

Grievance (Staff) Policy and Procedures

Author:	Cheryl Blackley Head of Human Resources, People and Culture	Reviewer:	Fidelma Washington
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Putting Students First

Chronology Amendments Table

Version	Review Date	Made by	Revision Type	Changes
V1.0	July 2024	Head of Human Resources, People and Culture	Update	<p>Transfer to new policy/procedures template.</p> <p>Incorporate recommendations from the ACAS code of conduct, and ensure the policy reflects current employment legislation and best practices, including:</p> <ul style="list-style-type: none"> • EQA 2010 • Employment Rights Act 2020, 2023 and 2024 amendments
	See Page 14 for previous history of amendments			

Contents Table

Section	Description	Page Numbers
1	Introduction	4
2.	Policy Statement	4
3.	Scope	4
4.	Legal and Regulatory Framework	4
5.	Definitions	5
6.	Policy Objectives	6
7.	Responsibilities	6 - 7
8.	Policy	8 - 12
9.	Training and Awareness	12
10.	Monitoring and Review	13
11.	Confidentiality	13
12.	Record Keeping	13
13.	Communication	13
14.	Evaluation and Reporting	13
15.	History of Amendments	14
16.	Appendices	15 - 18

1. Introduction

This document outlines the grievance policy and procedure for the Isle of Wight College (the "College"). The policy and procedure apply to all staff members of the college, regardless of their role, status, or contract.

The policy also recognises the role and rights of Trade Union/Staff Members representatives in supporting staff members who raise a grievance.

This policy and procedure are designed to provide a fair and consistent framework for resolving issues or concerns that staff members may have about their work or college.

This policy and procedure aim to promote a positive and harmonious working environment, where staff members are treated with respect and dignity, and where grievances are managed fairly, impartially, sensitively, and confidentially.

This policy and procedure should be read in conjunction with the following policies and procedures, which may also be relevant to the resolution of grievances:

- Disciplinary Policy and Procedure
- Whistleblowing Policy and Procedure
- Redundancy Policy and Procedure
- Capability Policy and Procedure
- Sickness Absence Policy and Procedure
- Equality and Diversity Policy
- Bullying and Harassment Policy
- Flexible Working Policy
- Staff members Standards and Code of Conduct

2. Policy Statement

The College pay framework ensures that salary decisions relating to staff members are free from bias, ensuring that every role, from Lecturer to Administrator, is consistent and fair, irrespective of gender or other personal equality characteristics.

- Ensure that pay decisions are made fairly and equitably reflecting the College's core values
- Ensure that grading and pay decisions are consistent
- Attract, retain and motivate high-quality staff at all levels of the College
- Complement and inform initiatives such as Reward and Recognition Management, Succession Planning, Performance Management and Management Development
- Ensure that implementation meets legal equal pay for work of equal value requirements including our legal duty to report and address any gender pay differentials

3. Scope

The college is committed to promoting a positive and harmonious working environment, where staff members are treated with respect and dignity. The college expects all staff members to adhere to the staff member Standards and Code in operation at such a time. Staff members must act professionally and courteously towards their colleagues, managers, students, and other stakeholders.

The college also expects all staff members to raise any issues or concerns that they may have in a constructive and timely manner, and to seek resolution at the earliest opportunity outside of the formal grievance procedure, with the relevant manager and HR representative.

However, the college acknowledges that there may be occasions when staff members feel that they have a legitimate grievance that cannot be resolved informally, or that they are dissatisfied with the outcome of an informal resolution. In such cases, staff members have the right to raise a formal grievance, following the procedure outlined below. The college will ensure that all grievances are managed fairly, impartially, sensitively, and confidentially and that no member of staff is victimised or discriminated against for raising a grievance.

4. Legal and Regulatory Framework

This policy is firmly rooted in the principles of fairness and equality, as mandated by the Equality Act 2010 and the Keeping Children Safe in Education (KCSiE) guidelines. The policy ensures that pay decisions are made without discrimination, promoting equality of opportunity, and fostering good relations.

It also reflects the college's commitment to safeguarding and the welfare of children, with staff expected to maintain the highest standards of conduct.

It is based on the ACAS Code of Practice on Disciplinary and Grievance Procedures, and the Employment Relations Act 2000.

