



Washwood Heath
Multi Academy Trust

Grievance Policy & Procedure

Prepared by:	Director of HR in consultation with Heads of Academy, WHMAT employees & city-wide unions
Applies to:	All WHMAT employees
Approved by:	Board of Directors on 23.03.17
Issued to MAT Academies for use:	29.03.17
Annual review date:	12 months from ratification by Board of Directors
Links to:	Dignity at Work Procedure/Disciplinary Procedure/Whistleblowing Procedure
Version 2:	21.03.17

CONTENTS

1.0	COMMITMENT & PURPOSE	3
2.0	SCOPE	3
3.0	PRINCIPLES	4
4.0	RECORDING PROCEEDINGS	5
5.0	THE RIGHT TO BE ACCOMPANIED	5
6.0	RAISING GRIEVANCES INFORMALLY – STEP 1	6
7.0	FORMAL WRITTEN GRIEVANCES – STEP 2	7
8.0	INVESTIGATIONS	9
9.0	GRIEVANCE MEETING	10
10.0	POSSIBLE OUTCOMES	11
11.0	APPEAL	12
12.0	MALICIOUS & VEXATIOUS ALLEGATIONS	13
13.0	COLLECTIVE GRIEVANCES	14
14.0	NOMINATED REPRESENTATIVES	14
15.0	INFORMAL RESOLUTION	14
16.0	FORMAL RESOLUTION	14
17.0	COLLECTIVE GRIEVANCE MEETING, INVESTIGATION & APPEAL	15
18.0	FAILURE TO AGREE FOLLOWING NEGOTIATION	15
19.0	COLLECTIVE DISPUTES	16
19.0	MONITORING & REVIEW OF PROCEDURE	16
	APPENDIX 1 - EMPLOYEE'S FORMAL GRIEVANCE STATEMENT	17

1.0 Commitment & Purpose

- 1.1 This procedure has been ratified by the Board of Directors of Washwood Heath Multi Academy Trust (“WHMAT”) to help ensure that if you have a grievance in the workplace, you are aware of your rights and have a clear framework to enable it to be dealt with fairly and without unreasonable delay.
- 1.2 The procedure sets out the steps that will be taken by WHMAT when a grievance is raised by an employee.
- 1.3 A grievance is a concern, problem or complaint that you, or a group of employees might raise with WHMAT about a wide range of issues such as: (the list is non-exhaustive):
 - 1.3.1 your terms and conditions of employment;
 - 1.3.2 your working environment;
 - 1.3.3 your working relationship(s) with colleagues;
 - 1.3.4 WHMAT working practices;
 - 1.3.5 how your work has been allocated;
 - 1.3.6 your opportunities for career development; and/or
 - 1.3.7 the way in which you have been managed;
 - 1.3.8 recruitment and selection processes.
- 1.4 The Board of Directors recognises the impact that formal grievances may have on workplace relations and employee wellbeing and encourages you, wherever possible, to attempt to resolve grievances informally without recourse to the formal stages of this procedure. It also recognises that you should be able to raise a grievance without fear of reprisals or victimisation and will do all that it reasonably can to ensure that grievances are dealt with fairly and consistently.
- 1.5 This procedure does not form part of your contract of employment and it may be amended from time to time subject to consultation.

2.0 Scope

- 2.1 The procedure applies to all WHMAT employees regardless of length of service. It excludes agency workers and contractors.
- 2.2 The procedure applies to both individual and collective grievances, i.e. those grievances raised by two or more employees about the same/common issue(s). (see further at paragraph 13).
- 2.3 The procedure does not apply to:

