



**STAFF GRIEVANCE PROCEDURE**  
(Fairness at Work)

**Grievance Procedure**

**2016-2018**

**Approved:**

**Signed:**

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## 1. AIMS

- a) This procedure is designed to provide employees who feel dissatisfied or aggrieved by their line manager, leadership team, or the College Governing Body, with a channel to have their concern(s) dealt with fairly and promptly.
- b) The Code of Industrial Relations Practice recommends the establishment of agreed procedures for the settling of individual and collective disputes. The employee's Contract of Employment has built into it a right to know about the grievance procedure.
- c) Effective and proper use of this procedure will encourage good working relationships

## 2. DEFINITIONS

**Grievance:** a concern, problem or complaint that employees raise with their employers (harassment and bullying, whilst considered to be issues that may cause a grievance, are covered in the Dignity at Work Policy). Anybody working in an organisation may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management.

The purpose of this procedure is to achieve resolution at a workplace level without recourse to legal proceedings. It is not about apportioning blame, or discipline.

## 3. SCOPE

The grievance procedure shall apply to all employees of the College who wish to seek resolution of issues arising in the course of their work. This procedure does not apply to disciplinary issues (Staff Disciplinary Policy), matters for which there is an alternative specific procedure e.g. the harassment (Dignity at Work Policy) or complaints procedures or matters that are outside the control of the College control. e.g. grievances cannot be considered on matters and policies which have already been the subject of collective bargaining.

This procedure should be followed by:

- a) An individual employee who wishes to seek redress of a grievance relating to his/her employment
- b) A group of employees, who may submit a grievance relating to their employment where the circumstances are the same (in this instance a union representative may raise a collective grievance on their behalf)

## 4. GENERAL PRINCIPLES

- a) All employees have a right to present grievances about any matter relating to their employment. This procedure is applicable to all employees and they should have access to the procedure on request.

- b) All employees have a right to present grievances about any matter relating to their employment. This procedure is applicable to all employees and they should have access to the procedure on request.
- c) If this is not possible, then staff are expected to raise the issues or concerns with the Principal (or Chair of Governors where the grievance is against the Principal) informally first to try and seek a resolution before resorting to the formal stages of the procedure. The Principal is expected to raise any issues or concerns with the Chair of Governors (or Vice Chair where the grievance is against the Chair) informally first, to try and seek a resolution before resorting to the formal stages of the procedure.
- d) Each grievance is important to the individual concerned and every stage should be dealt with fairly and promptly and be resolved as near to the point of the source as possible. Time limits specified may be extended by mutual agreement.
- e) All grievances should be treated in the same way regardless of whether the employee is a Trade Union/Teacher Association member.
- f) Employees have a right to be represented by a Trade Union, Professional Association representative or workplace colleague at the formal stage of these procedures. In some cases, it might be advantageous to involve Trade Union, Professional Association representatives or workplace colleagues at an earlier stage.
- g) The Trade Union, Professional Association colleague or workplace colleague has an important role to play in supporting, advising and representing an employee with a grievance. The aim should be to resolve the grievance through co-operation.
- h) Where appropriate the Principal/Chair of Governors and aggrieved employee may wish to use the services of a mediator to resolve the grievance.
- i) This can be arranged confidentially by the HR provider of the College; although the College may need to pay the costs.
- j) Regular work routines are an important part of an employee's job, and prior consultation on any changes in custom and practice can ease through many difficult decisions without a grievance being raised
- k) Grievances should be raised within three months of the employee being aggrieved. The arrangements which existed prior to the grievance being raised should normally continue until resolution or until this procedure has been exhausted unless mutually agreed otherwise.
- l) Fairness and civility towards employees are important factors in management efforts to avoid disputes. Resentment through lack of these considerations can be the underlying cause of many grievances.
- m) All grievances should be dealt with in confidence, subject to the need to undertake thorough investigations as necessary.