5. Definitions

Staff: Refers to anyone employed by the College including full-time, part-time, and temporary staff and/or those providing services on behalf of the College including, self-employed, HOST families, volunteers, work experience, etc.

Trade Union Representative - A trade union representative, recognised by the College, also known as a union rep, steward, or shop steward, is a staff member who represents the interests of their fellow staff members as a member and official of a trade union.

Staff Representatives - A staff member representative is an individual employed by the college acting in a non-official capacity who officially may be requested by another member of staff to support them during various meetings with the College, including but not limited to disciplinaries, grievances, capability, ill health review/meetings, etc.

Keeping Children Safe in Education – Department of Education statutory guidance outlines the legal requirements placed on schools and colleges when carrying out responsibilities to safeguard and promote the welfare of children under the age of 18

ACAS Code of Conduct for Grievance and Disciplinary - Sets the minimum standard of fairness that workplaces should follow. It is used by employment tribunals when deciding on relevant cases. The code covers various areas, including disciplinary and grievance procedures, disclosure of information to trade unions, time off for trade union duties and activities, settlement agreements, and requests for flexible working. It emphasizes the importance of fairness, consistency, and the rights of staff members during these processes.

Equality and Diversity Act 2010 – The Equality Act 2010 is a law enacted in the United Kingdom that legally protects people from discrimination in the workplace and wider society. It consolidated various anti-discrimination laws into a single Act, simplifying the law and strengthening protection in some cases. The Act outlines the different ways in which it's unlawful to treat someone based on nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Employment Rights Act 1996 (ERA) – This is a key piece of UK legislation that consolidates and outlines the rights of staff members in the workplace. It covers a wide range of employment-related issues, including protection against unfair dismissal, the right to redundancy pay, entitlement to written terms and conditions of employment, the right to request flexible working and protection against discrimination. The ERA also provides provisions related to the protection of wages, working hours, health and safety as well as setting out the procedure to resolve disputes, including employment tribunal claims. The act plays a crucial role in safeguarding staff members' rights and ensuring fairness in the employment relationship.

6. Policy Objectives

- Provide a fair and transparent framework for dealing with any issues or concerns that staff members may have regarding either their work or the college
- Promote a positive and constructive culture of communication and feedback, where staff members can raise any issues or concerns in a timely and respectful manner, and seek resolution at the earliest opportunity outside of the formal grievance procedure, with the relevant manager and Human Resources team
- Ensure that staff members are treated fairly, impartially, sensitively, and confidentially throughout the grievance process and that they are not victimised or discriminated against for raising a grievance
- Encourage the use of mediation, where appropriate and agreed by both parties, as an alternative and effective way of resolving disputes
- Provide a clear and consistent procedure for raising, investigating, and deciding on formal grievances, and for appealing against the decisions, where staff members are not satisfied with the outcomes
- Support the college's vision, mission, and values, and uphold the standards of conduct and behavior expected from all staff members
- Comply with the relevant legislation and good practice concerning grievance handling

7. Responsibilities

7.1 Principal

The Principal is responsible for:

- Approving and endorsing this policy and procedure
- Ensuring that the policy and procedure are implemented and followed consistently and fairly across the college
- Receiving and reviewing reports on the outcomes and effectiveness of the grievance procedure

7.3 Senior Leadership Team (SLT):

The Senior Leadership Team are responsible for:

- Supporting and promoting the policy and procedure within their areas of responsibility
- Ensuring that managers and staff members are aware of and comply with the policy and procedure
- Providing resources and support for the effective resolution of grievances

7.4 Managers:

Managers are responsible for:

- Fostering a positive and respectful working environment within their teams
- Addressing any issues or concerns that staff members may have in a timely and constructive manner
- Receiving and responding to written grievances from staff members under the procedure
- Appointing investigating officers for grievances that require an investigation

- Attending grievance hearings and appeals as required
- Implementing and communicating the outcomes of grievances
- Monitoring and reviewing the impact and effectiveness of the grievance procedure within their teams

7.5 Human Resources (HR) Team:

HR is responsible for:

