



Diocese of Salisbury
Academy Trust

COLLECTIVE GRIEVANCE POLICY & PROCEDURE FOR TEACHING AND SUPPORT STAFF IN Diocese of Salisbury Academy Trust

This model procedure will apply to both teaching and non-teaching staff working in

For adoption and implementation from

Approved

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COLLECTIVE GRIEVANCE POLICY & PROCEDURE

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1. Collective Grievance Policy statement

- 1.1 Governing bodies have a statutory obligation to adopt formal policies and procedures for dealing with staff conduct and discipline (School Staffing (England) Regulations 2003), and for giving staff opportunities to seek redress of any grievances relating to their employment. The school therefore has a grievance policy and procedure in place to address individual grievances.
- 1.2 This procedure is intended to be used for collective grievances to be resolved quickly and to minimise any prospect of long-term damage to relationships at the school. It aims to ensure consistent and fair treatment for everyone and for matters to be dealt with speedily. Collective grievances do not arise very often. The majority of grievances are related to an individual in their own employment and in most circumstances, unless more than two people have exactly the same grounds for grievance, this collective procedure will not be necessary. Where several people have different grievances against the same individual(s) they should each be dealt with under the individual grievance procedure.
- 1.3 This procedure is recommended by Wiltshire Council for adoption by the Governing Body to address collective grievances and following its adoption, the procedure must be made known to all staff and remain accessible to them.

2. Application of the Collective Grievance Procedure

- 2.1 The provisions of the ACAS code do not apply to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative. These locally based collective grievances should be handled in accordance with this collective grievance process.
- 2.2 This procedure will be used in the local circumstances in 2.1 above unless the collective grievances are deemed by a Schools HR Advisor to relate to county-wide employment relations matters, working arrangements and terms and conditions of service (those not reserved for negotiation at national or other agreed levels) and are appropriate for discussion at the Schools Joint Consultative Committee (JCC). Any county-wide collective grievances on such issues should be referred instead to the JCC.
- 2.3 Where issues are of a general or local application affecting some (two or more) or all categories of employees, the issues should be raised in the first instance by the local trade union representatives or a nominated employee, with the Head teacher, or where it relates to the Head teacher to the Chair of Governors.
- 2.4 When two or more employees raise a collective grievance this should be based on genuine concerns and should be made in good faith. Malicious and vexatious complaints against colleagues and any intimidation of witnesses as a result of an investigation will not be tolerated and will be pursued in order to determine whether disciplinary action could be taken. This Collective Grievance policy and procedure is therefore not to be used to inappropriately challenge the legitimate management decisions or instructions of the Head teacher or the Governing Body. Employees need to recognise the Head teacher's responsibility and authority to plan, organise, direct

and manage the activities of the school in order to achieve the best possible results in pursuing the Governing Body's overall aims and objectives.

- 2.5 The grievance(s) should be referred in writing by the appropriate trade union representative or nominated employee to the Head teacher, or where it relates to the Head teacher to the Chair of Governors, who may meet with them in an effort to resolve the matter.
- 2.6 For the purpose of this policy, collective grievances are defined as concerns, problems or complaints over work-related matters that a group of employees raises with the School. The procedure should be used when two or more employees consider the School has failed to adequately apply their rights arising from their contract of employment, conditions of service or statutory entitlements for example:

- terms and conditions of employment
- health and safety
- work relations
- new working practices
- working environment
- organisational change

This collective grievance procedure **does not apply** where there are matters of:

- **collective grievance** that are county-wide employment relations matters, working arrangements and terms and conditions (those not reserved for negotiation at national or other agreed levels) more appropriate for discussion at the Schools Joint Consultative Committee;
- **individual grievances** that can be settled informally with the individual's line manager during the course of everyday working relationships;
- **individual grievances** that can be settled formally under the normal grievance procedure;
- where individual **grievances have been heard** under the school's grievance procedure and an outcome provided to the individual. It is to be noted that the Collective Grievance procedure is not to be used as a second opportunity for staff to air grievances that have already been heard. However if a previously heard grievance is demonstrated to be materially relevant to a later collective grievance then the Head Teacher / Chair of Governors have discretion to take it into account.
- **individual redundancies**, including the **non renewal of fixed term contracts** for which there is a separate procedure adopted by the Governing Body;
- **discipline** which is dealt with under a separate procedure adopted by the Governing Body;
- **competency or capability** for which there is a separate procedure adopted by the Governing Body;
- **ill health** for which there is a separate procedure adopted by the Governing Body;

- **job evaluation** - disagreements regarding job evaluations are dealt with under the Job Evaluation/ Appeals Procedure or the re-evaluation procedure as contained in the Collective Agreement on Pay and Grading - where this applies to the school.
- **bullying, harassment, discrimination and/or victimisation** which are dealt with in the first instance, under the Dignity at Work Policy;
- employment issues **raised by ex-employees** after their service with the school has ended;
- **whistle-blowing** for which there is a separate procedure adopted by the Governing Body.

