# REPS Part 2 (Handling Cases) face to face

## Tutors’ notes

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## Introduction

This is the new reps training course classroom version to be run online over 2 days. The aim for this training is to offer training for reps that have completed Reps’ part 1 and wish to undertake the training in the classroom rather than online. There is a good mix of tutor led sessions and practical sessions for reps to build their confidence and understand more about what the role entails. We’ve tried to include a selection of case studies for reps to work on as well as giving clear guidance on the processes and procedures new case handlers may face.

The original workbook is unchanged, and all the activities are possible to run face to face. The course is split into eleven sessions. There is still an expectation that the tutor gives feedback to the Education department that full time officers can be informed that a rep has attended, and concerns addressed with rep the rep at a later point. The videos are included in this version of the course.   
You may wish to share in the chat the relevant course resource page for the reps, where they’ll have access to the workbook, videos and homework sheet.  
<https://prospect.org.uk/course-resources/><https://bectu.org.uk/course-resources-bectu/>

We also encourage new case handlers to use the opportunities within their branch to gain experience and not to be too nervous about approaching their first case. We all must start somewhere!

## How these notes work

There are 4 core resources associated with the course:

1. The PowerPoint presentation, which includes visual aids, but also maintains the structure/order of the course
2. The participant’s workbook, which covers logistics, background information and activity sheets
3. The tutor’s notes which explain the activities, suggest discussion-prompts, give (loose) timings, and ‘index’ the other resources, tying the whole thing together. The words in bold are the changes from the classroom course delivering the online version.
4. As tutors who’ve committed to delivering this course, we would suggest a small amount of preparation time ahead of the course to ensure you’re familiar with the session, activities, and tutor instruction.

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| **Session** | **Slide no/WB page** | **Notes** | Resources |
| **Day 1**  **10:30 start** | Slide 1  **Page numbers are added as a suggestion but refer to your own printed workbook too as depending how the pages have been printed they may show on different page numbers.** | **Open the PowerPoint and have the title screen up on the screen.**   * Invite people, as they arrive, to skim through introductory section of workbook (History of Prospect/ Trade Union Terminology) as well as the T&S policy * Write on name cards * Coffee and tea, water if provided * The course timetable is left untimed deliberately so as not to restrict the sessions, we have added in suggested tea breaks and lunch break, as a guide to the tutor. | **Tutor to ensure you have, Screen, projector, flipchart, and pens**  **Workbook, tutor notes, name cards**  **T&S policy, expense forms, Evaluation forms, E&D forms**  PowerPoint for the face-to-face version. |
| **Welcome**  **10:30 – 10:35**  **5 mins** | No Slide  pages 2-9 | * Introduce tutors here * Pronoun to be mentioned and refer to name cards if necessary * Go over housekeeping: toilet locations, fire alarms (NPH Friday morning), timetable for the day & breaks (roughly 11.45, 13.00, 15.00) and mention about putting mobile phones on silent. | Name cards  Tea, coffee etc  Tutor to find out when the fire alarm is in other venues other than NPH |
| **Workbook Session 1 – Introductions and objectives**  **10:35 – 10.45**  **10 mins** | Slide 3/  pages 2-9 | * **Introduce tutor here** * **On slide 2 is the pre-course reading which will save time if the people have read it.** * **Go through learning outcomes page 2** * learn more about the laws, policies and agreements that shape union representation * learn more about how to represent individual members effectively * find out how to identify collective issues and problems and deal with them * make some plans for when you return to work. * **Interactive course and reps are encouraged to discuss, raise items, and participate in the sessions.** | Flipchart and pen |
| **Activity A**  **10:45 – 11:05**  **20 mins** | Slide 3/p11/12 | * **Workbook Session 1: Activity A.**   **Split group into pairs and be mindful of time for this exercise get the answers to the following:**   * **Their name** * **Where they work** * **Do they have a union role?** * **What are the common issues in the workplace, this could be remote working?** * **They introduce each other** * **Write down answers to what they want to get from the course. This can be referred to during the day but also covered by next steps, further courses perhaps. This can be done on the flipchart or pen and paper by the tutor** | Flipchart and pen |