- Providing advice and guidance to managers and staff members on the policy and procedure
- Supporting and facilitating the resolution of grievances, both informally and formally
- Arranging and administering grievance hearings and appeals
- Maintaining records and documentation of grievances
- Providing training and development for managers and staff members on how to manage grievances effectively and constructively
- Providing access to mediation services, where appropriate and agreed by both parties
- Monitoring and reviewing the implementation and effectiveness of the policy and procedure, and making any necessary changes or improvements
- Ensuring compliance with any relevant legislation and codes of practice related to grievance
- The Head of Human Resources is responsible in conjunction with a member of SLT for appointing an appropriate individual to conduct investigations, hear grievances/appeals under this policy

7.6 Staff:

Staff members are responsible for:

- Adhering to the standards of conduct and behaviour set out in the college's policies and procedures
- Acting professionally and courteously towards their colleagues, managers, students, and other stakeholders
- Raising any issues or concerns that they may have in a constructive and timely manner, and seeking resolution at the earliest opportunity outside of the formal grievance procedure, with the relevant manager and HR representative
- Submitting a written grievance, if they wish to raise a grievance, under this policy and procedure
- Cooperating with the investigation, hearing, and appeal processes, and providing any relevant information or evidence
- Attending grievance hearings and appeals, and being accompanied by a Trade Union/Staff representative, if they wish
- Respecting the confidentiality and sensitivity of the grievance process, and not disclosing any information or documents to unauthorised parties
- Accepting and complying with the outcomes of grievances

7.7 Trade Union/Staff Representatives (work colleagues employed by the College acting in a non-official capacity):

Trade Union/Staff Representatives are responsible for:

- Representing and supporting staff members who raise a grievance, or who participate in a grievance, under the policy and procedure
- Attending grievance hearings and appeals with the staff members they are representing/supporting and assisting them in presenting their case

- Respecting the confidentiality and sensitivity of the grievance process, and not disclosing any information or documents to unauthorised parties
- Cooperating with the college and HR in the resolution of grievances, and seeking to maintain good working relations

8. Procedures

8.1 Standards of Conduct During Grievances/Investigations

The college expects all parties involved in the grievance process to adhere to the following standards of conduct:

- Act in good faith and with honesty and integrity
- Respect the rights and dignity of others
- Cooperate and participate in the grievance process
- Avoid any behaviours that may be perceived as threatening, intimidating, or harassing
- Refrain from making false or malicious allegations or statements
- Respect the confidentiality and sensitivity of the grievance process
- Comply with the college's policies and procedures, and any relevant legislation and codes of practice

The college will not tolerate any breach of these standards of conduct and will take appropriate action, which may include disciplinary action, against any party who violates them.

8.2 Relationships with Other Policies/Procedures

At any stage of this Grievance Procedure, the Head of Human Resources or nominated deputy may, if other proceedings (for example, disciplinary procedures, capability/performance procedures or a redundancy procedure) concerning the staff member and relevant to the subject matter of the grievance are pending or in progress, or for any other good reason, at their discretion:

- direct that both cases are dealt with concurrently under a single investigation; and/or
- direct that the grievance should be considered at a formal hearing under any other procedure; or
- defer consideration of the grievance (in whole or in part).

The staff member will be given the reason(s) for the decision; however, the decision of the Head of Human Resources or nominated deputy on this shall be final.

There is no obligation on the college to suspend the other proceedings to address the grievance.

Investigations that have been undertaken under this grievance procedure may be used as and where appropriate to inform another procedure.

8.3 Informal Resolution

The college encourages staff members to raise any issues or concerns that they may have in a constructive and timely manner and to seek resolution at the earliest opportunity outside of the formal grievance procedure, with the relevant manager and HR representative. This may involve a discussion, a meeting, or a mediation session, where the parties can explore the issue, clarify any misunderstandings, and agree on a

satisfactory outcome. The informal resolution should be documented and communicated to both parties and followed up, as necessary. This will also include senior postholders who wish to raise a grievance about a governor.

The informal resolution is not intended to prevent staff members from raising a formal grievance if they feel that their issue or concern has not been resolved satisfactorily, or if they prefer to raise a formal grievance from the outset. The informal resolution is also not appropriate for serious or complex issues, such as allegations of bullying, harassment, or discrimination, which may require a formal investigation.

8.4 Mediation

The college may also offer mediation as an alternative or complementary option to the formal grievance procedure, where appropriate and agreed by both parties.

Mediation is a voluntary and confidential process, and where appropriate the College may obtain the services of an external independent mediator to help both parties reach a mutually acceptable resolution.