- 2.3.1 Concerns, problems or complaints made under the Public Interest Disclosure Act, which should be dealt with under WHMAT's whistle-blowing procedure;
 - 2.3.2 Allegations of bullying or harassment, which should be dealt with under the WHMAT Dignity at Work Policy, unless you choose to use the grievance procedure, in which case you must follow that procedure and may not also ask for the same concerns to be considered under the WHMAT Dignity at Work procedure;
 - 2.3.3 Concerns, problems or complaints about pay or grading, which should be dealt with under the WHMAT Pay Policy (excluding complaints about how appraisal/performance management was managed);
 - 2.3.4 Concerns, problems or complaints about disciplinary action (up to and including dismissal, which you should raise under WHMAT's disciplinary procedure. These will usually be dealt with as part of the disciplinary appeal process;
 - 2.3.5 Concerns, problems or complaints that you may have over national insurance, income tax or rules of pension schemes, which are generally outside of WHMAT's control and which should be raised with the appropriate bodies such as the Inland Revenue or the Teachers' Pension Scheme.
 - 2.3.6 Concerns, problems or complaints that you may have about conditions of service outside of WHMAT's control (for example, the sick pay and maternity leave schemes under national or local agreements) as distinct from the way in which those conditions have been interpreted and applied by the Board of Directors or WHMAT employees.
 - 2.3.7 Any other matters which are outside of the control of WHMAT.
- 2.4 If your grievance is made up of more than one complaint and it is unclear whether the complaint is a grievance which should be dealt with under this procedure or whether it falls within other procedures, you will be asked whether you wish the complaints to be heard under the grievance procedure or under another procedure (such as dignity at work). This is because you are not able to raise the same complaint(s) using different procedures.

3.0 Principles

- 3.1 The Board of Directors accepts the following principles, which are part of the statutory ACAS Code of Practice on Grievances:
- 3.1.1 If you have a grievance about your employment, you have a right to raise it and to have it heard fairly, consistently and speedily. This includes ensuring that meetings, decisions or confirmation of those decisions are not unreasonably delayed and that reasonable investigation(s) are carried out before decisions are reached;
 - 3.1.2 Wherever possible, grievances should be dealt with at the early stages of the procedure and by way of informal discussions and/or mediation

- 3.1.3 Where formal action is needed, what action is reasonable or justified will depend on all the circumstances of the particular case.
- 3.1.4 Whenever formal action is taken, it is important to deal with issues fairly and consistently
- 3.1.5 You will be given an opportunity to appeal against any formal decision made under this procedure.
- 3.1.6 If any aspect of the grievance procedure causes you difficulty on account of any disability that you may have, or if you require assistance because English is not your first language, you should raise this issue with your line manager, who will make appropriate reasonable adjustments such as offering an interpreter or allowing you extra time or other help, although these examples are not exhaustive.

4.0 Recording Proceedings

- 4.1 All formal stages of this procedure shall be minuted by a Clerk or an appropriate substitute. Minutes will be made available to the employee who has raised a grievance and/or their representative if requested. These will usually be provided within five working days of a meeting, other than in exceptional circumstances.
- 4.2 If the content of the minutes is questioned, the person who wrote the minutes will be asked to check their notes from the relevant meeting and, if no reason is apparent for altering them, refer the discrepancies to the person or committee who was chairing the meeting for verification. If a disagreement over the content remains, then the employee contesting the original minutes will be asked to mark up a copy of the minutes with proposed changes and both shall be filed and considered by the person(s) hearing the grievance and/or appeal before any decisions are taken about the outcome of the grievance.
- 4.3 Nobody should make a sound or video recording of a meeting under this procedure without the consent of all participants.
- 4.4 Written grievances will be placed on your HR file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. This will include original grievances, supporting evidence and any letters written in response to the grievance. These records will be processed in accordance with the Data Protection Act 1998 and having regard to the possibility that records will have to be disclosed during any subsequent litigation, including a claim in an employment tribunal.

5.0 The Right to be accompanied

- 5.1 You will be given a right to be accompanied by a workplace colleague or trade union representative at any formal stage of this procedure (grievance meeting and/or appeal). The trade union representative need not be a WHMAT employee, but WHMAT may insist on him or her being certified by the union as being experienced or trained in accompanying employees at grievance meetings.