2.7 This Procedure also does not apply where the matter is outside of the school's control. For example:

- Issues determined by **external agencies** regarding statutory adjustments to pay and allowances (e.g. national insurance, income tax, pension scheme).
- Personal matters not directly related to employment. In these cases an employee should contact their line manager who may be able to assist. Advice can also be sought from the Employee Wellbeing Helpline offered by Wiltshire Council on 01225 713147 about further options for support.

2.8 Nominated representatives

Employees wishing to pursue a collective grievance should nominate individuals to represent their interests throughout the process. These people will be referred to as 'nominated representatives'. These need not necessarily be the same individuals at each stage of the process and may or may not be trade union representatives. It is for the employees raising the collective grievance to determine who will represent them and in most circumstances this will include union representatives. However, this right to representation does not extend to including friends/family or professional persons such as solicitors and barristers. These nominated individuals will be responsible for representing the interests of all employees in the collective grievance, including presenting their case at meetings.

The maximum number of nominated representatives allowed throughout the grievance procedure is as follows:

| Number of employees with grievance: | Maximum number of nominated representatives : |
|--|--|
| 2 to 5 | 2 representatives |
| 6 to 12 | 3 representatives |
| 13 to 20 | 4 representatives |
| More than 21 | 5 representatives |

3. Informal resolution

3.1 Employees should always aim to settle most grievances informally with their manager/supervisor or Head teacher. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly.

4. Mediation

4.1 Voluntary mediation may be available at any stage of this procedure if it is felt appropriate. It is a decision for the school and the nominated representatives involved as to whether mediation is an appropriate method of resolving the dispute. If all parties agree to use mediation, then this Collective Grievance Procedure will be temporarily suspended. A decision about whether to continue with the Collective Grievance Procedure at the stage where it was suspended will be made by all parties once mediation has taken place. Please see the Schools HR Collective Grievance Toolkit, Appendix 2 for more information about mediation.

5. Stage 1 – Raising a formal collective grievance

5.1 If the nominated representatives would like their grievance dealt with formally they must inform their Head Teacher in writing by completing a Collective Grievance Notification Form (CG1).

5.2 The Collective Grievance Notification form should be sent to the Head Teacher. If the grievance is regarding the Head Teacher, the Collective Grievance Notification form should be sent to the Chair of Governors.

6. Stage 1 – Grievance Meeting

6.1 Ideally, within 5 working days of receipt of the Collective Grievance Notification Form, the Head Teacher / Chair of Governors will arrange a meeting with the nominated representatives. The time, date and venue of the meeting will be confirmed in writing as well as the right to be accompanied / represented.

6.2 The school will make provision for any reasonable adjustments to accommodate the needs of a nominated representative with disabilities at the meeting. The school needs to be informed of requirements at least 48 hours before the meeting.

6.3 Notes of the meeting should be taken by a Clerk to the Governing Body or another suitable person as arranged by the school and are retained as confidential to the members of the panel. Copies of the notes on the outcome only will be circulated to all parties as soon after the meeting as practicable. The Clerk does not take any other part in the formal process.

6.4 An exchange of all documents expected to be referred to at the meeting should take place at least 48 hours before the meeting.

6.5 The meeting referred to in paragraph 6.1 may be adjourned if an investigation is deemed appropriate. In these circumstances, the Head Teacher or Chair of Governors shall appoint an Investigating Officer. Timescales of the investigation will be explained

to the employee. Wherever possible, the meeting outlined in paragraph 6.1 will be reconvened within 5 working days of the conclusion of the investigation.

6.6 The meeting referred to in paragraph 6.1 may also be adjourned for a short period before a decision is taken even if there is no need for an investigation. This allows time for reflection and proper consideration of the employees' collective grievance.