Mediation can be requested at any stage of the grievance procedure, by either party or by the college. The college will provide access to external mediators, or internal mediators who have been trained and accredited by a recognised mediation body.

Mediation does not replace or prejudice the formal grievance procedure, and the parties have the right to withdraw from mediation at any time and resume or initiate it. Mediation is not suitable for serious or complex issues, such as allegations of bullying, harassment, or discrimination, which may require a formal investigation.

8.5 Formal Grievance -Stage 1

8.5.1 Raising a Grievance

In the first instance, if a staff member wishes to raise a formal grievance, they should submit a written grievance to their manager or their manager's manager if the grievance is against their manager.

Where a senior post holder raises a grievance, this must first be raised directly with the Director of Governance, who will seek guidance from the Head of Human Resources in applying this policy and procedure.

The individual raising the grievance must raise it with the College within ten working days of the incident or issue. The written grievance must include the following information:

- The nature and details of the grievance
- The impact and outcome that the staff member is seeking
- Any evidence or supporting documents that the staff member wishes to rely on

The Manager who receives the grievance must seek guidance from the Human Resources team and will acknowledge receipt of the grievance in writing, within five working days of being notified by the manager, to confirm to the staff member of the next steps.

8.5.2 Investigation

An appropriate individual will be appointed as an investigating officer by a member of SLT in conjunction with the Head of Human Resources, People and Culture. The College reserves the right to use an external individual to complete investigations where appropriate to do so.

During any formal stage of this process, staff members are entitled to be accompanied by a colleague acting in a non-official capacity or college recognised union official. However, consideration will be given to another person in exceptional circumstances.

The individual appointed as investigating officer will be impartial and will be in the College's opinion suitably competent to conduct a thorough and objective investigation into the staff members' concerns. The guidance contained within Appendix B may be used by them to investigate a formal grievance under this policy and procedure.

The investigating officer will contact the staff member who raised the grievance, and any other relevant parties, such as witnesses, to gather information and evidence.

The investigating officer will aim to complete the investigation within fifteen working days of receiving the grievance unless there are exceptional circumstances that require an extension. In this case, an extension to the period above will be advised and discussed with the staff member.

- **Remote Proceedings** - Where it is not possible to hold a face-to-face meeting under this process, we will conduct the process remotely. This could happen if a staff member is not physically able to attend the meeting or if there are practical reasons as to why a face-to-face meeting cannot go ahead. We will ensure that all those participating have access to the necessary technology. Staff member's rights will not be affected, and we will ensure that the procedure remains fair and reasonable.
- **Adjustments to Proceedings** - If any aspect of the grievance procedure causes staff members difficulty because of disability, or if they need assistance, they should raise this with a member of the human resources team manager, who will make appropriate arrangements for the staff member.
- **Recording of Hearings and Investigation Meetings** - A written record of meetings conducted under this procedure will be made, this will be done either by the person holding the meeting, a member of the HR Team or by an additional person arranged by the investigating officer to take notes.

No party involved in these proceedings are permitted to make covert recordings of meetings or discussions. Any breach of this provision may lead to disciplinary action, which could include dismissal. In certain limited circumstances, the College may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for a staff member with a disability. Where the College permits a meeting to be recorded electronically, they will take responsibility for making the recording.

Where it is intended to record meetings held remotely, the College will comply with our data protection obligations and obtain prior consent from all attendees to do so.

The investigating officer will prepare a written report of their findings and recommendations and submit it to the manager who appointed them.

Staff members will be given a copy of any evidence, reports produced etc, collated during the investigation in advance of the grievance hearing. However, in some cases, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, the hearing officer will provide the staff member with an appropriate summary of the evidence.

Where an investigating officer feels that the staff member's well-being has not been supported during the process, they may request the Human Resources team to organise a referral to Occupational Health. The referral must be discussed with the staff member, and they should be invited to contribute to the referral information.

The College reserves the right to suspend an investigation pending the outcome of the Occupational Health referral where it believes that continuing with the investigation without the guidance of Occupational Health would not be in the best interest of the staff member. This decision must be formally communicated with the staff member and their representative.

8.5.3 Grievance Hearing Arrangements

The manager (the "hearing officer") who appointed the investigating officer in conjunction with the Human Resources team will arrange a grievance hearing, where the staff member who raised the grievance will have the opportunity to present their case and respond to the investigation report.