- 5.2 The Board of Directors also recognises that there may be occasions where it is beneficial for employees who have raised a grievance to be supported by a workplace colleague or trade union representative when attempting informal resolution via a) face-to-face discussions with the person(s) perceived to be the cause of the grievance; and/or b) voluntary mediation between the parties (see further at 6.0 below). This may be allowed at the informal resolution stage, on the understanding that the individual supporting acts as a silent observer only, and on the understanding that the meeting takes place on an informal and non-adversarial basis. In such meetings, either party may withdraw at any point.
- 5.3 You must tell the person holding the grievance meeting or appeal who your chosen workplace colleague is in good time before the meeting. S/he will be given appropriate paid time off to allow them to accompany colleagues at grievance meetings or appeals.
- 5.4 At any meeting or appeal, your chosen workplace colleague will be allowed to address the meeting by making representations and asking questions, responding on your behalf to any view expressed, and summing up the case on your behalf. However, the grievance meeting and any appeal is essentially a meeting between you and WHMAT, so any questions put directly to you should be responded to by you rather than your workplace colleague.
- 5.5 Where your chosen workplace colleague is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled once, provided that you and your workplace colleague can propose an alternative time and date within five working days of the original date scheduled by WHMAT.

6.0 Raising grievances informally – Step 1

- 6.1 The Board of Directors encourages WHMAT employees to resolve grievances informally wherever reasonably possible.
- 6.2 The Board of Directors acknowledges that the ACAS Code encourages grievances to be resolved informally but does not say how this should happen. However, it recognises that informal resolution is likely to involve:
- 6.2.2 direct discussions between an aggrieved employee and the person or persons perceived to be the source of the grievance; or
 - 6.2.3 the aggrieved employee seeking the support of an appropriate third party from within WHMAT, who you perceive to be best placed to support in this process and to help you seek an informal resolution on your behalf e.g. a manager, mentor, phase leader or head of department; or
 - 6.2.4 mediation, whereby an independent and impartial trained mediator works with the aggrieved employee and the person or persons perceived to be the source of the grievance to try and reach a mutually agreeable solution to the grievance.

- 6.3 The Board of Directors recognises that some grievances may lend themselves to mediation. However, this would only be attempted if the employee who has raised concern(s) and the person allegedly causing the unacceptable treatment or behaviour both wish to try it and a trained/accredited mediator believes, having assessed the basic facts and nature of the grievance(s), that the situation lends itself to this process.
- 6.4 If the parties involved in a grievance express a mutual desire to attempt it in order to resolve the grievance, the person in receipt of the written grievance will decide, in consultation with HR and an appropriately trained mediator, whether this route is appropriate in the circumstances.
- 6.5 Mediation may be attempted at any stage of the grievance process, subject to agreement between the relevant parties (including the employee who has raised the grievance, any person against whom the grievance has been raised and the person in receipt of the written grievance). However, if it is attempted, the person in receipt of the written grievance will suspend the formal process pending the outcome of the mediation. If the mediation is successful, a formal process will not normally be necessary. If, however, it is unsuccessful, the grievance procedure will resume at the appropriate point. A mediator internal or external to WHMAT will be commissioned to facilitate in such cases.
- 6.6 If, however, you do not feel able to pursue a grievance informally using the approaches at 6.2 above, you may raise a formal grievance as set out at 7.0 below. Similarly, if you have tried to resolve the grievance informally using one or more of the approaches at 6.2 above, but this has not resolved matters, you may raise a formal grievance.

7.0 Formal written grievances – Step 2

What should your written grievance include?

- 7.1 If you wish to raise a grievance formally, you should put your complaint in writing. You can do this by completing a “Formal Grievance Statement” (attached at Appendix A). Alternatively, you should write a letter covering the same points.
- 7.2 As your written grievance will form the basis of the grievance meeting and any investigation(s), it is important that it includes:
- 7.2.1 a full description of the nature of your grievance (including any relevant facts, dates/times and names of witnesses or relevant individuals involved; and where appropriate, impact that the perceived treatment or action has had on you;
 - 7.2.2 confirmation of when and how you have attempted to resolve the matter informally and why, in your opinion, this has not resolved the situation that you are writing a grievance about;
 - 7.2.3 what your desired outcome or resolution would be to resolve the situation;
- 7.3 If you wish to submit written evidence in support of your formal written grievance, it should be attached to the “Formal Grievance Statement” or letter. If your written grievance is unclear, you may be asked by the recipient to clarify it and to provide relevant supporting evidence before any formal grievance meeting takes place.

