

# Grievance Procedure for Employees

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## 1 Scope and purpose

- 1.1 This procedure shall apply to all employees including senior postholders.
- 1.2 The procedures will be applied in accordance with the Articles of Government of the Corporation and in accordance with the Advisory, Conciliation and Arbitration Services (ACAS) Code of Practice, 'Disciplinary and Grievance Procedures'.
- 1.3 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 policy to find a solution to individual grievances as early in the procedure as possible.

## 2 General principles

- 2.1 The College recognises that raising a grievance can in some circumstances be a daunting experience for an individual employee. This procedure is designed to ensure an employee feels able to raise a grievance and has confidence that the matter will be considered in a fair and transparent manner. Every effort will be made to resolve the grievance informally ensuring all individuals involved are supported throughout the process in order to reach a resolution.
- 2.2 To support an employee, individuals have the right to be accompanied at any grievance meetings either informal or formal. This can be by a representative of a trade union or work colleague of their choice, subject to a reasonable request being made (please refer to the Appendix for guidance on the role of the companion).
- 2.2 Managers are required to familiarise themselves with the grievance procedure.
- 2.3 In the interest of ensuring that grievances are resolved as speedily as possible, time limits are given for appropriate stages in this procedure. These are for guidance. If it is not practicable to adhere to these time limits, they may be amended, ideally by mutual agreement. Due regard will be given to the personal circumstances of all parties involved in the procedure.
- 2.4 If the grievance is against the immediate line manager, then the the grievance should be raised with the relevant manager who is senior to the line manager. If the employee has concerns with raising the matter with management within their section or department then the grievance can be raised with the Director of Services for Students and HR or the SMT member with responsibility for HR. If the grievance is against the Principal or another senior post holder, it should be discussed with the Director of Services for Students and HR prior to being sent to the Clerk to the Corporation, and will be heard by a member or a committee of the Corporation at either the informal or formal stage.
- 2.5 Where a senior postholder wishes to raise a grievance then this should be raised with the Clerk to the Corporation who will make arrangements for Stages 1-3 of the procedure to be carried out by a member or a committee of the Corporation. If the

matters relates to or involves the Clerk then another college manager, normally the Director of Services for Students and HR, will be designated to act on the Clerk's behalf for the purpose of managing the grievance process.

### 3 Stage 1 - Informal procedure

- 3.1 If an employee has a grievance relating to his/her employment, the matter should be raised initially with the employee's manager. In the event that the grievance relates to the manager who would normally deal with a grievance at this stage, the grievance should be referred to the the line manager's immediate manager or to the Director of Services for Students and HR or the SMT member with responsibility for HR.
- 3.2 The manager will seek to work with the employee to establish the nature of their concerns and will take appropriate steps to resolve the grievance as quickly as possible on an informal basis. The manager should identify how the issue can be resolved and what outcome the employee is seeking. Once the manager has considered the options and where necessary spoken to other individuals or HR they will write to the employee via email to confirm the outcome o. This should be provided within five working days after the complaint is received unless an extension is agreed. It is anticipated that most grievances will be resolved at this stage.
- 3.3 Where possible the college will endeavour to resolve the grievance through the informal stage, however, if the matter is serious or in other circumstances where the employee does not wish to raise the matter informally, the employee may proceed straight to the formal stage of the procedure.
- 3.4 Where appropriate the college may ask a manager who has had no prior involvement in the matter to consider the concerns raised and to meet informally with the employee and any other individuals involved. The manager will consider the nature of the concerns and look at means to resolve the matter satisfactorily at the informal stage. This will include discussing with the employee who has raised the grievance the possible options for resolving the matter.

### 4 Stage 2 – Formal procedure

- 4.1 If the employee feels that the matter has not been resolved through informal the informal stage , or in the event that paragraph 3.3 applies, the employee has the right to raise the matter through the formal stage of the grievance procedure. The employee should inform the Director of Services for Students and HR in writing. If the matter relates to the HR staff or function then the employee should raise it with the SMT member with responsibility for HR.
- 4.2 The grievance should provide full details of the complaint.
- 4.3 The college will arrange a meeting as soon as possible (ideally within five working days, but no longer than ten days) following receipt of the written grievance. A manager who has had no prior involvement in the grievance will chair the meeting and be responsible for investigating the concerns and making recommendations on a resolution.

