

# Grievance Procedure

## [QP2.24]

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*Where the Procedure refers to 'the member of staff' it relates to the individual raising the grievance.*

*Where the Procedure refers to 'the person who is the subject of the grievance' it relates to the individual against whom the grievance has been taken.*

## **1. Purpose and Scope**

If a member of staff has a grievance relating to their employment, he/she has a right to express it through the following Grievance Procedure, which has been agreed with the appropriate Trade Unions and meets the legal requirements of the employment Act 2002 (Disputes Resolution) regulations 2004 as amended. It is intended that this procedure will enable grievances to be settled fairly and without unreasonable delay.

## **2. Principles**

- 2.1 Every attempt should be made to resolve the matter through informal discussion with the immediate Line Manager, or if the grievance concerns the member of staff's Line Manager with a more senior Manager. However, if the member of staff is not satisfied with the response of the Manager, or if no response has been made within a reasonable period, the member of staff should initiate the following formal procedure.
- 2.2 The member of staff shall have the right to be accompanied and represented by a work colleague or his/her accredited union representative at all stages of the formal procedures.
- 2.3 The member of staff must take all reasonable steps to attend the grievance meeting.
- 2.4 All grievances will be settled as quickly as is reasonably practicable and within the policy timescales. However, when necessary these timescales may be extended by mutual agreement. Any changes should be confirmed in writing.
- 2.5 The timing and location of a grievance meeting will be reasonable, and reasonable adjustments will be made for disabled employees so that they are not disadvantaged in any way.
- 2.6 If the member of staff has difficulty reading or English is not their first language, written documentation should be explained to the member of staff orally. Reasonable adjustments will be made where appropriate

e.g. the provision of an interpreter, suitable location, to allow the member of staff to attend the meeting (s).

- 2.7 During stage 2-3 of this procedure a member of the HR team will be present at the grievance meeting in an advisory capacity.
- 2.8 The grievance meeting will allow both member of staff and the person who is the subject of the grievance to state their case before any decision is made.
- 2.9 The member of staff may withdraw at any stage from the Grievance Procedure by giving notice in writing to the HR Manager, and shall be deemed to have abandoned the grievance.
- 2.10 Notes and records dealt with under the grievance procedure will be held in accordance with the Data Protection Act 1998. Paperwork will be handled on a confidential basis and stored securely.
- 2.11 At the conclusion of the process all documents relating to the grievance should be destroyed. A note will be retained on a secure spreadsheet which is held within the Human Resources Team which describes the grievance and the outcome. The exception to this is where relevant documentation is required to take action arising from the outcome of the grievance.
- 2.12 Where a grievance has been raised which is related to, or appears to be a breach of the College's Equal Opportunities Policy and Procedure, this shall be recorded on an anonymous basis in the Equal Opportunity statistics and reported bi-annually at the Diversity Committee.

### **3. The Formal Grievance Procedure**

The following procedure should not be used until either all informal efforts to resolve the problem have proved ineffective or, unless the problem or issue is inappropriate to be dealt with through informal channels.

#### **3.1 Stage 1**

- 3.1.1 Where a member of staff is aggrieved on any matter relating to their employment, he/she should raise a written grievance, outlining the specific details and reasons for the grievance, as well as the desired outcome. This grievance should be submitted to the member of staff's Line Manager or where appropriate a senior Manager. Any additional documentation the member of staff wishes to discuss in connection to the grievance should be submitted with the grievance letter.

- 3.1.2 Where the grievance has been submitted to a senior manager, depending on the nature and/or complexity of the grievance, a manager may be appointed who is unconnected to the issue of the grievance to conduct a fact finding exercise prior to the meeting
- 3.1.3 The Manager must arrange a meeting with the member of staff within **5 working days** from the date he/she received the written grievance unless mutually agreed otherwise. The member of staff should be made aware of their right to be accompanied to this meeting.
- 3.1.4 The Manager considering the grievance will notify the person who is the subject of the grievance, the nature of the grievance, and the appropriate detail from the written grievance. The person who is the subject of the grievance will be given the opportunity to submit a written statement and any relevant papers in response to the grievance. Where appropriate the person who is the subject of the grievance may include ideas or suggestions of what could be done to help remedy the situation.
- 3.1.5 The member of staff will be given a copy of all relevant documentation prior to the grievance meeting.
- 3.1.6 During the meeting with the member of staff, the Manager should give the member of staff time to explain in detail the nature of his/her grievance, discuss possible solutions, and record the details of the discussion. The Manager may request to have a member of the HR Team present to take a minute of the meeting.
- 3.1.7 The Manager may adjourn the meeting if he/she needs further information before reaching a decision. The meeting must be reconvened within a reasonable period of time and the member of staff given a copy of any additional information prior to the reconvened meeting.
- 3.1.8 Following the grievance meeting a written reply should be sent to the member of staff within **5 working days** from the date of the meeting. The letter is likely to include details as outlined in 3.2.5. Including the option to proceed with stage 2 of the Grievance procedure.