The Human Resources team will formally write to the staff member providing them with at least five working days' notice of the hearing, they will confirm the following:

- Date and time of the hearing
- Right to be accompanied by a trade union or Staff representative acting in a non-official capacity
- Requesting the details of any witnesses they wish to call
- Requesting whether any reasonable adjustments may be required by the staff member

As part of this stage, they will be provided with an Investigation report, including witness statements and other relevant evidence gained during the process.

The staff member has the right to be accompanied by a Trade Union/Staff representative acting in a non-official capacity at the hearing.

8.5.4 The Hearing

The hearing will be chaired by a hearing officer, who will be a senior manager (or a governor if a grievance has been raised against a Senior Post-Holder of the

College). The individual appointed will not have been involved in the grievance or the investigation.

The following individuals will be asked to attend the Grievance Hearing:

- Staff member
- Staff's representative (trade union official or Staff acting in a non-official capacity)
- Investigating Officer
- Human Resource team member
- Witnesses

At the hearing, the hearing officer may use the agenda outlined in Appendix C of this policy and procedure.

8.5.5 Hearing Outcome

The hearing officer will communicate the decision, and the reasons for it, to the staff member who raised the grievance, and to any other parties involved, within seven working days of the hearing.

The staff member will be informed of the outcome of their grievance; however, where the complaint is about another person then the staff member is not entitled to be informed of the actions (if any) taken against that person.

The decision of the hearing officer may include one or more of the following measures:

- Upholding or rejecting the grievance, in whole or in part
- Apologising or explaining to the staff member who raised the grievance
- Taking disciplinary action against the person who is the subject of the grievance, under the Disciplinary Policy and Procedure
- Taking remedial or preventive action to address the issue or concern raised by the grievance, such as providing training, coaching, counselling, or mediation
- Reviewing or changing the college's policies, procedures, or practices, where appropriate
- Any other action that the hearing officer deems appropriate and proportionate

The decision of the hearing officer will also inform the staff member who raised the grievance of their right to appeal if they are not satisfied with the outcome, and the process for appealing.

8.7 Appeal – Stage 2

If the staff member who raised the grievance is not satisfied with the decision of the hearing officer, they have the right to appeal within ten working days of receiving the decision.

The staff member must submit a written appeal to the Head of Human Resources, or the principal (or Chair of Governors if the grievance is against the principal), stating the grounds for their appeal and the outcome that they are seeking. The grounds for appeal may include one or more of the following:

- New evidence that was not available or considered at the hearing
- Procedural errors or irregularities that affected the fairness or validity of the hearing
- The decision of the hearing officer was unreasonable or disproportionate

The Head of Human Resources (or nominated deputy) will acknowledge receipt of the appeal in writing, within five working days, and inform the staff member of the next steps in the procedure. The appeal hearing should be held within ten working days of the receipt of the staff member's appeal notification, unless otherwise agreed with the staff member in writing, due to college shutdown or annual leave conflicts.

An appropriate Appeal Officer will be appointed who has not been involved in the grievance, the investigation, or the hearing, to review the appeal. The College may appoint an independent external party to review and hear the staff member's appeal.

The appeal officer will arrange an appeal hearing, where the staff member who raised the grievance can present their case and explain why they are appealing. The staff member has the right to be accompanied by a Trade Union/Staff representative acting in a non-official capacity at the appeal hearing.

The appeal officer will consider the evidence and arguments from both sides and make a final decision on the outcome of the grievance.

The appeal officer will communicate the decision, and the reasons for it, to the staff member who raised the grievance, and to any other parties involved, in writing, within ten working days of the appeal hearing.

The decision of the appeal officer is final and binding, and there is no further right of appeal within the college.

8.8 Conclusion of Process and Moving Forward

Upon the conclusion of the grievance process, the College recognises that it may take time to rebuild working relationships. However, the College expects all parties to act in good faith, cooperate, and work together positively, learning from the outcome of the process to focus on the future.

The College cannot emphasize enough the importance of all parties working and collaborating to support the College's future. All parties are equally responsible for supporting each other to rebuild trust and move forward positively together.

Where a staff member has difficulty doing so, this will be managed under the relevant College policy. The College reserves the right to seek external support to aid in this process.

By focusing on future opportunities and mutual respect/support, we can ensure a positive and collaborative environment for everyone.

