



Perry Hall Multi-Academy Trust

Collective Grievance and Disputes Policy

Title	Collective Grievance and Disputes Policy
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Date Approved	8 th September 2025
Approved By Name	Trustee
Signature of Approval	Andrew Brocklehurst – Chair of Trustees
Next Review Date	To be confirmed

This policy has been fully consulted on with the following trade unions NAHT, ASCL, NASUWT, Unison, NEU and GMB and was implemented by Perry Hall Multi-Academy Trust (PHMAT) on the above date.

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INDEX

Section		Page Number
1	Policy Statement	3
2	Scope	3
3	What is a collective grievance?	3
4	Confidentiality	5
5	Informal resolution	5
6	Formal Stage – Collective Disputes Procedure	6
7	Monitoring and review	6
8	Equality and diversity	6

1. Policy Statement

- 1.1 Perry Hall Multi-Academy Trust (PHMAT) are committed to adopting policies and procedures to encourage a positive working environment, The Grievance Procedure provides a framework for individual employees to raise genuine concerns in relation to their employment. However, it is recognised that there may be occasions when more than one employee may have concerns in relation to the same employment issue. In such circumstances, it may be more appropriate to raise the issue collectively.
- 1.2 This procedure provides a framework for managing collective grievances, raised on behalf of two or more employees, by a representative of a recognised trade union.
- 1.3 This procedure specifically aims to resolve collective grievances at a local level. As with the individual Grievance Procedure, it is preferable for all concerned to try to resolve any concerns informally. Formal proceedings should only be used as a last resort.
- 1.4 It is expected that trade union representatives and Heads/Executive Leaders, with support from the Trust's HR Provider, will discuss issues and seek to resolve them without recourse to a formal procedure. An early dialogue often prevents positions becoming polarised.
- 1.5 Effective arrangements for communication, consultation, negotiation and strong partnership working should minimise or eliminate the possibility of collective disputes. However, it is important that there are clear arrangements to resolve any disputes that do arise. The procedure set out below should ensure that disputes can be considered without delay and in a non-discriminatory and consistent way.
- 1.6 This policy has been written to conform to the following:
- Equality Act 2010
 - Any other relevant employment legislation

2. Scope

- 2.1 This procedure applies to all employees of PHMAT. Where the term employee is used throughout the policy this applies to both employees and workers. It is to be used to manage collective grievances at a local level and is not to be applied in relation to individual grievances.
- 2.2 Copies of all policies and procedures referenced above can be accessed via Share Point.

3. What is a collective grievance?

- 3.1 A collective grievance is a grievance raised on behalf of two or more employees by a nominated representative. A nominated representative will be a member of a recognised trade union/professional association.
- 3.2 Nominated representatives will be responsible for representing the interests of all employees in the collective grievance. This will include presenting the case at meetings.

3.3 Examples of concerns that employees may collectively seek to resolve through this procedure could include:

- Terms and conditions of employment
- Health and safety
- Work relations
- New working practices
- Working environment
- Organisational Change
- Part time or fixed term employees who feel they are being subject to less favourable treatment than their full-time comparators, or vice versa
- Matters of discrimination, e.g., bullying and harassment – however, such matters may be more appropriately dealt with under the employer's Dignity at Work Policy

3.4 Matters which are excluded from being dealt with under this procedure are:

- Individual grievances
- Matters already dealt with under this procedure, where the procedure has been exhausted, and the matter escalated to a formal process by a recognised trade union/professional association representative on the employees' behalf.
- Matters relating to pay, which are to be managed in accordance with the employer's Pay Policy.
- Matters connected with the management of attendance, ill health capability, performance, or conduct, which are to be managed in accordance with the applicable procedures.
- Matters over which the employer has no control.
- Collective disputes raised by former employees. In these cases, professional HR advice should be sought i.e. employees who are under a period of notice or former employees.

3.5 Where employees have concerns in respect of something that they may have witnessed at work, but this does not amount to a collective grievance that is within the scope of this procedure, it may be appropriate for concerns to be raised under the employer's Whistleblowing Policy and Procedure.

