



**Working Together**

# **Grievance Policy and Procedure**

**February 2019**

## History of Changes

<b>Version</b>	<b>Description of Change</b>	<b>Authored by</b>	<b>Date</b>
<b>1.1</b>	Minor changes – equality legislation and the need to have put in writing that a grievance is being dropped prior to the hearing date	Debbie Kerr	March 2015
<b>1.2</b>	Changed in line with ACAS code	Debbie Kerr	November 2015
<b>1.3</b>	Change to the Board Committee responsible for appeals in line with Board remit	Debbie Kerr	March 2017
<b>1.4</b>	Clarification on the grievance and appeal procedures for the Principal as requested by the HR Committee of the Regional Board	Debbie Kerr	October 2017

## **1. Introduction**

The aim of this policy is to allow the College to deal with grievances fairly, consistently and speedily. It is intended to deal with individual grievances of staff and does not apply to collective disputes.

## **2. Scope**

- 2.1 All College employees have the right to raise a grievance relating to their employment through the agreed College Policy.
- 2.2 The Policy applies to all employees of the College.
- 2.3 Grievances will be dealt with informally and through mediation, where possible, in the first instance.
- 2.4 The Policy does not apply to conduct matters within the scope of the Disciplinary Policy which should be dealt with under the Disciplinary Policy and Procedures.
- 2.5 Issues of pay and gradings, collective disputes and organisational changes should not be raised under this Procedure.

## **3. Key Principles**

- 3.1 If any employee has a grievance relating to his/her employment, they have the right to have the grievance considered under the Colleges Grievance Policy and Procedure.
- 3.2 The College seeks to provide the highest quality service to our students. To achieve this, the College seeks to encourage a culture where staff respect themselves and each other, feel satisfied with their work, working environment and working relationships with colleagues, students, managers and Board Members.
- 3.3 The College recognises, however, that its employees may from time to time have concerns about their work, working environment and/or working relationships that they wish to raise and resolve.

- 3.4 The Grievance Procedure provides a framework to enable staff to raise grievances and for managers to deal effectively with them.
- 3.5 Employees who have a grievance or those against whom a grievance is raised have the right at all stages of the formal procedure (stage 2 onwards) to be accompanied by a recognised Trade Union Representative or a work colleague of their choice.
- 3.6 The line manager, following advice from Human Resources, may decide that the nature of the grievance is serious enough to warrant moving directly to the formal stages of the procedure. If this is the case stage one will be omitted.
- 3.7 If the grievance relates to the line manager or manager who would normally deal with a grievance at this stage, then the grievance should be referred to the manager's line manager or Head of Human Resources, where this is not appropriate.
- 3.8 In the case of a grievance against a Head of Faculty or Business Support Services Manager, the grievance must be sent to the Human Resources Department and, if the matter cannot be dealt with informally or through mediation, referred directly to stage 2.
- 3.9 In the case of a grievance against a Vice Principal or Director, the grievance should be sent to the Head of Human Resources and, if the matter cannot be dealt with informally or through mediation, referred directly to stage 3.
- 3.10 A grievance relating to the Principal must be put in writing to the Board Secretary for them to refer it to the Chair's Committee of the Regional Board.
- 3.11 All employees, regardless of any protected characteristic will be treated fairly and without discrimination and the policy will be applied equally.
- 3.12 Human Resources will act as mediators when requested to do so by the employee, the manager or the trade union at the informal stage.

3.13 If the outcome of a grievance raises disciplinary issues or performance issues, it may be more appropriate to deal with these issues under the relevant policy or procedure. Human Resources must be contacted in these circumstances and if appropriate the issue will be investigated under the relevant procedure.

## **4. Responsibilities**

4.1 The Regional Board is responsible for approving this policy and for overseeing compliance with its principles.

4.2 The Head of HR is responsible for the implementation of this policy.

4.3 All staff are responsible for ensuring compliance with this policy.

## **5. Related Documents**

5.1 Grievance Procedure

5.2 Staff Handbook

5.3 Discipline Policy

5.4 Discipline Procedure

5.4 Equality, Diversity and Inclusion Policy

## **6. Review**

This policy will be reviewed every 2 years or whenever statutory regulations change.