Timescales for making a formal written grievance

- 7.4 You should do all that you reasonably can to lodge a formal grievance within 20-working days of the incident or treatment, taking place. However, it is recognised that grievances of this nature may relate to a series of actions or behaviour taking place over a period of time. If this is the case, whilst these may be detailed in the grievance, the formal process may only be entered into if you do all you reasonably can to lodge a formal grievance within 20-working days of the latest incident, or from the informal meeting which did not lead to a satisfactory resolution to your concern(s).

Who should my grievance go to?

- 7.5 If your grievance is about a manager or colleague other than your Head of Academy, and does not involve your Head of Academy, it should go to your Head of Academy.
- 7.6 If your grievance concerns your Head of Academy, it should go to the Chief Executive Officer (“CEO”) of WHMAT.
- 7.7 If your grievance is about the CEO, it should go to the Chair of Directors of WHMAT, unless it also concerns the Chair of Directors, in which case it should be passed to the vice-chair of Directors or to another impartial WHMAT Director.
- 7.8 If the CEO has a grievance, s/he should submit it to the Chair of Directors, or to the vice-chair of Directors if that grievance is also against the Chair of Directors.
- 7.9 If a Head of Academy has a grievance, they should submit it to the CEO, unless it also involves the CEO, in which case it should go to the Chair of Directors.
- 7.10 In the event of a grievance being received against the whole of the WHMAT Board of Directors (including the CEO), the grievance should be submitted to the Director of HR for WHMAT in the first instance, who subject to the nature of the grievance being made, will commission an impartial investigation.
- 7.11 If for any reason, you feel uncomfortable raising a formal grievance about the CEO or the Head of a WHMAT Academy with the chair or vice chair, you should take advice from your trade union representative or workplace colleague and/or discuss this confidentially with the Director of HR for WHMAT.
- 7.12 In very serious cases, e.g. if the grievance that you are making is also a potential criminal offence, you may also wish to report matters directly to the police and/or to appropriate external agencies.
- 7.13 If you raise several grievances in one letter but it is unclear from your letter or “Formal Grievance Statement” whether the concerns that you have raised should be dealt with under this Procedure or another (for example Dignity at Work), you will be asked to clarify under which Procedure you wish the grievances to be dealt with. However, the same grievance cannot be heard under this Procedure and the Dignity at Work procedure or any other procedure.

Acknowledging the grievance in writing

- 7.14 The person in receipt of your formal written grievance shall acknowledge it in writing within five working days (and refer to the date of receipt), unless there are exceptional

circumstances, in which case the letter of acknowledgement will be made as soon as reasonably practicable. The letter should also inform you of next steps.

Action taken against persons perceived to be cause of your grievance

- 7.15 If the grievance received concerns allegations made against another employee or employees of WHMAT, the recipient will promptly inform the employee(s) concerned to notify them of the allegations being made and explain the next steps. Any oral conversation should be followed up in writing, so that the employee(s) are clear about the situation. If the allegations are serious, the recipient of the grievance may need to suspend an employee or employees without prejudice and on full pay in accordance with WHMAT's disciplinary procedure. The disciplinary procedure includes the need for preliminary investigations before deciding what action to take and a full investigation once the decision to suspend had been taken. No action should be taken by the recipient of a grievance until advice has been sought from HR. In these circumstances, the two processes will run in parallel but the Disciplinary Procedure will be applied to the person allegedly causing the unacceptable treatment or behaviour.