| **Workbook Session 2 – Personal Cases and members’ rights**  **11:05 – 11:25**  **20 mins** | Slide 4 - 12  pages 13 -16 | * Outcome of session 2 - the session is designed to clarify the role and bring out any areas of confusion or concern among delegates. * Slide 4 mention the right to request flexible working becomes a day-one right from the 6th April 2024 instead of from 26 weeks. * Tutor to go through the - emphasise that reps make the best-case handlers as they know the working landscape, hopefully they’ll have a good relationship already with the employer and will know the members and be respected by their peers. The role is to try to resolve issues as swiftly as possible and to know the right support as and when the rep needs to escalate the issue. * To appreciate the importance of the case handler role * Prospect/Bectu’s duty of care * **In November 2021 a code of practice was created for Prospect and Bectu representatives. It had the aim to highlight the role of the rep/case handler: see below & more detail on slide.** * **Provide you with clarity about your responsibilities to ensure the respect of others.** * **Inform you about your rights if you feel you are not being treated with respect.** * Table is there as reference and for delegate to use as a guide for the future * Trade union and Prospect/Bectu’s approach * Rep is there to uphold the rights of the member during any case |  |
|  | Slide 10  Page 16/17 | • Recap on skills on role from reps 1 – tutor to link to what was covered in reps’ part 1 (role of the rep) |  |
| **Workbook Session 3 – Help for members**  **11:25 – 11:50/55**  **Activity B part 1**  **15 mins**  **Activity B part 2**  **15 mins** | Slide 11- 14  Page 17 -19  Slide 12 **/13**  Page 17  Slide 14  Page 19/20 | * **Workbook Session 3: Help for members start with activity B** * **Activity B part 1 & 2 delivered in small groups, go through member’s initial requests page 17, and give each a group a couple of questions** * **Read out each member request for ease and those with difficulty reading and ask a group for an answer** * Activity B – Help for members. Learning outcome – to understand the importance of getting all the facts from the member and to appreciate the need to manage members’ expectations * Then introduce the 2nd part of the exercise (more information) and ask each rep how they would now reply with the extra information and did it change from their initial response. * Feedback further for 10 minutes * **Learning outcome – to provide confidence to reps early on and show they know more than they realise.** * **How members won’t always reveal everything in an initial meeting – so never give any likely outcome until you know all the facts**   **Points/guidance on the answers.**   * **Member 1** – yes you can help and will endeavour to find a female colleague. Nevertheless, all reps are trained in the same way and will offer the same advice. Prospect/Bectu membership entitles the member to advice, not necessarily the right to choose their rep. * **Member 2** – Yes, you can help as they are a member, but it is a case of managing the members’ expectations. It’s unlikely you’ll have a different answer to the other rep. * **Member 3** – confidentiality is possible but not if the issue maybecome a police matter or possibly if it goes to a tribunal. * **Member 4** – You would help and find the details of the case. * **Member 5** – As they are not a member, you cannot represent them. This calls into question your integrity if you do and you’re not insured to represent non-members. You can advise them on the issue as much as possible, explain about pre-existing issues and membership but ultimately advise the member to join. * **Member 6** – Yes, you can help and advice, similar to member 1 in terms of whether we have that available resource and advise that all reps receive the same training and will respect their religion/belief and the bearing on the case. |  |
| **Tea break**  **11:55 – 12:05** |  | 10 min break |  |
| **Workbook Session 4 – Handling cases (the basics)**  **12:05 – 12:25**  **20 mins** | Slide 15-28  Page 21 -33  The initial request (Slide 16)  Establish the facts (slide 17)  Key decisions  (Slide 18)  Identify the issue  (Slide 19)  Mitigation  (Slide 20)  Policy  (Slide 21)  Next steps, watch out for, putting the case  (Slide 22 – 24)  Investigation meeting (Slide 25)  Hearings and rules  (Slide 26)  Outcome  (Slide 27)  Legal cases  (Slide 28) | Activity B focused on what you already know, now we will look at the processes for handling a case.   * The main learning outcome from this section is for delegates to understand the processes from start to finish. * Suggestion: ask the delegates to focus on the slides – all information is in the workbook so if they want to make notes, they can. * Initial request from member, establish the facts (proforma to talk through), decision, identify issue and mitigation, the importance of policy (following correct procedure), next steps, putting the case, investigation and hearing ground rules, It is important that reps   know what they are allowed to do or say in a particular meeting, outcome, and legal cases (responsibility of legal team)   * Introduce the pro-forma – refer to PIP method as well (in appendix if rep prefer that method) * We’ve already mentioned pre-existing issues and membership and why these are important. Point s to remember are Prospect/Bectu insurance covers advise to members only, remember your credibility as a rep if you offer advice to everyone. Use your judgement on case by case situation – if a new member of staff is facing an issue, have they had a chance to join etc (benefit of the doubt) * Prospect/Bectu don’t deal with pre-existing issues. It is important to clarify the members’ subs pay for any legal cases and it is based on the likelihood of the case winning. * If another member is involved, Prospect/Bectu offer representation to all members so separate representation would be needed for the other member. It also must be the same level of representation. E.g., two reps or two officers, not one rep and one officer. * Confidentiality is important as often personal details may come out. It is important as the rep you keep the details of cases confidential (especially if there are several witnesses to an event) don’t get drawn into any gossip or assumptions. If a manager didn’t keep the confidentiality, we would raise it as unfair treatment. * Are you the right rep? Generally, you may face scenarios where you may have a friend seeking help. It is for you to decide whether you can help them or if you’re too close to the situation. If you have other reps it may be wise to ask another rep to take the case. * Self-explanatory – go through the slide * Go through slide. Has the case become formal or not? Escalate to officer if you feel it may need to be considered for an ET. * What kind of case is it? Clarify the difference between a grievance and a disciplinary. * Often can be key in a hearing. However, it is important to remember it is not a line of defence. It is important to ensure procedures were carried out and poor/ lack of investigation can be crucial to a case – certainly if it escalates. (more details on this later.) * Always familiarise yourself with the appropriate policy before the hearing. Are policies accessible for staff? Often policies can overlap so ensure you have clear ideas of what the company’s stance is. In an ideal world, policies will have been consulted on with Prospect/Bectu, but this is not a given. Always ensure the policy is appropriate and can be adhered to. * Go through the slides. Important to remember it is the members case not the reps, get the member to provide a timeline, emails, and other details. They should be involved in the process. * Possible discrimination – may not be immediately obvious. If in doubt, check with a full-time officer at Prospect/Bectu. * Make it very clear that some employer policies do not automatically allow a member to be accompanied at an investigation meeting * Go over the difference between the rep’s role in the investigation and the hearing. Do’s and don’ts should be clear on the slides. * Go through the slide * Touched on this previously. There is a strict deadline for legal cases, so always flag up with your officer. * If the member has sought legal advice elsewhere, Prospect/Bectu won’t continue with the case. | Take time with this session  Proforma 24 – 27)  Delegates can refer to their workbooks throughout this session as lots of information and points for reference.  PIP method, Problem, information, Plan (another way of capturing information to present a case. |
| **Activity C**  **12:25- 12:50**  **10 mins in groups**  **15 mins feedback** | Slide 29/pages 34-37 | **Activity C questions on representation once again you again introduce it from the slide. Point those that can see their workbooks to page 34-37 for the help split into groups and give them 10 mins then 15 mins feedback**   * Activity C – Ground rules for casework. Taking information from the previous discussion and tutor led session and using the extract from ACAS 39 – 41. How would you answer the following scenarios? It is important for reps to ensure they give their answer and the appropriate paragraph or sentence they would use to back up their point from the ACAS extract. * Tutor guidance * Point 1 – it is reasonable in accordance with ACAS (see paragraph on time limits for warnings), nevertheless as it isn’t a final written warning, you may wish to see a lesser time limit e.g., six months) * Point 2 – Mitigation should always be considered on a case-by-case basis. If you feel that it hasn’t had a bearing on the penalty, the appeals process if there (and will be heard by another/ more senior management. (Evidence under appeal procedure) * Point 3 – Evidence is within the first part (preparing for the meeting.) You’d need to understand more of the case. Ultimately if it has a bearing on your member and their future, it should be submitted as evidence. All hearings/members should have confidentiality and management can’t treat staff differently if it important to the case. * Point 4 – Quite simply – no. Evidence under the paragraph (provide employees with an opportunity to appeal). It goes against natural justice to deny the process. |  |
