responsible for the implementation of all policies of BDMAT.

All employees of the school are subject to the BDMAT's policies (either school policies of policies implemented across the whole MAT).

1.0 Terms of Reference

1.1 For all employees employed by the Birmingham Diocesan Multi-Academy Trust (BDMAT), either in schools or central staff

1.2 Definitions:

"Headteacher" also refers to any other title used to identify the headteacher, where appropriate, or other senior manager delegated to deal with the matter by the headteacher.

2.0 General Principles

2.1 The aim of this Grievance Procedure is to enable any employee to have his/her grievance heard and to seek redress as appropriate. The intention is that grievances should be settled quickly and fairly and should be first dealt with as close to the source as possible.

2.2 The procedure applies to all employees of BDMAT, including headteachers and members of leadership team, full and part-time, permanent and temporary employees and those centrally located by BDMAT. If it is the headteacher who has a grievance, then the CEO is the person to whom the headteacher refers to as his/her immediate line manager at Stage 2. If the headteacher's grievance is not

- resolved at that stage, the matter should be referred to Stage 3, the Appeal Committee of the Board of Directors.
- 2.3 If individual governors / directors are the subject of the grievance, such person(s) shall not sit with the Appeal Committee but may attend the Governors' / Directors' hearing to present his/her case.
- 2.4 A grievance is a complaint by an employee about any aspect of his/her employment such as:
- terms and conditions of employment;
 - health and safety;
 - work relations;
 - bullying and harassment; (except where dealt with under the Bullying and Harassment Procedure)
 - new working practices;
 - working environment;
 - organisational change;
 - discrimination; and
 - pay (except where dealt with under the Pay Policy).
- 2.5 The grievance must be one that lies within the power of management and individual Local Academy Boards or the main board of BDMAT to resolve, e.g. it must not be a grievance about matters determined by legislation or collective agreements. Where another policy is used to address the grievance then the grievance procedure is not available in addition.
- 2.6 A grievance arising from dismissal or disciplinary action is to be resolved by appeal within the disciplinary procedure. The grievance procedure is **not** available in addition to, or in substitution for the disciplinary procedure unless the grievance is against the person(s) who are the decision makers of the disciplinary issue.
- 2.7 An employee who is a member of a trade union is strongly advised to consult that trade union's representative before invoking the grievance procedure.
- 2.8 Those responsible for dealing with employees' grievances will treat them seriously and attempt to resolve them as quickly as possible. There should be no attempt to block an employee's wish to raise the grievance at a higher level.
- 2.9 Employees should recognise that an investigation may be necessary which may delay the process beyond normal time limits.
- 2.10 At any stage of the procedure the headteacher and/or governors / directors may wish to refer to an adviser external or BDMAT central staff for guidance to bring about a resolution of the grievance acceptable to both sides outside the formal

hearing within the Grievance Procedure. Such conciliation is without prejudice to the position of both parties in the procedure.

- 2.11 The headteacher and/or governors / directors should take advice from the Trust's HR Adviser before considering a grievance.
- 2.12 To get the most from the process all parties are strongly advised to maintain confidentiality and to only discuss the concerns with relevant parties. The use of social media to "air" grievances is inadvisable and could leave the individual vulnerable to disciplinary action if it is considered they have brought BDMAT into disrepute.
- 2.13 Staff should be aware that BDMAT has a 'whistle-blowing' policy and this may be a more appropriate policy for staff to follow for their issue. A copy of this policy can be located on BDMAT's website.
- 2.14 This grievance procedure has been implemented following consultation with employees and Trade Unions.

3.0 Stages of the Grievance Procedure

3.1 Stage 1: Raising Grievances Informally

- 3.1.1 The employee should raise the grievance with the person causing the grievance in the first instance. If the member of staff doesn't feel able to bring their grievance to the attention of the person who caused the grievance they should speak with either another manager or someone more senior. The employee should indicate what they would see as a suitable resolution. The line manager should give a reply as soon as possible, normally within 5 working-days, even if it is only an interim reply. If the line manager sees the situation as being beyond their authority they should, with the employee's agreement refer the matter to the Headteacher (school-based staff) or the CEO (central staff).

3.2 Stage 2: Formal Grievance Hearing

- 3.2.1 If the employee is not satisfied with the reply by his/her line manager (for headteachers the line manager is the CEO of BDMAT), the employee should submit the grievance in writing, ideally using the form in appendix A, indicating that it is a formal grievance, to the Headteacher (school-based staff) or CEO (central staff). The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates and names of individuals involved. If a member of staff submits their grievance in writing in another form to using appendix A e.g. an email, the line manager may ask for appendix A to be completed as well, if additional information is required.