8.0 Investigations

- 8.1 All grievances raised will be investigated reasonably. However, the nature and level of the investigation required may vary from case to case depending on the type of complaint received. It may involve interviewing and taking statements from you and any relevant witnesses, and/or reviewing relevant documents and/or paperwork.
- 8.2 The person raising the grievance must co-operate fully and promptly with any grievance investigation. This may include informing the investigator of the names of any relevant witnesses; sharing any relevant documents or evidence with the investigator and attending interviews as part of the investigation.
- 8.3 The person in receipt of the grievance will promptly discuss the grievance with HR so that the nature and level of investigation can be agreed before it is started.
- 8.3.2 *For more straightforward grievances* – the person in receipt of the grievance will normally investigate it personally as soon as the grievance has been received, ensuring, where possible, that the investigation is completed prior to inviting you to a formal grievance meeting, and by no later than 10 working days from receipt of your grievance, unless there are exceptional circumstances such as illness, holidays etc.; or
- 8.3.3 *For more complex grievances* – where a more lengthy/detailed investigation is deemed appropriate by HR, because the grievance is complex and/or contains serious allegations, the person in receipt of the grievance (the Commissioning Officer) will arrange for the grievance to be investigated promptly by a trained and sufficiently senior member of the WHMAT senior leadership team; or commission a suitably trained and experienced external investigator to complete the investigation on their behalf prior to inviting you to attend the formal grievance meeting. In these circumstances, they shall seek support from HR to prepare terms of reference i.e. the investigator's brief and should ensure that they keep the person who has put the grievance in, updated on next steps and likely timescales. They should also: a) send a

letter to the employees concerned (including witnesses) to confirm that they will be contacted by an independent investigator and invited to an investigation meeting where they can be accompanied by a workplace colleague who is not already involved in the case or by a Trade Union representative; and b) send a copy of the draft terms of reference for the investigation to the person who has raised the grievance in order that they may comment within a reasonable period.

9.0 Grievance Meeting

Invite to formal grievance meeting

- 9.1 Once the investigation has been completed, the person in receipt of the formal grievance will write to you inviting you to a formal grievance meeting. The meeting will be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations. For more straightforward grievances, the aim will be to hold it within ten working days of receiving your grievance letter. However, for more complex grievances, this will depend on the complexity of the investigation being undertaken beforehand. The letter will explain the purpose of the meeting, i.e. to discuss the concerns that you have raised in your letter/Formal grievance statement and ways of resolving the issues. You will also be reminded of your right to be accompanied by a trade union representative or workplace colleague.
- 9.2 Although your grievance will usually be investigated before holding a grievance meeting with you (see 8.3 above), the person in receipt of your grievance may deem it appropriate to hold a brief grievance meeting with you before deciding on the nature and level of investigation to carry out. In these cases, they will hold a further grievance meeting with you after the matter has been investigated and before reaching a decision on your grievance.

Attending the grievance meeting

- 9.3 You should ensure that you attend the meeting at the specified time/date. If you are unable to attend because of circumstances beyond your control, you should inform the person who you directed your grievance to as soon as possible. If you fail to attend without reasonable explanation, or if it appears that you have not made sufficient attempts to attend, the meeting may take place in your absence.

Purpose and order of grievance meeting

- 9.4 The grievance meeting will be chaired by the person in receipt of the written grievance, who will be accompanied by an appropriate person to take notes. They may also ask a representative from HR within WHMAT to be present at the meeting to support with due process. The aim of the meeting is to find a way forward. At the meeting, you will be asked to a) explain the nature of the grievance; b) invited to suggest how it might be resolved; and c) to make representations which will help WHMAT to reach a decision on a way forward that is based on all of the available evidence.
- 9.5 If a full/detailed investigation has been completed by the person in receipt of your grievance or an investigator prior to the meeting, you shall be entitled to receive a copy of the investigation report and any appendices in advance of the meeting. However, it must be kept confidential and only shared with your chosen representative.

- 9.6 Whilst you should be given every opportunity to explain your case fully, you should limit your explanation to matters that are directly relevant to the grievance. The person chairing the meeting will ensure that the discussion concentrates on the grievance(s) set out in the Formal Grievance Statement or grievance letter. The person chairing the meeting will intervene if they think that the discussion is straying too far from the issues set out in your grievance letter.
- 9.7 If the person chairing the meeting has conducted the investigation into your grievance, they will summarise how they conducted their investigation and set out any relevant findings. Depending on the circumstances, the meeting may need to be adjourned to allow further enquiries to be made before you are informed of the final outcome.
- 9.8 If the person chairing the meeting has commissioned an investigator to look into your grievance, they will be called as a witness to the meeting to talk through the process that they went through and to set out their findings and recommendations.
- 9.9 Where appropriate, the grievance meeting may be adjourned for an investigation to take place. The nature of the investigation i.e. terms of reference will be agreed between the person chairing the meeting and the employee who has raised the grievance. The person chairing the meeting may decide that a full, detailed investigation is not needed but that some further enquiries need to be made to establish some facts or to take advice on the feasibility of suggested solutions.