| **Activity D**  **12:50 – 13:10**  **10 mins in groups**  **10 mins feedback** | Slide 30/p38 | **Activity D rep’s rights in big groups pages 38-41**  **Give the group 10 mins maybe have 2 big groups and split the questions in half and then ask to feedback**   * Activity D – as Activity C use the extract from ACAS code of practice to decide how they would answer questions on the right to be accompanied. (Page 38-41) * Point 1 – Yes, as a voluntary rep you don’t have to take on any case, you’re uncomfortable with.   \**Reminder that no rep should ever feel like they must take on a case.*   * Point 2 – Evidence in ‘extract from discipline and grievance at work’ (section 2 on page 40.) As it is informal, you do not attract the right to accompany the member. However, you may wish to raise with the manager if the member is in **distress** (their duty of care). Generally, refusal for company may imply some unfair practice. If the meeting is above board, why not let you attend as a silent witness? * Point 3 – Evidence in the point 17 (page 40). The companion/rep can address the hearing, sum up the worker’s case. Rep cannot answer direct questions put to the members. You can also ask for an adjournment if you feel the member is distressed and use this time to go over what the member should say.   **By the end of this section delegates should have a clear idea of the processes and understand reference to policy and how to start to build points.** | This exercise may fall the other side of the lunch break. |
| **Lunch break**  **13:00/10 – 13:45/55** | Slide 31 | **45-minute break** |  |
| **Workbook session 5**  **Interview skills**  **14:00 – 14:15**  **15 mins** | Slide 32- 37  Page 43-47  Slide 33 before the interview  Slide 34 during the interview  Slide 35 (hidden)  Get the facts  Slide 36  At the end of the interview  Slide 37  Keeping safe | In this session we are looking at how a rep interviews a member during the personal case process.  Before the interview - use the slide as a prompt and don’t forget to say a rep need to allow time to conduct an interview  During the interview - use the slide as a prompt reiterate about asking to make notes under GDPR and what you will use the notes for.   * **Video on listening and persuading if there is time (video length 5.25)** * **Vimeo link – video 3. or https://www.youtube.com/watch?v=D6-MIeRr1e8**   Get the facts – explain the 5 bums on a rugby post to remember what facts you need Use profroma rather than run over the slide.  At the end of the interview – confirm what you think the facts are by asking close questions. An example would be My understanding is that there were not any witnesses to the remarks aimed at you, is that correct?  Keeping safe – mention that it is very rare that reps feel unsafe but just case go through slide  Don’t give out personal details or be readily available 24 hours a day no matter what the issue is!  Suzy Lamplugh link in books (page 47) |  |
| **Activity E**  **14:15 – 15:15**  **(60 mins)**  **25 mins for pair work**  **25 mins for feedback** | Slide 38-40  Pages 48 -61  Slide 38  Slide 39  Slide 40 | In the activity E explain what is going to happen with the slide 38 up.   * **Split into pairs – one will be the member (more experience rep) and the other the rep (less experienced rep), where there is an odd number have two reps in a group** * Ask the reps if they can fill in the Pro-forma as they go. * The process the activity is using is the one on the pre-reading and they need to check it before completing the homework. * Refer those playing Alex to the extra information on page 55 to answer the questions; you may need to make up bits to questions that are not covered in the information.   **Initially start with how they got on with the exercise**  **go through feedback of the homework Activity E, bring up the slide 39. lead them to answer the feedback questions.**   * **Have they got the procedure, right?** Well, no, there is no evidence of a proper investigation. The timeline is very slow. Explain what gross misconduct is; it is when an employee has done something that means that it is untenable to keep them employed. Ask them to consider if the management have acted like it,was gross misconduct. The answer should be no, as they did not suspend Alex as if they thought Alex might hit Roger, they needed to protect Roger. * Ask the reps what they think is the employee’s version of Gross misconduct? The answer is Constructive dismissal. An employee must give their notice in forthwith. The union do not recommend that a member does that except in extreme circumstances. * **Are there any mitigating circumstances?** Yes, we want reps to come up with childcare, doctor’s notes arranged the neighbour to look after the children. Provoked by Roger * **What about the behaviour and actions of the management team?