

Title	Collective Grievance Procedure
Associated Policies	<ul style="list-style-type: none"> • Grievance Procedure (TPO/STA/23) • Whistleblowing (TPO/STA/19) • Professional and Safe Conduct (TPO/STA/10) • Disciplinary Procedure (TPO/STA/22) • Anti-Bullying (TPO/STU/01)

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NEXT REVIEW: FEBRUARY 2022

1. Policy Statement

- 1.1 Brooke Weston Trust believes that all employees should be treated with fairness and respect. This purpose of the policy is to enable a group of employees (two or more) to raise a collective grievance following concerns that they may have about their treatment at work.
- 1.2 For individuals wishing to make an individual grievance, the Grievance Procedure (TPO/STA/23) will need to be followed.
- 1.3 In the first instance, the employees should discuss their concerns with their line manager or another person/s of seniority within the Academy or from within the Trust. The line manager will attempt to resolve the matter informally, depending on the nature of the case. Should this be unsuccessful, the formal grievance procedures, as outlined below, will be followed. These procedures are in line with the ACAS code of practice.
- 1.4 Brooke Weston Trust is committed to deal with any grievances relating to their employment fairly and without unreasonable delay to ensure good working relationships are maintained.
- 1.5 Issues that may cause grievances include:
 - Terms and conditions of employment
 - Health and safety
 - Work relations
 - Bullying and harassment
 - New working practices
 - Working environment
 - Discrimination
 - Career Opportunities
 - The way in which you have been managed/disagreements with co-workers
- 1.6 This procedure does not form part of any employee’s contract of employment. It may be amended at any time and we may depart from it, including any time scales for action, depending on the circumstances of the case.

2. Who does this procedure apply to?

- 2.1 This procedure applies to all Brooke Weston Trust employees regardless of length of service. It does not apply to agency workers or self-employed contractors.
- 2.2 The provisions of this policy apply only to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative or by the employees themselves. Issues that are the subject of collective negotiation or consultation with the

trade union will not be considered under the procedures outlined in the Trade Union Recognition Agreement.

- 2.3 The implementation of this policy will be monitored by the Senior Leadership Team and the governors of the Academy and will remain under constant review by Brooke Weston Trust.

3. Using this procedure

- 3.1 If two employees (or more) have identical grievances and they wish for them to be addressed in the same grievance process, a collective grievance can be raised via this collective grievance procedure.
- 3.2 All employees involved in raising the collective grievance must agree to do this. All employees involved will be entitled to only one grievance hearing and (if applicable) one appeal hearing. All employees will be notified individually of the outcome at each stage of the process. If all employees do not agree to this arrangement, the grievances will be treated individually as per the Grievance Procedure (TPO/STA/23).
- 3.3 If you and your colleagues are members of the same trade union, a trade union representative can raise the grievance on your behalf. Please see paragraph 5.1 for further information. If colleagues wish to be represented by trade union representatives on an individual basis, the grievances will be treated individually as per the Grievance Procedure (TPO/STA/23).
- 3.4 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 and your colleagues will be informed if this is the case.
- 3.5 This 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.
- 3.6 Where an employee is involved in raising a collective grievance during a disciplinary process which concerns them, the grievance will be dealt with as an individual grievance and the disciplinary process will be temporarily suspended in order to deal with the grievance.
- 3.7 There is a separate Anti-harassment and Bullying Policy that may be useful if you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people. It is available from the Academy's Principal's office and via the Trust website but refers back to this Collective Grievance and individual Grievance Procedure (TPO/STA/23) in the event that formal resolution is required.
- 3.8 We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you or others are directly affected by the matter in question, or where you feel you or others have been victimised for an act of whistleblowing, you may raise the matter under this grievance procedure (if applicable to two colleagues or more).
- 3.9 In exceptional circumstances the Principal/Manager may consider suspending or redeploying an employee during the grievance process. In these cases the provisions regarding suspension in the Disciplinary Procedure will apply.
- 3.10 Written grievances will be placed on the employees' personnel files along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our Data Protection Policy.
- 3.11 It is the Investigating Officer's responsibility to ensure that all parties are kept informed throughout the process particularly if any delays are incurred.

4. Mediation

- 4.1 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 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.

