

Grievance Procedure

This procedure will apply to all members of staff other than "holders of senior posts" as defined in the Articles of Government. The procedure aims to help to resolve individual grievances in a manner which is as fair and expeditious as possible. It is the College's aim to find a solution to individual grievances as early in the procedure as possible.

Employees who have a grievance and those against whom a grievance is raised have the right to be represented by a workplace colleague or a trade union representative at all formal stages. However, every effort should be made to resolve the grievance at the informal stage.

If the grievance is against the immediate line manager, then the grievance should be sent to the senior manager responsible for the line manager.

The College will not normally consider a grievance which is raised more than two working weeks after the incident or incidents to which it relates.

The manager who is to hear the grievance should arrange for a meeting to be held without unreasonable delay after a grievance is received.

In some cases it may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised in the grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

Procedural Boundaries

A grievance is a concern raised by an employee about a matter connected with his or her employment. A grievance would ordinarily result from an action taken or planned by a manager, or actions of a colleague/colleagues who work with the employee in some capacity.

Employees who raise a grievance will be encouraged to give their views on how best to resolve the issue and to specify the outcome they seek.

For any grievance points raised, there will be one of two outcomes – upheld, or not upheld. Where a point has been upheld, this is not an automatic guarantee that the employee will obtain the specific outcome they seek. Due regard will be given to the wishes of the aggrieved, however the manager hearing the grievance will make the decision as to the most appropriate outcome. Often a grievance can be the word of one person against another. The manager must therefore make a decision based on "the balance of probabilities" when deciding whether to uphold the grievance.

All parties involved in the formal stages of the grievance process should make available any relevant documents to all involved.

If evidence of misconduct is found during an investigation, the manager may recommend a disciplinary investigation. The College's Disciplinary Policy will then apply.

A grievance should not be raised to punish or apportion blame to another. Where malicious allegations are found to have been made, disciplinary action may be taken. Should the employee's grievance remain unresolved at any current stage in the procedure without good reason they will have the right to move to the next stage.

Until there is a resolution to the grievance, any working arrangements which applied prior to the grievance being raised will continue to apply.

A grievance should not be used for the following:

To appeal an outcome of a disciplinary procedure (a separate process applies); complaining about a reasonable instruction from a manager; disagreeing with an outcome consistent with an agreed College policy (employees should check the appropriate policy/procedure via the Hub before raising a concern).

Informal Process

The aggrieved person shall, if possible, discuss the grievance with the other person or people involved and try to reach a solution.

If such an approach is not possible or fails to solve the problem Stage 1 of the formal procedure should be used.

Formal Process

Stage 1

- (a) If the employee feels that the matter has not been resolved through informal process, the grievance should be put in writing to the line manager headed "formal grievance".
- (b) The line manager will attempt to resolve the complaint. He/she will meet with the complainant, enquire into the grievance, consider if the meeting should be adjourned for any necessary investigation, discuss the grievance with the complainant and the other parties involved and will advise the complainant of his/her decision within ten working days after the complaint is received. If this timescale can not be met for circumstances beyond their control (such as to allow a reasonable investigation) then this will be communicated to the employee and indication will be given when the outcome can be given.
- (c) The decision will normally be communicated to the complainant orally. In the event that the complainant does not find the decision acceptable, he/she may request a written report of the decision.
- (d) If, upon receipt of the written decision, the complainant is still dissatisfied with the decision, he/she may progress the grievance to Stage 2 within five working days of receipt of such decision.

Stage 2

- (a) If a grievance has not been resolved at Stage 1, the complainant may refer the grievance to the appropriate senior manager responsible for the line management of the manager investigating the grievance under Stage 1. The referral must be made in writing and will be dealt with expeditiously (and, in any event, within ten working days) by the senior manager enquiring into the grievance and discussing it with the complainant and the other parties involved.
- (b) The senior manager will communicate his/her decision to the complainant in writing within ten working days after the referral is made.
- (c) If the grievance relates to the senior manager or if the senior manager was involved in Stage 1 the matter should be referred to the Deputy Principal or Vice Principal.

- (d) If, upon receipt of the written decision, the complainant is still dissatisfied with the decision, he/she may progress the grievance to Stage 3 provided such action is taken within ten working days.

If the involvement of the senior manager or Vice Principal makes following Stages 1 and 2 unreasonable either one or both of these may be omitted at the Principal's discretion.

Stage 3

- (a) If the complaint is not resolved to the satisfaction of the employee at Stage 2, the grievance may be submitted, in writing, to the Principal within ten working days of receipt of the decision reached at Stage 2.
- (b) The Principal or, if he/she so nominates, the Deputy or Vice Principal, will, as soon as possible, and in any event within ten working days of the receipt of the details of the complaint, arrange a meeting which all parties to the grievance will attend.
- (c) The Principal/Deputy Principal/Vice Principal will have the right to ask questions of the parties in attendance.
- (d) The Principal/Deputy Principal/Vice Principal will consider all matters raised at the meeting and relevant documentation from Stages 1 and 2 and will issue to all parties concerned a written decision within fifteen working days of receiving the grievance. Such decision will be final.

Grievance against the Principal

If an employee has a grievance against the Principal he/she should if possible discuss the grievance in confidence with a senior member of staff who will try to help resolve the problem.

If such an approach is not possible or fails to solve the problem then the aggrieved employee has the right to take his/her grievance to the Grievance Committee of the Corporation

The aggrieved employee should notify the Clerk to the Corporation in writing of his/her wish to complain to the Committee sending in writing full details of the grievance against the Principal. The Clerk will check with the aggrieved member of staff whether the matter occurred within a two week period and that the grievance relates to a direct action of the Principal.

If the grievance is within time and involves the Principal then the Clerk will notify the Principal of the grievance along with the documentation submitted and arrange a hearing. A hearing will normally take place no later than eighteen working days after receipt of notification of the grievance.

The Principal's response to the grievance and the supporting documentation from the aggrieved employee will be submitted to the Committee, the Principal and to the aggrieved member of staff at least five calendar days before the hearing.

At the hearing the Grievance Committee will enquire into the grievance and will have the right to question the complainant and the other person or people involved including witnesses. It is usual for the aggrieved employee and the Principal to present their cases to the Committee in the presence of each other. It may be necessary for the hearing to be adjourned so that witnesses can be interviewed or to allow for a separate investigation or for clarification.

The Grievance Committee will inform both parties of their decision in writing within ten working days of the hearing. Such decision will be final.

Overlapping Grievance and Disciplinary Cases

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the Disciplinary Procedure.

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