9. Training and Awareness

The college will provide training and guidance for managers on how to manage grievances effectively and constructively, and how to prevent potential grievances from escalating. The training and guidance will cover the following topics:

- The policy and procedure for grievance

- The roles and responsibilities of managers, staff members, and Trade Union/Staff representatives in the grievance process
- The skills and techniques for resolving issues and concerns informally, such as communication, listening, feedback, and negotiation
- The skills and techniques for conducting investigations, hearings, and appeals, such as questioning, evidence gathering, decision making, and record keeping
- The benefits and principles of mediation, and how to access mediation services
- The relevant legislation and codes of practice related to grievance, such as the ACAS Code of Practice on Disciplinary and Grievance Procedures, and the Equality Act 2010

10. Monitoring and Review

The college will monitor and review the implementation and effectiveness of this policy and procedure. This policy and procedure are intended to be used as a guide and do not form part of the contract of employment. The policy and procedure will also be reviewed and revised three years or sooner to reflect any changes in legislation or codes of practice related to grievance.

The application of this procedure may be modified by the College at their discretion if appropriate in specific cases (for example where a staff member, employed by the college works in, or is managed by staff members of, a third-party organisation, including in cases of secondment or where the staff member's employment has terminated).

The college will also seek feedback from managers, staff members, and Trade Union/Staff representatives on their experiences and views of the grievance process, and any suggestions for improvement.

11. Confidentiality

The College's aim is to deal with grievances sensitively and with due respect for the privacy of all individuals involved. All staff members must treat as confidential any information communicated to them in connection with a matter which is subject to this procedure. This is not intended to prevent the staff member from discussing the matter with their trade union member or their chosen Staff representative in confidence.

The College does not make audio/visual recordings of hearings and staff members and anyone accompanying them (including witnesses) must not make electronic recordings of any meetings or hearings conducted under this procedure.

The College will arrange for notes to be taken of meetings or hearings. Only the notes taken during formal hearings will be shared with the staff member and their trade union/Staff representative. Where required the College will anonymise witness statements to protect the individuals concerned.

Notes of hearings under the formal procedure will be sent to the staff member on request and must remain confidential to themselves, and their trade union or Staff representative.

12. Record Keeping

The human resource team are responsible for providing guidance and support to individuals involved to ensure that all necessary records are completed and saved securely on the designated systems. The human resource team will maintain all records of activities in line with the wider college data retention guidance.

13. Communication

This policy and procedure will be communicated and shared with all staff members, through the college's intranet, induction program, and staff development sessions. The policy and procedure will also be made available to any external parties who may be involved in or affected by the grievance process, such as mediators, witnesses, or students.

14. Evaluation and Reporting

The college will collect and analyse data on the number, nature, and outcomes of grievances, and identify any trends or patterns.

The college will report on the outcomes and effectiveness of the grievance procedure to the Principal and Senior Leadership Team.

15. History of Amendments

Date	Details
April 2024	The Employment Rights Act 2002 has undergone amendments with the ongoing inclusion of the Employment Rights Bill in 2024, which included the following: <ul style="list-style-type: none">• April 2024 - Employment Right (Flexible Working) Act 2023 – right to request from day one• April 2024 - Careers Leave Act 2023 – One week of unpaid leave annually April 2024 changed - Paternity Leave (Amendment) Regulations 2024 remove of one block of leave
July 2024	Full review of policy and procedure to realign to new template, terminology, ACAS code of conduct, EQA 2010. To include guidance to staff members, investigating and hearing officers.
October 2024	The Employment Rights Act 2002 has undergone amendments with the ongoing inclusion of the Employment Rights Bill, in 2024, which covers: <ul style="list-style-type: none">• Worker Protection (Amendment of Equality Act 2010) 2023 – prevent sexual harassment in the workplace• Protection from Redundancy (pregnancy and Family Leave) Act 2023 – protection extended until 18 months after child’s birth

Appendix A

Guidance Notes – Staff Members

What is a formal grievance?

A formal grievance is a way of expressing your dissatisfaction or concern about something that affects your work, such as your pay, working conditions, treatment by your manager or colleagues, or a breach of your employment rights. A formal grievance is different from an informal complaint, which is a verbal or written communication that does not follow a specific procedure and does not require a formal response.

When should you raise a formal grievance?

