

GRIEVANCE PROCEDURE

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1. Principles

Objectives of Procedure

- 1.1 This procedure has been drawn up to establish the appropriate steps to be followed when pursuing and dealing with a grievance and applies to all employees of the College.
- 1.2 Most routine complaints and grievances are best resolved informally in discussion with one's line manager. Dealing with grievances in this way can often lead to a quick resolution of the problem.
- 1.3 This procedure provides any member of staff who believes s/he has a grievance with the opportunity to have it examined promptly and effectively. Where a grievance is deemed to exist, the procedure provides the opportunity to have the matter resolved, if possible, as early as reasonably possible and at the first level of management.
- 1.4 Any grievance relating to the Principal or the Vice Principal is a matter for the Governing Body and should be directed through the Secretary to the Governing Body.
- 1.5 As far as reasonably practicable, confidentiality will be maintained throughout the grievance procedure. However, there may be a need to refer to witnesses or directly involve others. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised. It will be explained to witnesses that any breach of confidentiality may lead to disciplinary action. All meetings and investigations will be treated confidentially, subject to any statutory requirements.
- 1.6 This procedure and its implementation have been agreed in consultation with the College's three recognised trades unions.

Scope of Procedure

- 1.7 This procedure shall apply to grievances by members of staff concerning their employment. This procedure cannot be used to challenge recruitment decisions or to address matters for which provision is made in an alternative College policy or procedure. Where separate procedures exist for dealing with grievances on particular issues, for example, harassment and bullying, these should be used instead of this grievance procedure..
- 1.8 This grievance procedure cannot be used to address any disputes which may arise between the College and any trade union recognised by the College, nor may this procedure be used to negotiate changes in collective terms and conditions of employment. Any such collective matters are to be raised via the established negotiating machinery involving College management and recognised trades unions – i.e., the College Union Forum.
- 1.9 At the formal stage of the procedure, the panel (as set out at Section 3) may decide to defer consideration of the particular grievance in the event that other proceedings (for example disciplinary, capability or redundancy proceedings) concerning the individual employee who has raised the grievance and which are relevant to the subject matter of the grievance.
- 1.10 Where a disciplinary matter is on-going, and a subsequent grievance relating to that matter is raised, the disciplinary process will normally take precedence. Where a grievance is lodged prior to a disciplinary process relating to the matter, then the grievance will continue to be heard, unless the disciplinary offence is of a serious nature – i.e., the grievance procedure will normally take precedence in such instances
- 1.11 If an employee has difficulty at any stage of the grievance procedure because of a disability or because English is not their first language, they should discuss this with a member of Human Resources staff as soon as possible.

Right to Be Accompanied

- 1.12 At any meeting or meeting convened under the formal part of this procedure the employee has the right to be accompanied by a work colleague (i.e., a College employee) or by a trade union representative.
- 1.13 The employee's chosen work colleague or trade union representative may make representations on behalf of the member of staff at the meeting and may ask questions, but may not answer questions on behalf of the employee. The companion may also summarise or make a closing statement on behalf of the employee at the conclusion of the meeting.

Role of Human Resources

- 1.14 Human resources staff can provide advice on procedure to managers and/or staff.

- 1.15 In grievance meetings, the HR representative will normally take notes and advise on procedure but will not be involved in decision making. The HR representative will also assist the person hearing the grievance in compiling a report following the grievance meeting.

Timescales

- 1.16 An employee may choose to raise a grievance either informally or formally. A formal grievance must be raised under Stage 1 of the procedure within 3 months of either

- (a) the alleged incident which has given rise to the grievance, or
- (b) when the employee could reasonably have expected to have had knowledge of the act complained of.

If there is a series of related incidents which the employee wishes to complain about under this procedure, the last of these incidents must be within this 3 month timeframe.

- 1.17 Any steps under this procedure shall be taken promptly unless there is a good reason for delay (e.g., ill health precluding attendance at a meeting). Time limits in this procedure will be extended if it is reasonable to do so.
- 1.18 The employee must take all reasonable steps to attend any grievance meeting(s) arranged under this grievance procedure and/or any adjournment or postponement of such meeting(s). If the employee or the work colleague or trade union representative cannot attend at the time specified for a meeting, the employee must inform the Human Resources Department immediately, and the College will make reasonable efforts to arrange an alternative time, normally within 5 working days.
- 1.19 If the employee fails to attend a meeting, in the absence of reasonable grounds, the grievance will be heard in his/her absence. The person hearing the grievance will therefore decide on the matter based on the information available to him/her.
- 1.20 It is the aim of this procedure to resolve matters at the earliest practicable date and at the earliest stage possible.