## **5. PROCEDURAL STAGES**

### **Stage One – Informal:**

Every effort should be made to informally reach an agreement or understanding before resorting to the formal stages of the procedure.

#### **a) Grievances by staff**

**Grievance relating to employment:** the employee or group of employees should ask for an informal discussion with the Principal and clearly outline their concerns.

**Grievance about colleagues/managers:** in the first instance, the employee or group of employees should have an informal discussion with that person about the issue.

If the employee feels uncomfortable with raising the issue directly with the person concerned, they should talk to the Principal who can help them to solve the issue informally.

**Grievance against Principal:** in the first instance, the employee or group of employees should have an informal discussion with the Principal about the issue.

If the employee feels uncomfortable with raising the issue directly with the Principal they should talk to the Chair of Governors.

#### **NO RESOLUTION:**

If there is no informal resolution of the grievance, or agreement on action to be taken, the employee or group of employees should put the grievance in writing to the Principal (or Chair of Governors – if the grievance is against the Principal) and ask for a formal meeting using the attached notification form Appendix 1.

#### **b) Grievances by Principal**

Where the Principal has a grievance the matter should be dealt with informally by the Chair of Governors (or Vice Chair if the grievance is against the Chair).

#### **NO RESOLUTION:**

If there is no informal resolution of the grievance, or agreement on action to be taken, the Principal should put the grievance in writing to the Chair of Governors (or Vice Chair if the grievance is against the Chair) and ask for a formal meeting using the attached notification form Appendix 1)

### **Stage Two – Formal**

#### **a) Grievances by Staff**

##### **Step 1: Written notification of grievance**

The employee or group of employees should write a letter to the Principal or Chair of Governors (if the grievance is against the Principal), setting out the basis for the grievance and where possible also state what redress is being sought.

No meeting can be held until a detailed nature of the grievance has been received.

##### **Step 2: Meeting**

On receipt of the formal grievance notification form the Principal / Chair of Governors should invite the employee or group of employees to a meeting to discuss the grievance.

The employee or spokesperson for a group of employees should be given a proper opportunity to express their views and the Principal /Chair of Governors or anyone delegated to hear these views, should take care to be objective and sensitive in listening to them. An effort should be made to distinguish between the facts of the case and the claims made as to what was alleged to have happened.

The employee or group of employees has a right to be accompanied at the meeting by either a Trade Union or Teacher Association representative or workplace colleague.

The employee or group of employees must be given a response in writing. The Principal / Chair of Governors should ensure that this official response is given directly to the employee or group of employees as well as copied to the Trade Union or Teacher Association representative.

**Note:** The hearing can be postponed for up to five working days (or longer by agreement) if the Trade Union or Teacher Association representative or workplace colleague is unable to attend.

**Note:** If the Principal or Chair of Governors feels that further information would assist in the resolution of the grievance, they may request an investigation report (either before the meeting or during an adjournment of the meeting). The investigation report would then feed into the meeting.

**Note:** If witness evidence would assist in the resolution of the grievance, then witnesses may be involved in the meeting if appropriate.

**Note:** If the grievance is about another individual, separate meetings will be held unless all parties agree to a joint meeting.

### ***b) Grievances by Principal***

In the case of the Principal formally raising a grievance, the process is the same as for staff i.e. Step 1 - written notification of grievance and Step 2 – meeting.

However, the written notification of the grievance should be sent to the Chair of Governors (or Vice Chair if the grievance is against the Chair) and the Chair of Governors (or Vice Chair if the grievance is against the Chair) should hold a meeting with the Principal as outlined above.

## **Stage Three – Appeal**

### ***a) Appeals by staff***

If the grievance remains unresolved at Stage 2, the employee or group of employees should forward the grievance and response to the Chair of Governors, with a copy to the Principal within 10 days of receiving the written response.