** We are looking for the reps to say that Roger does not believe Alex and Ian Black has already made his mind up about the meeting. Issues with the letter – false information. * **What if Alex wishes to raise a grievance? Outline ACAS advice and highlight timescales.**   **The main outcome is that the employer did not follow its own procedure, but does not mean they will drop the case, mention the Knob head case as law that employers should follow their procedures but may go ‘so what’ so reps still must come up with a plan for the formal meeting.** | The other option for this activity is the Tutor play ‘Alex’ and get the reps to ask the questions from the profroma (as like the online version)  Mention constructive dismissal & success of such cases. Again, on if proven ‘untenable working conditions’  What about Alex wishing to take a grievance potentially – mentioned ACAS guidance of the disciplinary process should be upheld until the outcome of the grievance has been heard  Case law in appendix Talon engineering V Smith. (Knobhead case) |
| **Tea break**  **14:50- 15:00** |  | **10 min tea break** |  |
| **Workbook**  **Session 6 – Data protection and record keeping**  **15:00 – 15:15**  **10 mins** | Slide 41 - 47 page 64 – 65 | **Session 6 Go through slides GDPR slides 41-47 the optional parts of Workbook session 6 are not in the online course.**   * Go over the PowerPoint and main points and pitfalls for new reps * Go over most common mistake by new reps – not clarifying with manager data needs/requirements as a rep. * Not using password protected documents * Remembering not ALL members have given consent to share information. * Bcc’ing members but attaching a document without a password | Introduce, Action plan in workbooks |
| **Optional session 6A or 6B**  **15:15 – 16:00**  **There may be time to do both** | Session 6A  Slide 48 -50/pg66 -67  Session 6B  Slide 51 -54/ page 68 - 69  Slide 52 -53 | **Session 6A is about performance management**  Go through slide 48 as things that should be done when reviewing performance management.  Slide 48 is a video to watch and then for a discussion in a big group to ask what was thought of the behaviour of the manager and rep and what could be done differently.  What can the rep do? Adjournment, being clear the purpose of the meeting and manager demonstrating challenging behaviour. The adjournment comes too late.  **Session 6B is about Protected conversations**  Whilst settlement agreements can be a useful way to resolve a dispute, before 2013 confidentiality would only apply where there are without prejudice discussions in relation to an existing dispute. The problem with the 2013 rules is that employers could decide to completely by-pass existing disciplinary or capability procedures. They would be able to identify that they want to dismiss a particular worker and can make them an offer to leave without having gone through any proper investigation or procedure. Whilst the worker would not have to accept the offer, they may feel that there is no option but to do so. It would be up to the rep to make sure that the member was aware that there could be other options than accepting an offer they don’t want.  What that effectively means is that ‘pre-termination negotiations’ are not admissible at an Employment Tribunal hearing, i.e., cannot be referred to in any subsequent unfair dismissal claim.  If ‘improper behaviour’ or ‘undue pressure’ is used during the pre-termination discussions, then this could then be allowed to be heard at a tribunal and the tribunal would consider them to be fair or unfair.  If ‘improper behaviour’ or ‘undue pressure’ is used during the pre-termination discussions, then this could then be allowed to be heard at a tribunal and the tribunal would consider them to be fair or unfair.  **Ask if their workplace uses this practice and have a discussion around this?** | There is an option to discuss this after Sam’s case on day two as he wishes for a settlement as his outcome.  Overnight re over page 95 recap perhaps if needed. |
| **End of day 1** | Slide 54 | **Finish to go through the arrangements for Travel & Subsistence and what will happen tomorrow**  **Start time for tomorrow?** |  |
| **Day 2**  **10:00 - 10:10**  **Recap 10 mins**  **(There is an option to start day 2 at 9.30 dependant on reps travelling.)** | Slide 55 |  |  |
| **Workbook Session 7 – Investigations**  **10:20 – 10:30**  **10 mins** | Slide 56- 59  Page 70 & 71 | Investigation – what makes a good investigator and the role of the investigator  with explanation about that a formal meeting has an outcome that has a disciplinary sanction and an informal or investigation meeting should not reach a disciplinary sanction outcome. |  |