## 3.2 Stage 2

- 3.2.1 If the grievance remains unresolved, the member of staff or his/her representative should write to the HR Manager within 5

working days following receipt of the written outcome of stage 1. The member of staff should provide in writing, the grounds for initiating stage 2 of the procedure and supply any supporting documentation he/she wishes to discuss during the hearing. The HR Manager will advise who will be suitable to hear the grievance, this would normally be a Vice Principal or an individual at least one level of management above the person who gave the decision at stage 1. This meeting should take place within 10 working days from the date of the written meeting request.

- 3.2.2 In certain circumstances, it may be necessary to carry out further investigations into the member of staff's grievance by meeting with relevant witnesses to any of the matters complained of. Copies of any witness statements will be sent to the member of staff prior to the meeting.
- 3.2.3 The member of staff should be present at this meeting where details of the grievance will be heard. The Chair of the grievance at stage 1 shall be entitled to be present at this interview. Where a member of staff is not a member of a trade union or does not wish to be represented by a work colleague, he/she shall be allowed to make representations personally to the Chair.
- 3.2.4 The purpose of the meeting will be for the member of staff to state his/her grievance, for those present to understand the full nature of the grievance, review the basis for the previous decision, and explore potential solutions. It may be necessary to adjourn for further investigations, in which case the meeting must be reconvened within a reasonable period of time.
- 3.2.5 A minute of the grievance meeting should be taken and a copy sent to the member of staff and if requested to his/her representative.

The Chair or nominated person shall, within **5 working days** from the hearing of the grievance, give his/her reply in writing to the member of staff and, upon request, to the trade union representative as appropriate. The letter will generally summarise;

- The nature of the grievance;
- The investigation that was conducted;
- The decision;
- The reason for the decision;

- Any outcome for work and working practices as a result of the decision with review dates as appropriate;
- The right to initiate the next stage of the procedure;

### 3.3 Stage 3

- 3.3.1 Should the member of staff remain dissatisfied with the decision of stage 2 of the procedure, the member of staff or his/her representative should write to the HR Manager within **5 working days** following receipt of the written outcome of stage 2. The member of staff should provide in writing, the grounds for initiating stage 3 of the procedure and supply any supporting documentation he/she wishes to discuss during the hearing. Stage 3 of the Grievance procedure will be heard by the Principal or his/her nominated representative.
- 3.3.2 The meeting should take place within 10 working days following the request for the meeting. The hearing will follow the format outlined in 3.2.2 – 3.2.5.
- 3.3.3 The written outcome of the hearing will be given to the member of staff within 5 working days from the date of the hearing, and will include details as outlined in 3.2.5, including the right of appeal.
- 3.3.4 Where the member of staff is a Vice Principal Stage 3 becomes the first stage of the Procedure.

### 3.4 Stage 4

- 3.4.1 Should the member of staff remain dissatisfied with the Principal's response, there shall be a right of appeal to a panel comprising of 3 members of the Board of Governors, but not including the Principal. This right must be exercised within 10 working days following the receipt of the Principal's decision, and should be in writing, including the grounds for appeal, addressed to the HR Manager.
- 3.4.2 This appeal hearing should take place within 10 working days following the receipt of the written appeal (unless mutually agreed otherwise). The appeal hearing will be held in accordance with the Appeals Procedure.

3.4.3 The HR Manager, or nominated person, shall inform all parties, in writing, of the decision of the panel, within 10 working days of the meeting.

3.4.3 The decision of the board panel shall be final.

## **4. Group Grievance**

Two or more members of staff who share a common grievance arising from the same decision by the College shall be entitled to pursue their grievance in a single case with no need for separate hearings by means of procedure set out in 1 - 3 above.

## **5. Principal**

In the event of the Principal wishing to raise a grievance, this will be considered by the Board of Governors.