Normally a panel of three Governors (with no prior involvement) including the Chair of Governors, will be established to hear the appeal. However, delegation to two or even one governor may be necessary in some cases, although it should be noted that the former could result in a split decision. The panel should hold a formal meeting with the employee or group of employees and their Trade Union or Teacher Association representative or workplace colleague within ten working days of receiving the appeal. At this stage it is useful for a

Personnel Adviser to be present. The decision of the panel will be notified to the employee or group of employees and their representative within five working days of the hearing.

For appeals about grievances against the Principal, the grievance and response should be forwarded to the Vice Chair of Governors. In this instance a copy would not need to be sent to the Principal. The panel of three Governors will also exclude the Chair of Governors.

This is the final stage in this procedure and the decision of the appeal panel is final.

#### ***b) Appeals by Principal***

For appeals by the Principal, the grievance and response should be forwarded to the Vice Chair of Governors. The panel of three Governors will also exclude the Chair of Governors.

## **6. TIMESCALES**

**Stage One – Informal-** within ten (10) working days a response.

**Stage Two – Formal-** within ten (10) working days a meeting followed by a written response within five (5) further working days.

**Stage Three – Appeal-** Within ten (10) working days or receiving the appeal hold a hearing followed by a final response in writing within five (5) working days.

Consideration should be given to providing sufficient time at each stage of the process in order to ensure a thorough and measured response.

In some cases it may not be possible to meet these timescales. If a longer period of time is required to make a decision, the recipient of the grievance letter or appeal letter should write to the employee outlining how long the decision might take and the reason for the delay.

In these instances, all parties must try to secure as expeditious a resolution as is practicable in all the circumstances.

## **7. POST EMPLOYMENT GRIEVANCES**

Staff who have left the College for whatever reason are still entitled to make a grievance provided it is made within 3 months of their last day of employment. The procedure to be followed is the same as the formal procedure for current employees.

After receipt of a written grievance the employee should be invited to a hearing to discuss the issues raised and offered a further appeal hearing if they do not accept the outcome of the first hearing

In some circumstances and with the written agreement of both parties, it is possible to use the following modified procedure:

Step 1: Employee sets out the full details and basis of the grievance in writing.

Step 2 : Appropriate person (Principal or Chair of Governors) makes a written response to the points raised.

## 8. CONCLUSION

The effective handling of grievances will be ensured through the provision of appropriate training for governors and the Principal.

## 9. MONITORING

This procedure is subject to Equalities Monitoring. Any data gathered will be confidential, will not identify individual employees and will not form part of this procedure.

**Note:** The College is advised to keep a summary of all grievances raised in equality terms (gender, ethnicity and disability).

## 10. SUPPORTING PAPERS

Any documents or relevant information or witnesses that would assist in the resolution of the grievance should be shared by either side at the earliest opportunity and at a minimum 48 hours before the grievance is heard.

## 11. CONFIDENTIALITY

All documentation will be stored and destroyed in accordance with the Data Protection Act (1998).

## APPENDIX 1

<b>ENERGY COAST UNIVERSITY TECHNOLOGY COLLEGE GRIEVANCE NOTIFICATION FORM</b>	
<b>Name of Employee:</b>	
<b>Name of Representative:</b>	
<b>Date:</b>	
<b>DETAILS OF GRIEVANCE</b> (any supporting documents to be attached)	
What action/desired outcome are you seeking to resolve the grievance?	

<b>RESPONSE OF PRINCIPAL / CHAIR OF GOVERNORS / PROPOSED ACTION TO RESOLVE GRIEVANCE (NB: Please attach any relevant documents)</b>	
<b>Grievance HAS been resolved*</b>	<b>Grievance HAS NOT been resolved*</b>
<i>* delete as appropriate</i>	
<b>Signed by Principal / Chair of Governors:</b>	
<b>Date:</b>	
<b>Signed by Employee:</b>	
<b>Date:</b>	
<p>If at Stage 2 of the procedure there is no resolution the employee may proceed to Stage 3 – Appeal. In this event the employee should state the reasons overleaf and send this to the Chair of Governors or Vice Chair as appropriate.</p>	