## 1. Introduction

The aim of this procedure is to support the policy and to allow the College to deal with grievances fairly, consistently and speedily. It is intended to deal with individual grievances of staff and does not apply to collective disputes.

## 2. Scope

2.1 All College employees have the right to raise a grievance relating to their employment through the agreed College Policy and Procedure.

2.2 The Procedures apply to all employees of the College.

## 3. Key Principles

3.1 The Informal Procedure – Stage One

3.1.1 Many grievances can be solved at the informal stage and through mediation. In the first instance an employee with a grievance should raise it verbally with their line manager, who may request the details in writing from all parties. A copy of the Grievance Procedure should be provided and the stages explained to the complainant.

3.1.2 At this stage, it may be appropriate for the line manager to seek Human Resources advice and support. The line manager may decide, following advice from HR that the grievance is serious enough to warrant omitting the informal stage and will move directly to Stage 2, the first stage of the formal procedure.

3.1.3 The line manager will attempt to resolve the grievance informally. He/she shall enquire into the grievance and will discuss it with the complainant and will advise the complainant of the outcome, normally within 10 working days after the grievance is received.

3.1.4 The outcome will normally be communicated to the complainant orally. In the event that the complainant does not find the decision acceptable, he/she may, in writing, request that the line manager provide the outcome in writing. The written outcome should be provided within 5 working days of receipt of the request.

3.1.5 If, upon receipt of the written outcome, the complainant is still dissatisfied with the decision, he/she may progress the grievance to Stage 2. The procedure allows progression to a higher level in the event of a matter not being resolved.

### 3.2 The Formal Procedure – Stage 2

3.2.1 If the grievance has not been resolved at Stage 1, the complainant may refer the grievance to the Head of Human Resources. Full details of the grievance must be submitted in writing and sent to the Head of Human Resources, together with any supporting evidence within 10 working days of receipt of the Stage 1 outcome.

3.2.2 Stage 2 should also be used for grievances concerning Head's of Faculty and Business Support Team Managers. These should be submitted in writing to the Head of Human Resources who will assign an investigator.

3.2.3 The investigator will undertake an investigation into the circumstances of the grievance which may include interviewing witnesses and taking statements. The individual raising the grievance will also be interviewed. A report of the investigation will be produced and will be submitted to the grievance panel hearing.

### 3.3 Grievance Panel Hearing

- 3.3.1 The Head of HR will, as soon as possible (and in any event within ten working days of receipt of the written grievance) establish a Grievance Panel of two members of the Senior Management Team (not the Principal). A Grievance Panel meeting will be arranged as soon as possible to be attended by all parties to the grievance and Chaired by a member of the SMT. The Head of HR will arrange for notes to be taken of the meeting and will act in an advisory capacity at the hearing.
- 3.3.2 The attendees will be given at least 5 working days notice and must confirm their intention to attend to the Head of HR at least two days prior to the hearing date. The name of the trade union representative or work colleague accompanying each party should be notified at this point. If the companion is not available at the time of the hearing an alternative date can be agreed within 5 working days of the original proposed hearing date.
- 3.3.3 Failure of the complainant to notify the Head of HR of their intention not to attend or failure to attend the hearing will be taken as an indication that the complainant wishes to drop the grievance, except in cases where a doctors medical certificate is provided as evidence of inability to attend. This should be confirmed in writing to the Head of HR before the Panel meeting.
- 3.3.4 The Chair of the Grievance Panel will open the meeting by explaining the procedure.
- 3.3.5 The member of staff raising the grievance shall state his/her case and the other party (ies) to the grievance may ask questions. The member of staff may be questioned by the panel members.
- 3.3.6 The member of staff against whom the grievance has been raised shall state his/her case and the other party to the grievance may ask questions. The member of staff may be questioned by the panel members.
- 3.3.7 The member of staff raising the grievance may make a final statement.



3.3.8 During the meeting the ruling of the Panel Chair will be final on any procedural matter not covered in this document.