5. Right to be accompanied

- 5.1 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.
- 5.3 Should you choose to bring a companion to the hearing you will be responsible for making these arrangements and for providing your companion with any paperwork that they require for the hearing.
- 5.4 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.
- 5.5 If your chosen companion is unavailable at the time a meeting is scheduled, you may propose an alternative time for the meeting to take place, provided you can propose an alternative time within 10 days of the scheduled date.
- 5.6 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.

6. Raising grievances informally – step 1

- 6.1 We believe that most grievances can be resolved quickly and informally through open communication and discussion with your line manager or Principal. We would always aim to resolve your grievance informally where possible. If you and your colleagues feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to the Principal or a more senior manager. As outlined in 4.1, mediation may also be used to assist the informal resolution of a grievance. If this does not resolve the issue, you should follow the formal procedure below.

7. Formal written grievance – step 2

- 7.1 If your grievance cannot be resolved informally, you should put it in writing and submit it to the Principal (in the case of Academy staff) or to the Chief Executive (in the case of members of the Brooke Weston Trust's central team). If the grievance concerns, or is raised by, more than one Principal it should be submitted to the Chief Executive of the Brooke Weston Trust.
- 7.2 The written grievance should contain a brief description of the nature of your colleagues' complaint, including any relevant facts, dates and names of individuals involved. Where possible it should also be accompanied by any supporting documents. In some situations we may need to ask you to provide further information. 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 meetings take place.
- 7.3 The written grievance should be headed 'Formal Collective Grievance' and should include the below information:
 - 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; and
 - Confirm that you understand that the grievance will give each of you the right to only one collective grievance meeting, one identical outcome and (if applicable) one appeal meeting and one identical appeal outcome.
- 7.4 If your complaint relates to your line manager, the complaint must be sent to a more senior manager.

- 7.5 Depending on the nature of your grievance further attempts may be made to resolve the matter informally. However, if you and your colleagues are not satisfied with the outcome, you may insist on a matter proceeding to a full grievance hearing.

8. Investigations

- 8.1 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 your 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 Principal or Chief Executive will appoint an investigating officer to carry out the investigation and produce a written report for consideration. In the case of an investigation into a complaint against a Principal, the Chief Executive will determine who will carry out the investigation.
- 8.2 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 confidentiality of the grievance process will be respected.
- 8.3 If evidence is gathered in the course of these investigations, you will be given a copy in advance of the hearing (timeframes stipulated below) for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential (e.g. where a concern has been raised about bullying). Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be provided.
- 8.4 We may initiate an investigation (handled by a trained individual with the appropriate skills) before holding a grievance meeting where we consider this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with you after our investigation and before we reach a decision.

9. Grievance hearing

- 9.1 The hearing will be held as soon as is reasonably practicable, normally within ten working days after preliminary investigations have taken place. In any event you and your colleagues will be kept informed of the progress of the investigation.
- 9.2 If an investigation has taken place, copies of relevant documentation should be sent to all parties in reasonable time (at least five working days, where practicable) before the meeting. The investigating officer may be invited to present their findings.
- 9.3 You and your colleague(s) and companion (if any) should make every effort to attend the grievance meeting. If you or your colleague(s) or companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time. Provision will be made for any reasonable adjustments to accommodate the needs of a person with disabilities.
- 9.4 The hearing will be conducted by your line manager (or more senior manager if appropriate) and may be attended by an HR representative from the Trust's HR provider.
- 9.5 The purpose of a grievance meeting is to enable you and your colleagues (or spokesperson) 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 Academy 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.
- 9.6 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.

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

10. Appeals

- 10.1 If the grievance has not been resolved to you and your colleagues' satisfaction you may appeal in writing to the Executive Principal stating your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you. Where the appeal concerns or is raised by the Principal, the appeal should be sent to the Clerk to the Board of Directors.
- 10.2 We will hold an appeal meeting, normally with 10 working days' notice (although this time scale may be extended) of receiving your written appeal.
- 10.3 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 normal Grievance Procedure (TPO/STA/23) for individual grievances will be followed.
- 10.4 This will be dealt with impartially by an Executive Principal/Chief Executive who has not previously been involved in the case. Where the appeal concerns or is raised by more than one Principal, the appeal will be heard by a panel of two or three members of the Board of Directors. In all cases, you and your colleagues have the right to bring a companion to the meeting (see paragraph 5).
- 10.5 The appeal hearing will consider the grounds that you have put forward and assess whether or not the conclusion reached in the original grievance hearing was appropriate. The appeal is not a re-hearing of the original grievance, but rather a consideration of the specific areas with which you are dissatisfied in relation to the original grievance. The Executive Principal/Chief Executive conducting the appeal may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.
- 10.6 We will write to you, usually within 5 working days of the appeal hearing, although this time scale may be extended. This is the end of the procedure and there is no further right of appeal.