10.0 Possible Outcomes

- 10.1 Whatever the outcome, the Commissioning Officer should meet with you and then the person allegedly causing the unacceptable treatment or behaviour individually to discuss the findings/outcome of the grievance meeting.
- 10.2 In addition, if the matter leads to a disciplinary hearing against the person allegedly causing the unacceptable treatment or behaviour, they will be entitled to receive a full copy of the investigation report and appendices in advance of the hearing.
- 10.3 The outcome and the next steps are entirely the decision of the person who received your grievance. Their decision will be based on a) the investigation findings and/or b) representations made by relevant parties at the grievance meeting and c) advice from HR as appropriate.
- 10.4 Outcomes may be:
- 10.4.1 Your grievance is upheld and appropriate management action is taken against the person causing the unwanted behaviour. This may be formal action, such as disciplinary or capability procedures; or may be informal, such as training or a management discussion.
 - 10.4.2 Your grievance is not upheld and no further action will be taken.
 - 10.4.3 There may be instances where some points are upheld, and others not. In these cases, they are partially upheld. Management action may or may not be deemed necessary depending on the circumstances

- 10.5 If the person who received your grievance/Commissioning Officer considers, having regard to the investigator's report or their own investigation, that there is a case to answer for disciplinary action against the person allegedly causing the unacceptable treatment or behaviour, these findings should be discussed with HR and next steps agreed. It is good practice for them to keep you and the person allegedly causing the unacceptable treatment or behaviour updated so as to avoid any surprises. There should not be a requirement to commission a further investigation.
- 10.6 Following the grievance meeting, the Commissioning Officer in receipt of the written grievance shall summarise the conclusions of the grievance in a letter, including whether or not each part is upheld, not upheld or partially upheld. They should also summarise any action that WHMAT proposes to take as a result of your grievance. The person who raised the grievance should be informed of the right of appeal, both at the meeting and subsequently in writing.
- 10.7 There may be some circumstances where you are unable to attend a meeting, or that you request to not attend. In these circumstances, you may request to only receive feedback in writing (see 9.6 above for what to include).

11.0 Appeal

- 11.1 If you are dissatisfied with the outcome of the investigation into your formal grievance, you have the right of appeal against that decision. However, this will usually only be exercised if you have been informed that there is no case to answer, that the grievance was only partially upheld or that the investigation process under the Disciplinary Procedure (if it was implemented) has been mismanaged.
- 11.2 Your appeal should be made in writing to the clerk to the Board of Directors within 10 working days of receiving formal written notification of the outcome
- 11.3 Your appeal must be heard by an impartial committee of the Board of Directors who have had no involvement in the matter to date (known as the appeals committee). Where this is not possible, because the grievance is about a policy or decision of the full Board of Directors, the Director of HR for WHMAT will hear the appeal with 2 impartial local governing body governors from across WHMAT.
- 11.4 Your appeal letter must clearly set out your specific concerns and the basis for those concerns. The letter should be accompanied by any additional evidence to be presented in support of the appeal. If you do not wish to provide any supporting evidence, you must confirm this in your appeal letter. You may not be able to use at any appeal hearing, any evidence not previously provided. You should also name any witnesses who you wish to call and indicate whether you will be accompanied by a union representative or fellow-employee and the name of that person.
- 11.5 The clerk will arrange the appeal as quickly as possible. The clerk should make every effort to agree a date with your representative if they are already involved in the case, before sending out the formal invite letter and supporting paperwork to the relevant parties.