You should raise a formal grievance only after you have tried to resolve the issue informally with the person or people involved, or with your line manager. If the informal approach does not work, or if the issue is too serious or sensitive to be dealt with informally, you can escalate it to a formal grievance. **You should raise a formal grievance as soon as possible after the incident or situation that caused your complaint or concern.**

How to raise a formal grievance?

- Check your employer's grievance policy and procedure, which should be available via the intranet, or HR team. The policy should explain the steps you need to follow, the time limits you need to adhere to, and the people you need to contact.
- You have the right to be accompanied by a recognised Trade Union member or a staff member representative acting in a non-official capacity employed by the College throughout the formal stage of this procedure.
- You should write a grievance letter, stating the nature of your complaint or concern, the facts and evidence that support your claim, the impact of the issue on your work, and the outcome you are seeking. Be clear, concise, and professional. Avoid making personal attacks or accusations. Attach any relevant documents or records that back up your case.
- Send your grievance letter to the appropriate person explained in the policy and procedure above, also forward a copy to the Human Resources Team. Keep a copy of your letter and any correspondence you receive in response.
- Prepare for a grievance meeting, which is a formal meeting where you will have the opportunity to present your case and answer any questions. You have the right to be accompanied by a trade union or Staff Members representative acting in a non-official capacity, who can support you and speak on your behalf. Before the meeting, review your grievance letter and evidence, and think of any questions you might want to ask or points you might want to make.
- Attend the grievance meeting and try to stay calm and respectful. Listen to what the other party has to say and explain your position clearly and confidently. Ask for clarification or further information if you need to. Take notes of the main points and outcomes of the meeting.
- Wait for the outcome of your grievance, which should be communicated to you both in person and in writing within the specified time outlined above in this policy and procedure. The outcome letter should explain the decision, the reasons for it, and any actions that will be taken to resolve the issue. It should also inform you of your right to appeal if you are not satisfied with the outcome.
- Decide whether to appeal or not, depending on the outcome of your grievance and your level of satisfaction. If you decide to appeal, you should do so in writing, stating the grounds for your appeal and the outcome you are seeking. You should follow your employer's appeal procedure, which should be similar to the grievance procedure, and involve a meeting with a more senior manager or an independent person. You should receive the final decision of your appeal in writing, which will normally be the end of the process.

Where can I find more information?

If you have any questions or queries about the grievance policy and procedure, or if you need any advice or support, you can contact the following sources:

- Your line manager or another appropriate manager/Human Resources Team or your Trade Union Representative

You can also access the full policy and procedure, and other related policies and procedures, on the college's intranet, or by contacting the HR team.

Appendix B

Guidance Notes - Investigating Officer

Introduction

The information provided below should be used with advice from the Human Resources team, College policy and procedures relevant to this investigation and its terms of reference. Where a formal investigation is required under Stage 1 of this document.

As the investigating officer, you are responsible for conducting a fair, impartial, and timely investigation of the grievance and producing a report with findings and recommendations.

Responsibilities of the Investigating Officer

- The investigating officer will be appointed by the designated manager/and or Human Resources and will not have any direct involvement or personal interest in the grievance.
- The investigating officer should contact the complainant (the staff member lodging the Grievance) and the respondent (the person or persons against whom the grievance is made) as soon as possible after being appointed and explain the purpose and process of the investigation.
- The investigating officer should arrange and conduct interviews with the complainant, the respondent, and any relevant witnesses, and collect and review any relevant documents or evidence.
- The investigating officer should keep a record of all interviews, documents, and evidence, and ensure that they are stored securely and confidentially.
- The investigating officer should analyse the information gathered and assess whether the grievance is upheld, partially upheld, or not upheld, and what actions or remedies are appropriate.
- The investigating officer should draft a report with the findings and recommendations of the investigation and submit it to the principal or the designated senior manager within the agreed time limit.
- The investigating officer should inform the complainant and the respondent of the outcome of the investigation and the report and provide them with a copy of the report or a summary of the findings and recommendations.
- The investigating officer should maintain professional and respectful communication with all parties involved in the grievance and respect their confidentiality and privacy.