- 4.4 The employee may be accompanied at the meeting by a trade union representative or work colleague (please refer to the Appendix for guidance on the role of the companion). The college should remind the employee of the right to be accompanied prior to a grievance meeting. Before the meeting, the employee should tell the college who he/she has chosen to be a companion.
- 4.5 The Chair may also be required to meet with other involved parties, as well as consider a range of information and evidence from both the employee and other sources.
- 4.6 At the meeting the employee or his/her companion will be given the opportunity to explain the nature of the grievance, submit verbal/written evidence and identify appropriate witnesses for the Chair to also speak to as part of their investigations
- 4.7 The manager hearing the grievance will consider all of the matters raised at the meeting together with information from other involved parties and undertake all other reasonable investigations into the grievance. The manager will be supported by a member of the Human Resources team. In some circumstances and where appropriate and relevant, the Chair with the support of HR, may seek to resolve the matter through mediation, with the employee's consent.
- 4.8 In all circumstances once the Chair has concluded their investigations and considered the grievance they will write to the employee as soon as reasonably practicable following the meeting; normally within five working days, of the meeting or if this is not possible the Chair will inform the employee of the need for an extension .
- 4.9 The letter will outline, where appropriate, what action the college intends to take to resolve the grievance, and will also inform him/her of the right to appeal. Where the decision is to not uphold the grievance, the manager will explain the reasons for this in the letter. Any other parties involved in the grievance will also be appropriately informed of the outcome.

## 5 Stage 3 - Appeal

- 5.1 If the grievance is not resolved to the satisfaction of the employee at Stage 2, he or she may appeal. Any such appeal must be submitted in writing, setting out the full grounds for the appeal, and sent to the Director of Services for Students and HR or another designated manager within five working days of receipt of the decision reached at Stage 2.
- 5.2 The college will invite the employee to an appeal meeting as soon as possible, within no more than 10 working days following receipt of the written appeal. The appeal will be chaired by an appropriate senior manager, who has not been involved in the grievance process in question so far and who is senior to the manager who heard the original grievance. The employee will be entitled to be accompanied at the appeal meeting by a trade union representative or work colleague (please refer to the Appendix for guidance on the role of the companion).

- 5.3 The senior manager who will consider the appeal will be supplied with all of the documentation submitted in relation to the earlier stages of the procedure. If the grievance involves another employee, the senior manager may require the attendance of that employee at the appeal meeting, or any other employees who may be able to provide relevant information.
- 5.4 The appeal decision will be provided in writing within five working days of the appeal meeting or if this is not possible the Chair will inform the employee if an extension is required. Any other parties involved in the grievance will also be appropriately informed of the appeal decision. The decision will be final in terms of the College procedure.

## 6 Overlapping grievance, redundancy, absence management and/or disciplinary cases

- 6.1 Where an employee raises a grievance during the course of another process, which is already taking place under another policy, then the original process may be temporarily suspended in order to deal with the grievance first. This includes redundancy, absence management or disciplinary matters as well as other relevant policies. Where the grievance relates directly to the other process, it may be appropriate to deal with both issues concurrently.

## 7 Further guidance

- 7.1 For further guidance and advice on the grievance process individuals may speak to an HR Advisor, the Director of Services for Students and HR, or SMT member with responsibility for HR, a trade union representative or refer to ACAS ([www.acas.org.uk](http://www.acas.org.uk)) and the Code of Practice for Disciplinary and Grievances and the separate Guidance on Handling Grievances in the workplace.

## Appendix

### Notes relating to the model grievance procedure

Employees have the statutory right to be accompanied by a work colleague or trade union representative, where they are invited by the employer to attend a grievance meeting and when they make a reasonable request to be so accompanied.

The trade union representative can be an officer employed by a trade union, or a lay trade union officer, so long as (in the latter case) they have been reasonably certified in writing by their union as having experience of, or as having received training in, acting as an employee's companion at grievance meetings.

An employee may ask an official from any trade union to accompany them at a grievance meeting, regardless of whether or not he or she is a member or the union is recognised by the college.

A fellow worker or trade union representative who is to accompany the employee at the grievance meeting should be permitted to take a reasonable amount of paid time off to fulfil this. This should cover the grievance meeting and it is also good practice to allow time for the companion to familiarise themselves with the case and confer with the employee before and after the meeting.

To exercise the statutory right to be accompanied, an employee must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for an employee to insist on being accompanied by a companion whose presence would prejudice the meeting nor would it be reasonable for an employee to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

The companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employer from explaining their case.