- 11.6 You may suggest an alternative time and date as long as it is reasonable and is not more than 5 working days after the original date. The appeals committee may reject the suggestion if it is unreasonable and may proceed to hear the case in your absence. The appeals committee may also defer the date of the hearing to reach mutual agreement on a particular date.
- 11.7 The clerk shall give a minimum of 10-working days' notice of the hearing to all participants. Written notice will include an invite letter, together with a full copy of the investigation report and appendices.
- 11.8 Present at the appeal hearing, will be the appeal committees, you (i.e. the Complainant), the Commissioning Officer and/or the Investigating Officer and your representative or workplace colleague.
- 11.9 After the chair has completed the necessary introductions, you will be asked to present the grounds of appeal and the Investigating Officer and/or the Commissioning Officer will respond on behalf of management. If management wish to call any witnesses, you must be notified of the names of those witnesses in the letter inviting you to the Appeal.
- 11.10 Following an adjournment to consider the evidence, the appeals committee may:
- 11.10.1 dismiss/reject the employee's appeal (so that the original outcome stands); or
 - 11.10.2 uphold/accept the employee's appeal and determine what further action should be taken. This may include requesting the Commissioning Officer to re-open the investigation on the basis that it has been mismanaged. In these circumstances, it will usually be appropriate for a new and impartial Investigating Officer to be commissioned.
- 11.11 The appeals committee may announce the decision orally to the parties or may notify the employee of the decision within 5 working days of the hearing.
- 11.12 There is no further stage of internal appeal.

12.0 Malicious or vexatious allegations

- 12.1 The fact that an allegation or complaint has not been proven following a formal investigation does not mean that it should be considered as malicious or vexatious. No action will be taken against any employee who makes an allegation in good faith, reasonably believing it to be true, even if the outcome following a reasonable investigation is that there is no case to answer.
- 12.2 However, there may be exceptional cases which lead the person who heard the grievance/ Commissioning Officer to believe that a grievance was not genuine or was made up. In these circumstances, WHMAT will take advice from HR as it may be necessary for a new disciplinary investigation to be carried out against the person who made the original grievance under WHMAT's Disciplinary Procedure. Following this process, the investigator may conclude that there is no case to answer or that the matter should continue to be dealt with as a disciplinary matter in accordance with WHMAT's disciplinary procedure.

13.0 Collective Grievances

- 13.1 A collective grievance is when either a group of employees or two or more WHMAT employees raise an identical problem, concern or workplace complaint under this procedure through a nominated trade union representative or workplace colleague.
- 13.2 Although the ACAS Code on Grievance Procedures does not apply to collective grievances, the Board of Directors recognises that it is good practice for such grievances to be heard under this procedure, subject to the slight differences below.

14.0 Nominated Representatives

- 14.1 Employees wishing to pursue a collective grievance should nominate individual(s) known as “nominated representatives” to represent their interests throughout the process. Nominated representatives may be another employee within WHMAT and/or a recognised trade union official and will be responsible for representing the interests of all employees who are party to the collective grievance, including presenting the case on their behalf at meetings and hearings.

15.0 Informal Resolution

- 15.1 The Board of Directors encourages employees to resolve grievances in an informal manner and without recourse to the formal grievance procedure wherever possible. Employees who consider that they have a collective grievance are therefore encouraged to follow the guidance on informal resolution set out in section 6 of this procedure.

16.0 Formal Resolution

- 16.1 If informal methods of resolution are deemed to be inappropriate or have been attempted but unsuccessful, you may ask your nominated representative(s) to prepare a written statement setting out that grievance and arrange for that statement to be signed by all employees who are party to the grievance (alternatively, employees may sign separate copies of the statement and forward those copies to their nominated representative(s)).
- 16.2 The formal grievance should be sent to the CEO (unless the grievance is about the CEO, in which case it should be passed to the chair of directors or vice chair of directors as the case may be). If the grievance is also against the chair, it should be passed to the vice-chair or another independent director. If for any reason, the employees to the collective grievance feel uncomfortable raising a formal grievance about a head of academy with the chair or vice chair, they should take advice from their trade union representative.
- 16.3 The written statement should include:
- 16.3.1 The names, job titles and contact details of all employees wishing to raise the grievance;
 - 16.3.2 The name and contact details of the nominated representative(s);