Documentation

- 1.21 Written records will be held of meetings relating to the issue. After each meeting, notes of that meeting will normally be prepared by HR and circulated to the person interviewed for agreement
- 1.22 Following a grievance meeting, the person hearing the grievance will compile a report (assisted by HR). This report will be provided to the employee and, if relevant, any employee against whom the grievance was made.
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- 1.23 Documentation relating to the employee's written grievance shall be retained on a grievance file and will be processed in accordance with the principles of Data Protection legislation.

Victimisation Complaints

- 1.24 The procedure provides a mechanism to solve problems and no employee shall suffer any form of victimisation as a result of a grievance raised in good faith.
- 1.25 Any complaint of victimisation should normally be raised under the Dignity at Work Policy. If a complaint of victimisation is made against a member of staff and upheld, this may result in disciplinary action against that employee up to and including dismissal.

Vexatious Complaints

- 1.26 If the person hearing the grievance finds evidence that the grievance procedure has been invoked either vexatiously or maliciously, s/he may terminate the grievance procedure and/or refer the matter to another member of management for investigation under the disciplinary procedure.

2. Informal Resolution

- 2.1 The College is committed to ensuring that differences and difficulties can be resolved amicably through open communication. The purpose of this stage of the procedure is to resolve the grievance without recourse to more formal proceedings.
- 2.2 Many grievances can be resolved quickly and informally through discussion with the relevant party. Employees should make reasonable attempts to resolve any grievance informally with the relevant party.
- 2.3 If an employee feels unable to speak informally to the relevant party, but nevertheless wishes to try to resolve the matter informally, then the employee or their representative should speak informally to their supervisor or line manager; if the line manager is the other party to the grievance, then the employee or their representative should raise the issue informally with the next most senior level of management.
- 2.4 As part of the informal steps towards resolving a grievance, an employee may wish to consider mediation. This is a process by which an impartial person helps others to resolve their difficulties. Mediation is voluntary and is undertaken without any admission of wrong-doing by any party, and without preventing any opportunity to pursue formal action.
- 2.5 If the employee decides he/she would like to use mediation, he/she should initially discuss the matter with the Human Resources Department. Mediation can only proceed with the agreement of all parties involved in the grievance, including their agreement on the choice of mediator.

- 2.6 If the employee feels that the grievance cannot be resolved informally or if informal discussions are inappropriate, s/he may trigger the formal grievance procedure set out below.

3. Formal Procedure: Stage 1

Invoking the procedure:

- 3.1 If an employee wishes to raise a formal grievance he or she should put the grievance in writing and submit it to the Human Resources Department.
- 3.2 The written grievance should indicate that the employee is invoking this procedure and must contain a description of the grounds of the grievance, including any relevant facts, dates, supporting documentation and the names of relevant individuals involved. The written grievance should also set out how the employee considers their grievance might be resolved.

Determining who will hear the grievance:

- 3.3 On receiving notification of the grievance from the line manager, the Human Resources Department will determine which member of College management should hear the grievance. This may be either the line manager or a manager of at least the same level as the employee's line manager where possible.

The grievance meeting:

- 3.4 The employee will be invited to attend a grievance meeting which will normally take place within 10 working days of receipt by the College of the grievance.
- 3.5 It may however be necessary to extend this time limit in exceptional circumstances, for example, in the case of ill health which prevents attendance at a meeting, or if clarification is sought from the employee and s/he has not been able to provide it within the stated timescale.
- 3.6 The employee will be informed of his or her right to be accompanied to the grievance meeting in accordance with paragraphs 1.12 and 1.13 above.
- 3.7 The format followed at the grievance meeting shall be at the discretion of the person hearing it, but shall include an opportunity for:
- (a) the employee who raised the grievance to make representations, to discuss any documentation relied upon in support of the grievance; and to name any relevant witnesses.
 - (b) the person hearing it to ask questions of the employee about the grievance; and
 - (c) the employee's representative or colleague to make representations on the employee's behalf or ask questions.

- 3.8 Where the person hearing the grievance determines that it is appropriate to conduct an investigation into the issues raised, s/he will inform the employee of this fact, and confirm the likely timescale for the investigation.
- 3.9 After the grievance meeting the person hearing it will consider the grievance, will conduct any such further investigations as may be appropriate, and may hold such further grievance meetings with the employee as are appropriate and in accordance with the procedure set out above in paragraphs 3.4 – 3.8, to ensure that s/he is able to form a decision about the grievance.

Communication of Outcome of Grievance

- 3.10 The decision will be provided in writing without unreasonable delay following the grievance meeting, or, where there is more than one grievance meeting, the final grievance meeting. This will normally be within 10 working days unless there are compelling reasons which require further deliberations. The employee will also be informed of his or her right of appeal, i.e., how to lodge a Stage 2 grievance.

