

Collective Grievance Policy

Waverley aims to maintain a high performing staff team to deliver excellent services to the community through fair, equitable and consistent treatment of staff.

If two or more employees have an identical grievance, and attempts to resolve the matter informally have not been successful, the employees concerned can raise a grievance via this Collective Grievance procedure.

This Policy meets the requirements of the following legislation: Employment Rights Act 1996, Employment Relations Act 1999 and Employment Act 2008 and acknowledges the recommendations in the ACAS Code for Grievances at Work.

Introduction

Waverley aims to maintain a high performing staff team to deliver excellent services to the community through fair, equitable and consistent treatment of staff. If you are unhappy about any aspect of your employment, 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 should speak to your Head of Service and HR Business Partner who will discuss with you ways of dealing with the matter.

We endeavour to resolve any collective grievance informally, as soon as possible and through mediation if appropriate.

Where attempts to resolve the matter informally are not successful, it may be appropriate for you to raise a formal grievance under Waverley'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 one grievance hearing and (if applicable) one appeal hearing. If you and your colleagues do not agree to this arrangement or if your grievances are not identical, the Grievance Policy will apply on an individual basis.

If you and your colleagues are all members of the same trade union, your trade union representative (if you all wish them to do so) can 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. If there is no one nominated representative, you and your colleagues will be entitled to address concerns individually at the grievance hearing, but you will have no additional right to be accompanied beyond having your colleagues present.

The right to be accompanied

As discussed above, you and your colleagues have the right to be represented at the collective grievance meeting and any subsequent appeal either by a jointly nominated colleague or Unison, the recognised Trade Union.

At any hearing or appeal hearing, your chosen 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 meetings between Waverley, as the employer, and the group of employees bringing the collective grievance.

Where the chosen representative is unavailable on the day scheduled for the meeting or appeal, the meeting can be rescheduled, provided that you can propose an alternative date that falls within 5 working days of the original date.

Conducting the grievance procedure

Everyone involved in the process is to be treated with dignity and respect. Waverley 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.

PROCEDURE

Formal grievance procedure

Making the complaint

The first stage of the formal collective grievance procedure is for you and your colleagues to put your complaint in writing to the Chief Executive. 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 grievance and indicate the outcome that you are seeking. If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place.

Your complaint should be headed "Formal collective grievance". Your grievance can be submitted as one document and 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 one collective grievance meeting, one identical outcome and (if applicable) one appeal meeting and one identical appeal outcome.

Before proceeding to a full collective grievance hearing, it may be necessary to carry out investigations of any allegations made by you. If any evidence is gathered in the course of

these investigations, you will be given a copy of the investigation report at least 5 working days in advance of the hearing for you to consider your response. In exceptional circumstances, you may be notified that evidence contained in the investigation report is to remain confidential.

Where there is an outstanding disciplinary issue concerning one or more of the group raising the collective grievance, advice will be sought from the Strategic Head of HR whether to suspend the disciplinary proceedings pending the outcome of the collective grievance.

The collective grievance hearing

The hearing will be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations, and normally within 5 working days of the receipt of your written complaint. It will be conducted by the Chief Executive (or representative) and Strategic Head of HR (or representative)

At the meeting, you and your colleagues will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

If you are unable to attend the hearing due to circumstances beyond your control, you should inform the Chief Executive as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your complaint.

Outcome

The Chief Executive (or representative) will reply to the collective grievance in writing within 5 working days of the meeting. If this is not possible, due to further investigations or the need to seek further advice, the Chief Executive (or representative) will indicate in writing, within 5 working days of the hearing, when a final response will be received.

If you and your colleagues are dissatisfied with the outcome, you may make a formal appeal.

Appeal

Your appeal should be made in writing to the Chief Executive clearly stating the grounds of your appeal, ie the basis on which you believe that the outcome of the collective grievance should be challenged. This should be done within 5 working days of the written notification of the outcome of the collective grievance. An appeal meeting will be arranged using the conciliation services of ACAS and will take place as soon as can be arranged.

If, following the collective 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, Waverley's individual, and not collective, grievance procedure will apply to the appeal.

If you are unable to attend the appeal meeting because of circumstances beyond your control, you should inform the Chief Executive of this as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

Following the appeal meeting, you will be informed of the outcome within 5 working days. The outcome of this meeting will be final.

Person/policy/collective grievance