3.3.9 Having heard all the evidence, the meeting will adjourn for consideration.

3.3.10 The Chair of the Panel shall inform the member of staff of the outcome, in writing, within 10 working days of the meeting, and advise members of staff of their right of appeal to the Principal under Stage 3 of the procedures.

3.3.11 The Chair of the Panel will, as soon as possible, and within 10 working days of the date of the meeting, forward the file with all correspondence, papers and notes of the meeting to the Head of HR.

### 3.4 The Formal Procedure – Stage 3

#### Appeals/Senior Management Team Grievances

3.4.1 A grievance against a member of the Senior Management Team will be referred directly to Stage 3 and the Head of HR will assign an investigator.

3.4.2 The investigator will undertake an investigation into the circumstances of the grievance which may include interviewing witnesses and taking statements. The individual raising the grievance will also be interviewed. A report of the investigation will be produced and will be submitted to the grievance panel hearing.

3.4.3 Grievances not resolved to the satisfaction of the complainant at Stage 2 may be submitted, in writing, to the Principal within ten working days of receipt of the outcome reached at Stage 2. The Principal will, as soon as possible arrange a hearing to be attended by all parties to the grievance.

3.4.4 The Principal will consider the notes of the Stage 2 hearing or the investigation for grievances concerning the SMT and will have the right to ask questions of the parties in attendance. The Panel will follow the same procedure as in Stage 2 Grievance Panel Hearing (see 3.3)

3.4.5 The Principal will consider all of the matters raised at the Hearing and will issue the outcome in writing within ten working days. Copies of the outcome will be sent to all of the parties. Such a decision will be final except in the case of grievances involving a SMT member.

### 3.5 Chair's Committee of the Regional Board

3.5.1 An appeal to the Principal shall be the final right of appeal within these procedures, except in the circumstances where a grievance concerns a member of the Senior Management Team that is not resolved at Stage 3.

3.5.2 A grievance against the Principal will also be dealt with at this stage and should be put in writing to the Board Secretary.

3.5.3 Three members of the HR Committee of the Regional Board will be assigned by the Chair to hear the grievance.

3.5.4 The HR Committee Grievance Hearing Panel will follow the same procedure as detailed in section 3.3.

3.5.5 The Principal will have the right of appeal to the Chair's Committee of the Regional Board and this appeal will follow the same procedures as detailed in 3.4.

### 3.6 The following outcomes are available at all stage of the procedure:

Grievance upheld or partially upheld - this will include recommendations for a solution. This outcome may be due to a performance or conduct issue and may lead to investigation under the Discipline or Performance Improvement Policy.

Grievance not upheld - this will include recommendations for support to the complainant following the outcome

## **4. Responsibilities**

- 4.1 The Regional Board is responsible for approving this policy and for overseeing compliance with its principles.
- 4.2 The Head of HR is responsible for the implementation of this policy.
- 4.3 All staff are responsible for ensuring compliance with this policy.

## **5. Related Documents**

- 5.1 Grievance Procedure
- 5.2 Staff Handbook
- 5.3 Discipline Policy
- 5.4 Discipline Procedure
- 5.4 Single Equalities Policy

## **6. Review**

This procedure will be reviewed every 2 years or whenever statutory regulations change.

## Equality Impact Assessment

(Rapid impact assessment tool)

What Impacts may there be from this proposal on any group's ability to use the College services?

**Policy: Grievance Policy and Procedure**

<b>Positive Impacts (Groups affected)</b>	<b>Negative Impacts (Groups affected)</b>
This policy is implemented equally for all staff. The positive impact it may have is to ensure that all staff are treated equally regardless of any protected characteristic.	None
<b>Actions taken to alleviate any negative Impacts:</b> No negative impacts	
<b>Recommendations:</b> Updated policy to be adopted	

**From the outcome of the rapid equality impact assessment, have negative impacts been identified for any protected characteristic or any other potentially disadvantaged group?**

No

**Has a full Equality Impact Assessment been recommended?**

Yes

No

**Reason for recommendation:**

No negative impacts

## Grievance Policy and Procedure

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Policy Dated: February 2019  
Author: Head of HR and Development  
Review Date: February 2021  
Equality Impact Assessed: March 2015