4. Formal Procedure: Stage 2

- 4.1 An employee may be dissatisfied with the grievance decision referred to in the paragraph above. In that case, s/he may invoke an appeal by using Stage 2 of this procedure. The employee should write to the Human Resources Department normally within 10 working days of the date of the letter communicating the outcome of Stage 1. In exceptional circumstances, the employee may submit this written notice outside that timeframe, e.g., if ill health has precluded him/her doing so.
- 4.2 The written notice should indicate that the employee is proceeding to Stage 2 under this procedure. It must also include their grounds of appeal against the outcome of Stage 1.

Determining who will hear Stage 2

- 4.3 The Human Resources Department will determine an appropriate person (who may work outside the immediate area), to conduct Stage 2. This will be where possible, a manager at a more senior level to the manager who heard the original grievance. In exceptional circumstances, this may be a member of the Governing Body. This individual will not have had any previous material involvement with the employee's grievance.

Stage 2 hearing

- 4.4 The employee will be invited to attend a Stage 2 grievance meeting. This will normally take place within 10 working days of receipt by the College of the letter lodging the Stage 2 grievance.
- 4.5 It may however be necessary to extend this time limit, for example, if the person hearing Stage 2 needs to carry out an investigation prior to the

meeting, or where clarification is sought from the employee and has not been received.

- 4.6 The employee will be informed of the identity of the person hearing Stage 2 and of the employee's right to be accompanied to the meeting in accordance with paragraphs 1.12 and 1.13 above.
- 4.7 The format to be followed at the Stage 2 meeting shall be at the discretion of the person hearing it, but shall include an opportunity for:
- (a) the employee to make representations and to discuss any documentation relied upon in support of the Stage 2 grievance;
 - (b) the person hearing Stage 2 to ask questions of the employee about the grievance and the grounds for it progressing to Stage 2.
- 4.8 The employee must take all reasonable steps to attend the meeting arranged to hear Stage 2 and/or any adjournment or postponement of such meeting(s). If the employee or the employee's chosen work colleague or trade union representative cannot attend at the time specified for the meeting, the employee must inform the Human Resources Department immediately, reasonable efforts will be made to arrange an alternative time, normally within 5 working days.
- 4.9 After the Stage 2 meeting, the person hearing Stage 2 will consider it, will conduct any such further investigations as may be appropriate. S/he may hold such further meetings with the employee and/ or any other person whom s/he deems appropriate in accordance with the procedure set out above in paragraphs 3.4 – 3.8. The purpose of any further meetings is to ensure that the person hearing this stage of the grievance is able to form a decision about it. The individual who confirmed the outcome of the grievance under paragraph xx above shall provide the person hearing Stage 2 with any information s/he may require.

Confirmation of Outcome of Stage 2

- 4.10 The person hearing Stage 2 will confirm to the employee his/her decision in writing. This decision will be provided without unreasonable delay following the Stage 2 meeting, or, where there is more than one meeting, the final meeting. This will normally be within 10 working days unless there are compelling reasons which require further deliberations. Any extension to this stated timescale should therefore be in exceptional circumstances.

5. Formal Procedure: Stage 3

- 5.1 An employee may be dissatisfied with the grievance decision referred to in the paragraph above. In that case, s/he may invoke Stage 3 of this procedure by writing to the Human Resources Department. This letter should normally be received within 10 working days of the date of the letter communicating the

outcome. In exceptional circumstances, the employee may submit the written notice outside that timeframe, e.g., if ill health has precluded him/her doing so.

- 5.2 The written notice should indicate that the employee is proceeding to Stage 3 under this grievance procedure. It must also include their grounds of appealing against the outcome of Stage 2.
- 5.3 Stage 3 will normally be heard by the Principal. However the Principal shall reserve the ability to delegate the hearing to another appropriate senior member of staff. If the Principal heard the grievance at Stage 2, Stage 3 will be heard by a panel of the Governing Body. This panel will normally be comprised of 2 Governors. No-one previously involved, such as the Principal, may be a member of this panel.
- 5.4 The arrangements for and conduct of Stage 3 will be as set out under Stage 2 (paragraphs 4.1 – 4.10 above).
- 5.5 If Stage 3 has been heard by the Governing Body, their decision is final and there is no further stage of grievance within this procedure.

6: Formal Procedure: Stage 4 (where applicable)

- 6.1 If Stage 3 has been heard by the Principal and the employee remains dissatisfied with the outcome, a Stage 4 grievance may be lodged. This will be heard by a Governing Body panel.
- 6.2 If Stage 3 has been heard by a Governing Body panel, there is no Stage 4 – the grievance procedure ends at Stage 3.
- 6.3 The arrangements for and conduct of Stage 4 will be as set out at paragraphs 4.1 – 4.10 above.
- 6.4 The decision of the Governing Body panel is final.

7: Review of Grievance Procedure

- 7.1 This procedure will be periodically reviewed. Any amendment to it will be notified to employees in writing by the College and such written advice will inform employees as to the date when any amendment comes into effect. This may be by means of the College's intranet or via use of notice boards.

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