11. Confidentiality and Data Protection

- 11.1 It is the aim of the Academy 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.
- 11.2 Records should include:
- the nature of the grievance
 - what was decided and actions taken
 - the reason for the actions
 - whether an appeal was lodged
 - the outcome of the appeal
 - any subsequent developments.
- 11.3 Copies of meeting records should be given to the employees including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) the employer might withhold some information.
- 11.4 Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings conducted under this procedure.
- 11.5 During any action, including any decisions taken under this procedure, the Academy will collect, process and store personal data in accordance with our data protection policy. 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 our Workforce Privacy Notice, our [Retention and Destruction Policy] and in line 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 2018).

12. Policy Review

- 12.1** This policy will be monitored as part of the Academy's annual internal review and reviewed on a three year cycle or as required by legislature changes.

APPENDIX 1 – Collective Grievance Hearing and Appeal Meeting Order of Proceedings

The purpose of the formal grievance hearing will normally be to establish the facts about the employees' grievance and determine what (if any) action can reasonably be taken to resolve it.

The employees or spokesperson should ensure that they attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform their line manager of this as soon as possible. If the employees or spokesperson fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

If a spokesperson has been nominated to address the employees' concerns, they will be entitled to be accompanied at the hearing, if they wish, by a fellow worker or trade union official of their choice. Alternatively, if employees choose to address their concerns individually, they will effectively act as each other's representative and there is no additional right to representation beyond the group of colleagues.

1. Introductions

- The chair of the hearing will introduce themselves and invite all others to introduce themselves. The chair will explain the purpose of the hearing and how it will be conducted, and will check that all parties have received the relevant documents.
- The chair will state that the hearing is being conducted as part of the Trust's formal collective grievance procedure and confirm that a written record of the hearing is being made.
- The other parties present at the meeting will introduce themselves and confirm their respective roles in the meeting.

2. Presentation by employees

- The chair will invite the employees or spokesperson to state their case, i.e. the circumstances that have led to the grievance, the nature of the grievance and why they feel aggrieved. The employees or spokesperson may do this personally, or the spokesperson's representative (if he/she has elected to be represented) may do this on their behalf.
- The employees or spokesperson will refer to any documentation on which they are seeking to rely.

3. Consideration of information from any investigation

- The chair will refer to any written evidence that has been gathered in the course of any investigation that has taken place, including the consideration of witness statements where appropriate.
- If the chair feels it necessary, any other person that has conducted the investigation will also attend the meeting.

4. Questions by chair

- The chair may ask the employees or spokesperson (and any witnesses) questions about the circumstances of the grievance in order to establish all of the relevant facts, background and surrounding circumstances.
- The chair has the right to ask the employees or spokesperson to personally answer such questions, although the employee(s) may on request confer with their representative at any time during the grievance hearing.
- The employee(s) or spokesperson may, in appropriate cases, ask questions of witnesses.
- While the employees or spokesperson will be given every opportunity to explain their case fully, the explanation should be confined to matters that are directly relevant to the complaint. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of the complaint. The chair will intervene if he/she thinks that the discussion is straying too far from the key issue. The chair may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.

5. Summary

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- Once all the evidence has been heard, the chair will sum up the key points of the hearing.
- The chair will adjourn the meeting to make a decision.
- The chair will inform the employees of when a decision will be made about what, if any, action will be taken to resolve or otherwise deal with the grievance.
- The chair may reconvene the meeting to deliver the decision, or they may choose to convey the decision in an alternative way to the employees. If this is the case they should inform the employees of this before adjourning the meeting to make the decision.
- The chair will inform the employees that they will have the right to appeal against the outcome of the grievance hearing if they are not satisfied with it
- The chair will thank the parties for attending and close the meeting.
- At any point during the hearing, the chair may adjourn the proceedings if it appears necessary or desirable to do so, including for the purpose of gathering further information or investigating any allegations made.