| **Activity F: the rep role**  **10:30 -10:40**  **10 mins** | Slide 59-62  pages 72 -73 | * **Activity F feedback,** * **Watch the video on Andy’s investigation and go through questions on page 72-74?** * Group discusses the reps’ performance   Answers we’re looking for.     * Did Elaine listen to Andy? No      * Did Elaine understand what the management wanted at the meeting?  No, she was taking over with what she thought they may raise about health and safety issues and raise assessments.      * Do you think she represented the member correctly? No, she never gave him a chance to talk! She clearly hadn’t prepped the member for the meeting either.      * Do you think it was appropriate for Elaine to attend? It was an investigation meeting. Check your workplace policy/seek ACAS policy if unclear. It was inappropriate for Elaine to attend if the manager had no issue, but she shouldn’t have spoken or answered the questions meant to Andy.      * What would you have done differently? Obviously, this is for discussion but hopefully no one thought this was a great example! | Reps may also pick up on the fact that Elaine is physically front and centre in the meeting. Not ideal for showing support for Andy. |
| **Workbook Session 8 - Formal Disciplinary Process**  **10:40 – 11:30**  **50 mins**  **15 mins for groups**  **35 mins for strategy**  **feedback**  **5 mins for real outcome** | Slide 62 - 68  Page 74-82  Slide 65 & 66  Slides 67 & 68 | First 15 mins   * Split group into pairs and ask them to read through the evidence on page 78 - 81 and then using the evidence build the case using the headings (strength weaknesses, mitigation etc.) in the pages following the evidence. * Tutors need to emphasize to ensure delegates concentrate on the arguments of the case. Clarify that mitigation provides explanation and not a defence but can be part of the remedy.   25 mins   * Follow the strategy format and plan your strengths and weaknesses, mitigation circumstances for the case. * Emphasis that procedure HAS been followed and to ensure preparation for the meeting has been completed. Feedback must be from both people in the pair. * After feedback, go through the results on the following slides.   Reveal outcome  Other option to talk over the settlement agreement outcome | Activity G and H are timed to go up to lunch with tea break between them. Try to allow the pairs to work independently |
| **Tea break**  **11:30 -11:40** |  | 10 min tea break |  |
| **Activity H Sasha’s case**  **11:40 – 13:00**  **Allow around 15 to 20 mins for feedback** | Slide 69 – 70/ pages 83 - 96 | In pairs using the pro-forma, evidence and procedure come up with a strategy for the meeting  Same process as with Sam’s case – ask delegates in pairs to go through the information and build up the case. There is a lot more written evidence, so a lot of time is allowed go through what delegates have decided.  Delegates should have found that.  Not all adjustments were made, and the procedure was not strictly followed. |  |
| **Lunch break**  **13:00 -13:45** | Slide 71 | **45 mins for lunch** |  |
| **When attending a hearing**  **13:45 – 13:50** | Slide 72 – 73  Page 97 | Goes through what needs to be confirmed |  |
| **Dealing with distressed members**  **13:50 – 14:00** | Slides 74-76  Page 98 | **Slide 74** ask the reps to think about how Alex and Sam are going to be feeling and the emotions they are going to show when you met them. The rep is there to help the member set their emotions aside.  **Slide 75** go through slide  **Slide 76** play video then say this what it can be like when you work on a personal case, and you need to look after yourself |  |
| **Workbook Session 9-**  **Managing members**  **Expectations**  **14:00 – 14:20**  **(20 mins)** | Slide 77 – 78  Page 99-101  Activity I  Slide 79/page 100 | Session 9 -We’ve just gone over a real-life case and luckily it was a positive outcome. Nevertheless, that won’t always be the case. One of the key elements of a case handler’s role is to manage members’ expectations and understand how this may change their behaviours. Members’ feelings /distressed member’s section  **Go through slide 78 managing expectations ask the group what complaints they think would be justified?**  **Run activity I in pairs read out the email and then write on the flipchart the reps’ responses.**   * Activity I (10 mins) * 5 minutes to feedback (5 – 10 mins mins) * Point we’re looking for are: * Check company social media policy, * Advise it’s not a ridiculous policy but most companies have something now to protect their workers as much as anything else. Company will view what has been written – not a personal attack on Ike but will contribute to disciplinary is used to bully/belittle another remember of staff or bring company into disrepute. go over the ‘privacy’ of any social media * It may be a policy the union were consulted on. * Slack a professional way of communicating with clients? * Why would the management have issue with Ike? * Maintaining a standard of professionalism. * Refer to the article – is it ever private? | Word doc Activity I  Policy included in work for Reps to refer to |
