



Zest Academy Trust

Collective Grievance policy

Approved & Adopted By Trust Board: 04/05/2017
Review Period: Annual
Policy Date Last Reviewed/Approved: 31/08/2022
Person Responsible: HR Consultant
Version Number: 4

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Introduction

Zest Academy Trust believes that all employees should be treated fairly and with respect. The main purpose of this policy is to help resolve employees' grievance raised in the workplace as quickly as possible. This procedure sets out the steps that should be taken when two or more employees wish to raise a collective grievance and have it dealt with in one process.

This grievance procedure is entirely non-contractual and does not form part of an employee's contract of employment.

Procedure

Where attempts to resolve the matter informally do not work, it may be appropriate for you to raise a formal grievance under the Academy's grievance procedure. 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. You and your participating colleagues will be entitled to only one grievance hearing and (if applicable) one appeal hearing. You and your participating colleagues will be notified individually of the outcome at each stage of the process. If you and your colleagues do not entirely voluntarily agree to this arrangement or if your grievances are not identical, the Academy will arrange to hear your grievances using the Academy'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. Your Trade Union may be able to provide you with advice and support in how to deal with matters of dissatisfaction.

If you are unhappy about the treatment that you have received or about any aspect of your work, you should discuss this with your line manager, who will attempt to resolve the situation on an informal basis. If you feel unable to approach your line manager directly, you may alternatively approach the Assistant Head of School, who will discuss ways of dealing with the matter with you. Where attempts to resolve the matter informally do not work, it may be appropriate for you to raise a formal grievance under this procedure. A formal grievance should be concerned with the way in which you and your colleague(s) have been treated by the Academy or managers acting on its behalf. It may relate to such issues as:

- terms and conditions of employment
- health and safety
- work relations
- new working practices
- working environment
- organisational change
- discrimination
- the way you have been managed

If your complaint relates to bullying or harassment on the part of a colleague, the matter should be dealt with under the bullying and harassment 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 of the outcome.

Grievances as stated above may be concerned with a wide range of issues. However, issues that are the subject of collective negotiation or consultation will not be considered under the grievance procedure.

Complaints that you and your colleagues may have about any disciplinary action taken against you should be dealt with as an appeal under the appeals procedure.

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

Informal Resolution

Mediation

It may be appropriate for certain matters 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 in grievance with all of those involved and seek to facilitate a resolution. The mediation process is informal, confidential and voluntary.

Formal Grievance Procedure

Where attempts to resolve the matter informally do not work, it may be appropriate for the matter to be raised as a formal grievance under this procedure.

All stages of the grievance procedure including informal stage meetings must be conducted in a manner that enables both the management and employee to explain themselves in a professional and transparent way.

The right to be accompanied

As mentioned above, you and your colleagues have the right to be represented at the grievance meeting or subsequent appeal either by a jointly nominated colleague or your trade union official. The choice of representative is a matter for you and your colleagues to agree

Role of the companion

At any hearing or appeal hearing, your chosen companion/representative (if applicable) will be allowed to address the meeting, respond on behalf of you or your colleagues to any view expressed in the hearing and sum up the case on your behalf. However, both the hearing and appeal hearing are essentially meetings between the Trust and the group of employees bringing the collective grievance, so any questions put directly to you should be responded to by you and not your companion.

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

Accessibility

If any aspect of the grievance procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with the Academy Business Manager, who will make appropriate arrangements.

Conducting the grievance procedure

The Trust recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. 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 or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

Making the complaint

If it has not been possible to resolve the grievance informally, you and your colleagues should put your complaint in writing. Your complaint should be headed "Formal grievance" and sent to your line manager. If your complaint relates to the way in which your line manager is treating you, the complaint may be sent to the Business Manager.

Your collective grievance can be submitted on one document, but it must:

- 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.
- outline what informal measures you have all taken to try to resolve the matter and if not why not.

This written statement will form the basis of the subsequent hearing and any investigations; it is important that you state in detail the nature of the 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.

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 the matter proceeding to a full grievance hearing.

Investigation

Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by you, although the confidentiality of the grievance process will be respected as far as possible. If any evidence is gathered in the course of these investigations, you will be given a copy in advance of the hearing for you to consider your response. Should you /your colleagues have any evidence to support your grievance it is important that this is shared with the investigating officer. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained and an appropriate summary of the evidence gathered will be given to you.

The grievance hearing

The Head of School / Senior Manager will invite a representative(s) of the group to a meeting as soon as is reasonably practicable and, subject to any need to carry out prior investigations, if possible this will be within ten working days of the receipt of the written complaint. You will be advised of your right to be accompanied by any nominated trade union representative or colleague who will represent you all;

If the grievance is against the Head of School an Academy Council Member will be nominated to chair the grievance hearing.

You should ensure that the nominated employee (s) attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform the designated point of contact as soon as possible. If they fail to attend without explanation the formal grievance meeting will not proceed. It will then be your responsibility to request a further meeting.

The meeting will be conducted by the Head of School/Senior Manager and attended if necessary by a HR Consultant. Depending on the number of employees involved in the collective grievance it may be necessary to nominate an agreed number of colleagues from the group who will attend the meeting. At the meeting, they will be asked to explain the nature of their complaint and what action they feel should be taken to resolve the matter.

While they will be given every opportunity to explain their case fully, they should confine their explanation to matters that are directly relevant to their 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 their complaint. The manager conducting the hearing or HR Consultant will intervene if he/she thinks that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.

Where appropriate, the meeting may be adjourned to allow further investigations to take place.

Following the meeting, all of those involved will be informed of the outcome and this will be confirmed to you and your colleagues individually in writing within five working days and you will be told of any action that the Academy proposes to take as a result of your complaint. You may discuss this outcome informally with either your manager or the HR Consultant.

Right of Appeal

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 organisation's normal grievance procedure will apply to the appeal.

If you are not content with the outcome you have the right of appeal. Appeals should be made in writing using the Appeals Procedure, outlining the grounds for appeal, within 5 days of the date you received the letter confirming the outcome of the grievance hearing. It should clearly state the grounds of appeal, i.e. the basis on which you considered that the result of the grievance was wrong or that the action taken as a result was inappropriate. .

Appeals will be handled in line with the appeals policy

You should ensure that the nominated employee (s) attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform the designated point of contact as soon as possible. If they fail to attend without explanation the formal grievance appeal meeting will not proceed. It will then be your responsibility to request a further meeting. If you fail to attend the second arranged meeting without explanation, the hearing may take place in your absence.

The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas with which you are dissatisfied in relation to the original grievance. The manager conducting the appeal may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.

The Academy's decision at the appeal is final.

Review

This policy will be annually reviewed in consultation with the Employee Consultative Committee (ECC) and the General Joint National Consultative Committee (GJNCC). Any amendment to it will be notified to employees in writing by the Academy and such written advice will inform employees as to the date when any amendment comes into effect. This may be by means of the Academy's intranet or via use of notice boards.