Considerations for the Investigating Officer

- The investigating officer should follow the college's grievance policy and procedure, and any relevant legislation, regulations, or codes of practice.
- The investigating officer should act impartially and objectively, and avoid any bias, prejudice, or discrimination.
- The investigating officer should seek to resolve the grievance as quickly and effectively as possible and avoid any unnecessary delays or disruptions.
- The investigating officer should ensure that the complainant and the respondent are treated fairly and respectfully and are allowed to present their views and evidence and to respond to any allegations or evidence against them.
- The investigating officer should ensure that the complainant and the respondent are supported throughout the process and are made aware of any sources of advice, guidance, or counselling available.
- The investigating officer should ensure that the investigation is conducted confidentially and sensitively and that the information gathered is only shared with those who need to know.
- The investigating officer should ensure that the investigation's findings and recommendations are based on facts and evidence, clear, concise, and consistent.
- The investigating officer should ensure that the report of the investigation is written in a professional and formal style and follows the recommended report format.

Investigation Format

The investigation format may vary depending on the nature and complexity of the grievance, but it should include the following steps:

- Step 1:** Appointment of the investigating officer and notification of the parties.
- Step 2:** Planning and preparation of the investigation, including identifying the scope, objectives, and time limit of the investigation, and the sources of information and evidence.
- Step 3:** Conduct interviews with the complainant, the respondent, and any relevant witnesses, and collect and review any relevant documents or evidence.
- Step 4:** Analysing the information and evidence gathered, and assessing whether the grievance is upheld, partially upheld, or not upheld, and what actions or remedies are appropriate.
- Step 5:** Write the report of the investigation and submit it to the principal or the designated senior manager.
- Step 6:** Communicating the outcome of the investigation and the report to the complainant and the respondent and providing them with a copy of the report or a summary of the findings and recommendations.

Recommended Report Format

The report of the investigation should follow the recommended report format, which includes the following sections:

- Section 1:** Introduction, which provides the background and context of the grievance, the scope and objectives of the investigation, and the methodology and process of the investigation.
- Section 2:** Summary of the grievance, which provides a brief overview of the complainant's allegations, the respondent's response, and the fundamental issues or points of dispute.
- Section 3:** Findings of the investigation, which provides a detailed account of the information and evidence gathered, and the analysis and assessment of the grievance, and states whether the grievance is upheld, partially upheld, or not upheld.
- Section 4:** Recommendations of the investigation, which provides a list of actions or remedies that are suggested to resolve the grievance, and to prevent or address any underlying issues or problems.
- Section 5:** Conclusion, which provides a summary of the main findings and recommendations of the investigation, and any further steps or follow-up actions that are required or recommended.
- Section 6:** Appendices, which provide any relevant documents or evidence that support the findings and recommendations of the investigation, such as interview transcripts, witness statements, or copies of policies or procedures.

Appendix C

Grievance Hearing – Proposed Agenda

At the commencement of the hearing, the chair of the Grievance Hearing should:

- introduce those present and explain why they are there;
- explain the purpose of the hearing
- explain how the hearing will be conducted.

The staff member should be given a reasonable opportunity to explain their grievance. The Grievance hearing will follow the following format:

- the Chair will invite the staff member (or their representative if the staff member wishes) to present their case;
- the Chair and/or supporting HR Representative may ask questions of the staff member (who must answer themselves – their companion is not permitted to answer questions on their behalf);
- the staff member may call pre-agreed witnesses to support their case and ask questions of them;
- the Chair and/or supporting HR Representative may ask questions of the witnesses;
- the Chair should check that staff member or their representative have no further questions of each witness before asking the witness to leave;

Where there was an investigation, and the Investigating Officer attends the grievance hearing:

- If the Chair considers it appropriate (if for example the witness was not interviewed as part of the investigation), the Investigating Officer may ask questions of the staff member's witnesses (after the chair and supporting HR Representative);
- The chair will invite the Investigating Officer to present a summary of their investigation;
- the staff member and their representative may ask questions of the Investigating Officer;
- the panel and/or the HR Representative may ask questions of the Investigating Officer;
- the Investigating Officer may call witnesses and ask questions of them;
- the staff member and their representative may ask questions of the witnesses
- the panel and/or the HR Representative may ask questions of the witnesses;
- The chair should allow staff member or their companion to provide any further information.

The Chair should inform the staff member of the next steps, e.g., if they wish to carry out further investigation, the time limit for the decision etc.

(No new written evidence should be introduced during the grievance hearing.)