| **Workbook Session 10 – Grievances**  **14:20 – 14:50**  **(30 mins)** | Slide 80 -84  Page 102 - 107  Activity J  Slide 83 Page 104-106    Slide 84  Slide 85  Page 107 | Session 10 Grievances.  Go through slides 81-82 mention there is an example grievance letter in course resources.  <https://prospect.org.uk/course-resources/><https://bectu.org.uk/course-resources-bectu/>  Slide Activity J – Sharon's case. Tutor to read out the grievance letter. Ask reps to consider how they would support Sharon.  We want to the group to recognise there has been a data breach and the member wants the shift swapping system changed as the desired outcome and has proposed a new system.  As it is a large group all seeking information from a whatsapp – discuss how this could be resolved. One whatapp for admins/vital info one for group chat?  What about Sharon sending the formal letter before asking you? Discuss whether it’s necessary to include Dave’s texts? Will Dave become the scapegoat for company.  Go over the real life outcome – is it fair?  What if you were representing Dave?  Go over the slide as to the type of issue an employer may have with a member. Tutor to lead discussion and manage time if needed.  Mention that privacy settings on social media cannot be deemed as private. Mindful about what is being published. | Check understanding difference between disciplinary/Grievance  activity j worksheet  Worth noting Dave’s probations wasn’t extended so he lost the job. He wasn’t a member. |
| **Tea break**  **14:50 – 15:00** |  | 10 min tea break |  |
| **Activity K**  **15:00 – 15:20**  **20 mins** | Slide 86  Page 108 -109 | * 15 minutes for activity * 5 – 10 minutes for feedback * Delegates to go over most valid points to be raised.   Ask the following of the reps:   * Who should the letter be addressed to? Line manager * How could Nick compromise to meet the manager’s concerns? The sort of thing we are looking for is going into the office on a Friday meeting – it is difficult to argue against this and show flexibility on Nick’s part. * Main points to bring out are; who does Nick’s job if he isn’t in the office, when does his working day start (from leaving the house or from the point of arrival at first on site meeting) * Trial period * Green policy? * In accordance with policy * Business case | activity K worksheet |
| **Workbook Session 11- There must be a law against it**  **15:20 – 15:30**  **10 mins** | Slides 87-91  Page 110 -111 | There must be a law against it - share slides 87 to 91 the last two being the latest figures for employment tribunals and the latest legal successes for Bectu and Prospect.  These are the latest figures available due to a backlog & checked with legal team.  Mention that in 2019 to 2020 there were 103,984 employment tribunal applications were made and 740 awards of compensation were made. | Realistic view of tribunals |
| **Summary and final thoughts**  **15:30 – 15:40**  **10 mins** | Slide 92 -95  Page 112  Slide 93 & 94  Slide 95  Slide 96  Slide 97 | * Slide 92 * recap To check if the reps have understood pages 95 “When attending a hearing” do a question answer session it checks they know how to behave and what they are allowed to do at a formal meeting. Try to ask a question individually to each rep. The sort of questions to ask are: * **How should a rep act during the formal process?** Answer: Be calm, professional, assertive. Also, a reminder that the reps title gives equal status in a hearing, no matter how senior the manager is, your role of the rep is to challenge etc. You should never feel undermined/defined by your job role * **What should a rep take with them into a formal meeting?** Answer: Paper and pen and the relevant documents in order * **Can a rep ask questions of a hearing manager or investigator?** Answer: yes * **Can a rep answer for a member in a formal meeting?** Answer: no * **What can a rep do in a formal meeting?** Answer: Ask questions of the member if you think they could express themselves more clearly or advantageously. Clarify what the member has said, if you think the point is not getting across. Ask for an adjournment. The rep can take their own minutes. **\*Remind reps if they wish to record the meeting (they need to get permission from all parties present, covert recording won’t help the member and may end in disciplinary for the rep)** * **Optional extra questions** * **How do you know it’s a formal meeting – what should you receive?** **A letter stating ‘formal’ outlining the accusations/penalty or sanction.**   Action plan and remind reps they will have a follow up with officer to ensure they have everything they need. Final recap  Run over outcome from Day 1 and if acheived  Other courses to go on to further training  **Feedback form (or paper version as in person)**  **Any questions/ Goodbye, and good luck!**   * DON’T FORGET TUTOR NOTES REQUIRED WITHIN 5 DAYS OF COMPLETING THIS COURSE. (COPY OF RELEVANT FORM IS ON TUTOR RESOURCE PAGE) or link included here for ease. [**https://library.prospect.org.uk/download/2020/01353**](https://library.prospect.org.uk/download/2020/01353) | Appendix  (Deadline for ET, PIP method, Knobhead case)  Links  Further courses  E&D  Expenses  Evaluation forms |
|  |  | * End of training |  |