



Collective Grievance Policy

Last policy review date:	September 2020	
Next policy review date:	September 2023	
Policy Owner:	COO	
Policy approval: <i>i.e. Trust board or delegated to subcommittee or individual</i>	Trust Board – September 2020	
Cross references <i>i.e. with other Trust policies</i>		
Statutory Policy?	YES	

Policy statement

It is the Trust's policy to ensure that all employees have access to a procedure to help deal with any collective grievances relating to their employment fairly and without unreasonable delay. Where you make us aware that you have a complaint we will investigate any formal grievance that you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.

Issues that may cause collective grievances include:

- Allocation of work;
- Career opportunities
- The way in which you have been managed

Issues that are the subject of collective negotiation or consultation with the trade union will not be considered under the collective grievance procedure.

This procedure does not form part of an employee's contract of employment and it may be amended at any time following consultation. The employer may also vary application of this procedure, including any time scales for action, as appropriate.

The policy has been implemented following consultation with recognised trade unions. It has been formally adopted by the [Governing Body/Board/Trust].

Who is covered by the procedure?

This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

Collective grievances can be made when there are two or more employees with the same grievance.

Using this procedure

Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Disciplinary Procedure and you will be informed if this is the case. This Collective Grievance Procedure should not be used to complain about dismissal or disciplinary action or the outcomes of other procedures. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Procedure.

If you and your colleagues raise a collective grievance while you are all subject to the same or substantially similar disciplinary proceedings, the Trust may (if appropriate depending on the nature of the grievance(s) raised) temporarily suspend the disciplinary proceedings pending the outcome of your grievances. The Trust may also follow both the disciplinary and grievance processes concurrently.

If you and another employee (or more than two of you) have identical grievances and you all wish them to be addressed in the same grievance process, you and your colleagues can raise a grievance via this collective grievance procedure. You and all your colleagues raising the collective grievance must agree (without any pressure being exerted on staff members to join the collective process) to do this.

If you and your colleagues do not entirely voluntarily agree to this arrangement or if your grievances are not identical, the Trust will arrange to hear your grievances using the Trust's grievance procedure on an individual basis.

If you and your colleagues are all members of the same trade union, your trade union representative can (if you all wish him or her to do so) raise the grievance on your behalf. Alternatively, you and your colleagues can agree to nominate one of you to act on behalf of all of you.

There is a separate Anti-harassment and Bullying Policy that may be useful if believe you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people.

The employer operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you and others are directly affected by the matter in question, or where you feel you and others have been victimised for an act of whistleblowing, you may raise the matter under the collective grievance procedure.

Written collective grievances will be placed on personnel files along with a record of any decisions taken and any notes or other documents compiled during the collective grievance process. These will be processed in accordance with our Data Protection Policy.

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your collective grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

Raising collective grievances informally – Step 1

We believe that most collective grievances can be resolved quickly and informally through open communication and discussion with your line manager or Headteacher/Head of School. We would always aim to resolve your collective grievance informally where possible. If you feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to the Headteacher or Head of School. If this does not resolve the issue, you should follow the formal procedure below.

Formal written collective grievances – Step 2

If your collective grievance cannot be resolved informally you should put it in writing and submit it to the Headteacher or Head of School, indicating that it is a formal collective grievance. If the grievance concerns, or is raised by, the Headteacher or the Head of School it should be submitted to the CEO/Executive Headteacher.

The written collective grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. You should also state what your desired outcome would be to resolve the situation.

This written statement will form the basis of the subsequent hearing and any investigations, so it is important that you set out clearly the nature of your collective grievance and indicate the outcome that you are seeking. If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place.

Your written statement should also:

- Identify you and each of your colleagues who wish to raise the grievance
- Identify any nominated trade union representative or colleague to represent you all
- State that you have all voluntarily consented to use the collective grievance procedure
- Confirm that you understand that the grievance will give each of you the right to only one collective grievance meeting, one identical outcome (if applicable), one appeal meeting and one identical appeal outcome.

Investigations

In some cases it may be necessary for us to carry out an investigation into your collective grievance. The amount of any investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by Investigation Manager or someone else appointed by the Headteacher or Head of School. In the case of an investigation into a complaint against a Headteacher/ Head of School the CEO/Executive Headteacher will determine who will carry out the investigation.

You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.

The employer may initiate an investigation before holding a collective grievance meeting where the employer considers this appropriate. In other cases we may hold a collective grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further collective grievance meeting with you after our investigation and before we reach a decision.

Right to be accompanied

You and your colleagues may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a jointly nominated colleague. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting.

At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may request an adjournment to speak to them privately at any time during the meeting.

Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

If your choice of companion is unreasonable we may ask you to choose someone else, for example:

- if in our opinion your companion may have a conflict of interest or may prejudice the meeting; or
- if your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards.

We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) as a reasonable adjustment if you have a disability, or if you have difficulty understanding English.

Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that you can propose an alternative time within five working days of the scheduled date.

Grievance meeting

The employer will arrange a collective grievance meeting, normally within 5 working days of receiving your written grievance.

You and your companion (if any) should make every effort to attend the grievance meeting. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time (see 7.6)

The purpose of a collective grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made. Everyone involved in the process is entitled to be treated calmly and with respect. The Trust will not tolerate abusive or insulting behaviour from anyone taking part in grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

After an initial collective grievance meeting we may carry out further investigations and hold further collective grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.

We will write to you, usually within 5 working days of the final collective grievance meeting, to inform you of the outcome of your collective grievance and any further action that we intend to take to resolve the collective grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.

Appeals – Step 3

If, following the grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal. If only one employee wishes to pursue the appeal, the Trust's normal grievance procedure will apply to the appeal.

Your appeal should be made in writing to the CEO/Executive Headteacher, stating your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you.

We will hold an appeal meeting without unreasonable delay, normally within 10 working days of receiving your written appeal. This will be dealt with impartially by the CEO/Executive Headteacher or more senior manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). Where the CEO/Executive Headteacher has made the decision at the grievance meeting a panel of governors will hold the appeal meeting. You have a right to bring a companion to the meeting (see paragraph 0).

The employer will confirm a final decision in writing, usually within 5 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

Confidentiality and data protection

It is the aim of the Trust to deal with collective grievance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with grievance matters as confidential.

Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings conducted under this procedure.

During any action, including any decisions taken under this procedure, the Trust will collect, process and store personal data in line with the requirements of General Data Protection Regulations. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure. Records will be kept in accordance with the requirements of General Data Protection Regulations ((EU) 2016/679) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998).

Review of policy

This policy is reviewed and amended, every 3 years or earlier if there are changes in legislation, by the Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.