- 3.2.2 The headteacher / CEO will normally meet the employee to hear the grievance and then investigate as appropriate. They will reply as soon as possible, normally within 10 working days, even if it is only an interim reply pending further investigation. At this stage, the employee may be accompanied by a Trade Union representative or work place colleague at any meeting to discuss the grievance.
- 3.2.3 The headteacher /CEO may be accompanied by another employee, or BDMAT's HR Adviser. If it is necessary for the headteacher / CEO to attempt conciliation between two or more employees at this stage, each employee may be accompanied by a Trade Union representative or work place colleague at any meeting called by the headteacher / CEO. Conciliation will only be entered into when both parties are in agreement to this and where possible the services of a trained conciliator should be utilised.
- 3.2.4 Where it is appropriate, for example if it is proving difficult to find a resolution, all parties may agree to mediation through a suitably qualified mediator.
- 3.2.5 If the headteacher /CEO is unable to resolve the grievance and/or the employee raising the grievance is not satisfied with the outcome then the employee may appeal to the Appeal Committee of the governors (school-based staff) / board of directors (headteachers and central team staff) at stage 3.
- 3.2.6 Where the grievance is against the headteacher / CEO Stage 2 shall be heard by a committee of governors (school-based staff) / board members (headteachers and central team staff) in accordance with paragraphs 3.2.1 and 3.2.2 above.
- 3.2.7 Having followed stages 1 and 2 if staff feel that their grievance hasn't been dealt with to their satisfaction the member of staff should request a Formal Appeal Hearing (see stage 3)

3.3 Stage 3: Formal Appeal Hearing

- 3.3.1 Where a formal appeal is requested the reason for this must be clearly stated in writing to the Chair of Governors (school-based staff) or Chair of the Board of Directors (headteachers and central staff). This would normally be on the grounds that due process was not followed or if the suggested resolutions of the investigation have not been undertaken in a timely manner.
- 3.3.2 An Appeal Committee of 3 governors shall be convened by the Clerk to Governors (school-based staff) or an Appeal Committee of 3 directors (headteachers and central staff). The Appeal Committee will normally meet within 15 working days on the member of staff lodging their request for a Formal Appeal Hearing
- 3.3.3 Any papers that the member of staff wishes the Appeals Committee to see should be submitted within 5 days working days of the appeal to allow governors / directors to read the documentation

- 3.3.4 The Appeal Committee should have a HR adviser(s) to attend it at its meeting who may also be involved in its private deliberations. The adviser(s), who should not have had any previous involvement in dealing with the grievance, shall not have a vote in the decision of the Appeal Committee.
- 3.3.5 The Appeal Committee shall decide the procedure by which it will hear the grievance which will allow all parties to present their cases. The Appeal Committee shall advise all parties, prior to the start of the hearing, of the procedure it intends to follow. The Appeal Committee's decision is final.
- 3.3.6 The Appeal Committee will inform the member of staff of the outcome of the Appeal Committee within 5 working days of the hearing by letter.

Appendix A

Employee's Notification of Grievance

This form should be used to submit a grievance in accordance with Stage 2 of the formal Grievance Procedure, adopted by BDMAT.

Send the completed Employee's Notification of Grievance Form (Appendix A) to your Line Manager. If your grievance relates to your Line Manager, send it to the Headteacher. If your grievance relates to your Headteacher then send it to the CEO. If the grievance is against the Chair of the Local Academy Board send it to the CEO. If the grievance is against the CEO send it to the Chair of the Board of Directors of BDMAT.

You are advised to keep a copy. Please be aware that the information will, in normal circumstances, be shared with any person/s complained about. Please think carefully about what you write.

1. Name: _____

Post held: _____

Base: _____

2. Describe briefly:

2.1. The nature of your grievance. Please include all relevant facts, dates and names of people involved and any witnesses. (continue on a separate page if necessary)

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2.2. When did you first raise your grievance, and with whom? Is this a one-off issue or part of a chain of events?
2.3. What action has been taken on your grievance at the informal stage (Stage 1)?
2.4. What steps or action do you want to be taken as a remedy for your grievance?

3. If you are member, have you informed your trade union or professional association representative? YES/NO

If yes: do you wish the representative to receive correspondence? YES/NO

If yes: please identify the representative and provide email and postal addresses and telephone number YES/NO

Printed Name: _____

Signed: _____

Date: _____

