

GRIEVANCE POLICY & PROCEDURE

Policy Statement

This policy has been developed with reference to the ACAS Code of Practice on Disciplinary and Grievance Matters (2015) and the ACAS guide on Discipline and Grievance at work (2020).

This policy applies to all contracted non-academic employees. It is non-contractual (i.e. it does not form part of an employee's terms and conditions of employment) and may be reviewed and altered, in consultation the HR Committee and other appropriate staff groups.

It will apply in the event that an employee has a grievance complaint relating to their employment or terms of engagement and for which no other procedure is appropriate.

This policy aims to:

- Provide guidance on what might constitute a grievance complaint; and
- Outline the process by which anyone covered by this policy can raise their concerns, without fear of reprisal.

There are a number of issues that may be the subject of a grievance in the workplace, these may include, but are not limited to:

- terms and conditions of employment
- health and safety
- work relations
- bullying and harassment
- working environment and/or practices
- discrimination

The aim of this policy is to enable any employee to have their grievance heard and to seek redress as appropriate. Wherever possible, grievances should be settled swiftly and the employee ("complainant") should seek to raise the matter with the individual ("respondent"), where possible. Confidentiality must be adhered to at all times and matters associated to any grievance should not be discussed with other parties without the express consent of the HR Manager.

Where the grievance relates to a matter covered by another procedure e.g. probation, the issue will be dealt with in accordance with the relevant policy arrangements. Grievance proceedings should not be used to complain about dismissal or disciplinary action; individuals who wish to appeal such outcomes should exercise their right under the disciplinary policy.

Where an employee raises a grievance whilst another management process is underway, that process may be temporarily suspended in order to deal with the grievance. However, where the grievance and the existing process are related, it may be appropriate to deal with both issues concurrently or link them both under one process (e.g. complaints related to a probation review period). The HR Manager, in consultation with the relevant Senior College Officer and/or senior manager, will have discretion to decide which option is appropriate.

The **key principles when managing grievance complaints** are as follows:

- Issues should be dealt with promptly and meetings and decisions should not be unduly delayed.
- Appropriate investigations should be undertaken if evidence and independent statements are required to establish details of the case.
- Grievance hearings will normally be chaired by a manager not directly involved in the matter.
- Either party has the right to be accompanied by a fellow worker or a union representative at formal meetings.

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Grievance Procedure

Informal stage

When an employee (“complainant”) has a grievance complaint, wherever possible, they should seek to raise the issue informally with the individual (“respondent”) in the first instance. Many grievances can be resolved in this way, without the need to engage a formal process.

If the complainant feels unable to speak to the individual causing the grievance, they are advised to speak with their immediate line manager who should take steps to address the issue constructively. If the matter is resolved and has associated actions or outcomes, those should be documented and shared with the relevant parties.

When the matter is very serious and there are other good reasons for not raising the matter informally or there is no improvement following an informal process, the complainant should consider raising their concerns formally.

Formal stage

In the event that a grievance cannot be resolved informally, the complainant should complete the Grievance Notification Form (appendix A) and forward it to their Head of Department, unless that individual is the subject of the grievance, in which case it should be forwarded to the HR Manager.

Whoever is assigned to assess and consider the case will, normally within 5 working days of receipt of the initial statement, invite the complainant to discuss the details. The meeting may either be with the individual hearing the matter or with an investigating officer if the circumstances deem an independent investigation to be appropriate. Meetings will also be held with the respondent and other relevant individuals and there may be a need for more than one investigation meeting with any party. It is expected that all parties involved must co-operate fully and promptly in order to support the process.

Any employee who is required to attend a formal meeting under this procedure, has the right to be accompanied either by a workplace colleague or member of a professional association (union). It should be noted that the companion is permitted to address others during meetings and confer with the employee but they are not permitted to answer questions on behalf of the employee.

Following the completion of an investigation/fact finding process, a summary of findings will be provided to whoever has been assigned to consider the case. They may decide to convene a formal meeting at which both parties and witnesses, may be required to attend. Where that may be challenging, consideration to the format of such meetings will be given.

The outcome of the grievance will be communicated in writing to both the complainant and respondent. In some cases, actions can be managed reasonably by both parties however there may also be occasions when mediation may be suggested as an intervention. In such circumstances, both parties would need to agree to the terms of such an arrangement.

Formal Appeal

If the grievance has not been resolved to the complainant's satisfaction they may appeal to the HR Manager or relevant Senior College Officer, if the complaint is against the HR Manager), within 5 working days of the complainant receiving the written outcome. The appeal must outline, in full, how they consider the grievance procedure has not been correctly applied, and/or how they believe the outcome was not reasonable or proportionate.

The matter will then be heard at an appeal hearing, at which both the complainant and respondent may be required to attend. If the grievance is against a Senior College Officer, the Master in consultation with the HR Manager, will select a Fellow to Chair the appeal hearing. Depending on the circumstances, a panel of up to 3 individuals (including the Chair) who have not had prior involvement in the matter, may be convened.

The HR Manager will support the appeal stage of the process and will correspond with all relevant parties on matters relating the appeal hearing.

The decision of the appeal hearing Chair (or panel) will be final and there will be no further recourse under this policy.

Implementation, monitoring and review of this policy

The HR Manager has overall responsibility for implementing and monitoring this policy.

This policy is effective from 1 April 2021 and will be reviewed every 3 years unless changes in legislation require that to take place sooner.

Any queries or comments about this policy should be addressed to the HR Manager.

CONFIDENTIAL
Formal Grievance Complaint Details Form

Name:	
Position:	
Department:	
Details of grievance complaint	
1. Who is your grievance related to and what is your working relationship with the individual (e.g. colleague)?	
2. When did the issue first arise (approx.)?	
3. Is this a one off incident or a series of issues?	
4. Have you attempted to address your grievance complaint informally? If so, please outline what action was taken and what was the outcome.	
5. Please outline the nature of your formal grievance. Where possible, please include as much detail as possible including a timeline of events, supplementary documentation, other parties / witnesses.	
6. Please outline what you are seeking as an outcome/resolution to your grievance.	
Your grievance will be considered and you will be invited to discuss the details further in due course.	
Signature of complainant:	
Date:	