6.7 When a conclusion is reached, the Head Teacher / Chair of Governors will confirm the outcome in writing within 24 hours of the meeting referred to in paragraph 6.1 to the nominated representatives and the subject of the grievance, including the following information:

- a. whether the collective grievance has been upheld, either fully or in part;
- b. if the collective grievance is not upheld, the reasons for this;
- c. any actions that are to be taken to resolve the collective grievance;
- d. how any actions will be monitored and reviewed;
- e. the nominated representatives right to appeal on behalf of the employees raising the collective grievance.

7. Witnesses

7.1 In a collective grievance situation the recourse to witnesses would not be a common occurrence. It is likely that any witnesses in a collective grievance are party to the grievance and therefore represented by the nominated representatives. If any witnesses are required and are not party to the grievance itself then they should be invited to attend the meeting. However, in some circumstances it may be impracticable or unacceptable for the witness to be present at the meeting and in which case a copy of the written statement will be provided.

7.2 Where a written statement only is to be produced the nominated representatives may wish to submit a series of questions that they wish the witness to provide a written response to prior to the meeting. In instances where the witness refuses to participate, their statement will be disregarded.

8. If a Nominated Representative cannot attend

8.1 Any nominated representative who cannot attend a meeting should inform their colleagues in advance whenever possible so that an alternative nominee can be considered.

8.2 If any nominated representative fails to attend through circumstances beyond their control such illness but the remaining nominated representatives can attend the meeting should proceed without them. Only if all nominated representatives are unable to attend should a meeting be rescheduled.

9. Stage 2 – raising an Appeal

9.1 If the employees are dissatisfied with the outcome of the grievance meeting, written notification of an appeal must be given to the clerk to the governing body by the nominated representatives. This notification must be submitted on the Grievance Appeal Notification Form (CG3) within 5 working days of receipt of the written outcome of the collective grievance meeting and give specific reasons for the appeal and what outcomes are being sought.

9.2 The appeal will be heard by the Appeals panel of the Governing Body as soon as possible after receipt of the request. The Governing Body may call upon a Schools HR Advisor to be in attendance in an advisory capacity only. Panel members and the HR representative will not have had any previous involvement with the case.

9.3 The purpose of the appeal will be to:

- a. review the reasonableness of the original decision and, if necessary, determine an alternative outcome (if the original decision is unreasonable and/or if it would resolve the collective grievance).
- b. consider whether the procedure has been followed correctly.

10. Stage 2 – Appeal meeting

10.1 On receipt of the Collective Grievance Appeal Notification Form (CG3), the Clerk to Governors will arrange an Appeal meeting. The time, date and venue of the meeting will be confirmed in writing giving 5 days notice. Wherever possible, the meeting will be arranged within 10 working days of receipt of the Collective Grievance Appeal Notification Form (CG3).

10.2 The school will make provision for any reasonable adjustments to accommodate the needs of a nominated representative with disabilities at the meeting. The school needs to be informed of requirements at least 48 hours before the meeting.

10.3 Notes of the meeting should be taken by the Clerk to the Governing Body or another suitable person as arranged by the school and are retained as confidential to the members of the panel. Copies of the notes on the outcome only will be circulated to all parties as soon after the meeting as practicable. The Clerk does not take any other part in the formal process.

10.4 A copy of the Grievance Appeal Notification Form (CG3) and the original documents submitted will be distributed to members of the appeal committee at least 48 hours before the appeal hearing.

10.5 The committee's decision will be given verbally to all parties and confirmed in writing by the chair of the appeals committee, wherever possible, within 24 hours of the meeting. The letter will include the following information:

- a. whether the collective grievance has been upheld, either fully or in part;
- b. if the collective grievance is not upheld, the reasons for this;

- c. any actions that is to be taken to resolve the collective grievance;
- d. how any actions will be monitored and reviewed

10.6 The panel's decision shall be final.

11. Written records

11.1. A record of the documentation relating to the case will be retained and will include:

- The complaint / problem against the employee
- What was decided and actions taken
- The reason for the actions
- Whether an appeal was lodged
- The outcome of the appeal
- Subsequent relevant developments
- Notes of any formal meetings

11.2. Records will be treated as confidential and be kept in accordance with the Data Protection Act 1998 so that an employee has the right to request and have access to relevant information but, in certain circumstances (for example to protect a witness) the School may consider it appropriate to withhold some information.

12. Related policies and other information