- 16.3.3 Details of the grievance including explicit examples, dates and times of issues and events giving rise to the collective grievance;
- 16.3.4 Details of how they would like the grievance to be resolved;
- 16.3.5 Confirmation that each employee has voluntarily consented to put in a collective grievance;
- 16.3.6 Confirmation that each employee understands that the grievance will give each employee the right to only one collective grievance hearing, one identical outcome and (if applicable) one appeal hearing and appeal outcome
- 16.3.7 The signatures of all relevant employees and the date.

17.0 Formal Collective Grievance Meeting, Investigation and Appeal

- 17.1 Arrangements for formal collective grievance meetings, including investigations where agreed, will follow the formal procedure as above in section 7, except that correspondence will be between the person in receipt of the written grievance and the nominated representative(s) rather than the employees direct.
- 17.2 Prior to the grievance meeting, the nominated representatives must inform the clerk to the Board of Directors of the names of the employees attending the meeting and any witnesses they wish to attend.
- 17.3 The results of any investigation will be shared with the nominated representative(s) on behalf of the employees prior to the grievance meeting.
- 17.4 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 employees who are withdrawing from the process and those wishing to pursue the appeal.
- 17.5 In the event of more than one employee wishing to appeal, the nominated representative(s) will be responsible for submitting the appeal in writing to the clerk to the Board of Directors as per paragraph 11) and the correspondence will be between the clerk and the nominated representative(s). If only one employee wishes to appeal, the individual grievance procedure will apply.
- 17.6 Following the appeal hearing, the nominated representative(s) will be informed of the outcome in writing within ten working days. The outcome of this hearing will be final.

18.0 Failure to Agree Following Negotiation

- 18.1 In exceptional circumstances, the parties to a collective grievance may still fail to agree despite the collective grievance procedure being exhausted. If a collective dispute is declared on behalf of some or all of the employees to the collective grievance, the matter may be referred for conciliation in accordance with section 19 below.

19.0 Collective Disputes

- 19.1 The Burgundy Book provides a “model procedure to facilitate the resolution of collective disputes between teachers and a school governing body”. That procedure “is complementary to the school’s grievance procedure; it is not an alternative.” It defines a collective dispute as arising “from a difference between the governing body and all, or at least a substantial number of, teachers at the school. The school’s own collective disputes procedure applies only to those matters which fall within the purview of the governing body.” The Board of Directors accepts that this procedure for teachers should apply equally to support staff.
- 19.2 The Burgundy Book states that the “prime objective is to reduce the possibility of disputes arising between teaching staff and the governing body”.
- 19.3 Mediation may also be appropriate at this stage (see further at paragraph 6 above).

20.0 Monitoring & review of procedure

- 20.1 This procedure will be reviewed on an annual basis by the Director of HR for WHMAT to ensure that it is working effectively. Any changes made will be subject to consultation and will reflect changes in legislation, guidance and/or good HR practice as appropriate.

EMPLOYEE’S FORMAL GRIEVANCE STATEMENT

Use this model letter if you wish to lodge a formal grievance under paragraph 7 of the grievance procedure.

Date.....

Dear.....

I am writing to advise you that I would like to raise a grievance.

The details of my complaint are as follows (please include a full description of the nature of your grievance including any relevant facts, dates and times of issues and events giving rise to the complaint, and where relevant, impact that the perceived treatment or action has had on you):

The following people also witnessed the above incidents: [delete as appropriate]

[I have tried to resolve this matter informally, by....., but without success. I know that this has not been a success as...]

OR

[The reasons why I cannot attempt to resolve this matter informally are xxxx]

I enclose copies of supporting emails/statements/photos etc to support my grievance.

I believe that my complaint could be resolved by *[Explain necessary action e.g. mediation between me and X, moving my desk so that I am not sitting adjacent to X, me being line managed by a different manager].*

I look forward to receiving an invite to a grievance meeting in line with the grievance procedure in due course.

Yours sincerely

[Name of employee]