3.6 All staff, including supply staff, volunteers and contractors, have a duty to immediately report any concerns that they may have in relation to the safeguarding of children and young people, and must follow PHMAT's Child Protection Policy and Statement in respect of managing allegations against staff, supply staff, volunteers and contractors who work with children and young people.

- 3.7 Both PHMAT and Trade Unions/Professional Associations are committed to resolving workplace collective grievances in a timely manner, in an attempt to foster a positive employee relations culture.

4. Confidentiality

- 4.1 Confidentiality is of prime importance and there will be no disclosure of information to anyone who is not involved with the collective grievance, dispute and any associated investigation. Exceptions to this are where:

- It is considered that an individual or individuals are in immediate danger
- There are potential criminal investigations or safety implications

- 4.2 Any breach of confidentiality is a serious matter and may lead to disciplinary action.

5. Informal Resolution

- 5.1 It is preferable for all parties concerned to try and resolve matters informally as this is likely to produce solutions which are timely, effective and restore positive relations in the workforce. Heads/Executive Leaders should be able to resolve minor issues through normal line management processes.

- 5.2 Employees wishing to pursue a collective grievance should nominate individuals to represent their interests throughout the process i.e., 'nominated representatives'.

- 5.3 Any concerns or issues should be raised informally to their in school rep or by the nominated representative(s) in the first instance with:

- the Head or Executive Leader
- the CEO if the Head or Executive Leader is the alleged cause of the complaint
- Board of Trustees if the CEO is the alleged cause of the complaint

- 5.4 It may be suitable to deal with issues through other mechanisms such as mediation, where appropriate, and where the employee and their nominated representative(s) agrees that this would help resolve the issues. Mediation is a voluntary optional process which can be attempted at any stage of the procedure. This involves the appointment of a third-party trained mediator who will discuss the concerns raised by the aggrieved with all parties involved and seek to facilitate a resolution. Mediation will only be used where all parties involved in the grievance agree. The Trust's HR provider will support in signposting to external mediation services, if required.

- 5.5 Following receipt of the collective grievance PHMAT will, without delay, carry out any necessary investigations, to establish the facts of the case.

- 5.6 In order to seek a resolution at the earliest opportunity, PHMAT, with support from the Trust's HR provider as appropriate, will meet with the nominated representative(s) to discuss and clarify the nature of the concern(s) raised, in order to:

- Identify any underlying causes
- Consider the main arguments with a view to resolving the grievance informally
- Find common ground between both sides
- Consider mediation
- Consider the potential consequences of the concerns escalating to a collective dispute
- Attempt to discuss and negotiate a solution that is mutually acceptable

5.7 Whilst this stage of the Procedure is informal, notes of the discussion should be taken and kept by the employer.

6. Formal Stage – Collective Disputes Procedure

6.1 Where it has not been possible to resolve the matter informally, PHMAT, employees and their nominated representative(s) will proceed to the National Collective Disputes Procedure, in accordance with Burgundy or Green Book conditions.

6.2 If a collective grievance cannot be resolved informally, then those employees that are in support of it may call upon their Trade Union for support. Trade Unions invariably attempt to resolve disputes through negotiation. But if this is not possible, then industrial action may be invoked as a last resort.

Negotiations between Trade Unions and PHMAT can and should continue throughout the process; from notice of calling a ballot, up to and including any strike action to find a resolution to the dispute.

This agreement presupposes the acceptance by all concerned of the basic principle that all involved will do their utmost to settle potential or actual disputes at the local level. Such acceptance implies, first, that reference to conciliation at national level of any dispute essentially local in origin or nature would be made only as a last resort and, secondly, that the Trust, teachers' organisation or support staff representatives involved in a dispute would take no action to implement decisions relating to the dispute until the conciliation procedures had been fully utilised.

7.0 Monitoring and review

7.1 This policy will be reviewed as and when required, in order to reflect current best practice and any changes to legislation and Government guidance.

8.0 Equality and diversity

8.1 PHMAT is committed to equality and fairness for all employees and will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.