

## POLICIES AND PROCEDURES



<b>Policy Title</b>	<b>STAFF GRIEVANCE POLICY &amp; PROCEDURES</b>
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# **Grievance Policy and Procedure for Academic & Support Staff**

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## **Grievance Policy and Procedure for Academic Support Staff**

### **1. Principal Aims**

a) The aim of the College's Academic Staff Grievance Procedure is to provide a fair process for individual employees to obtain a speedy resolution to problems relating to their employment and to ensure continuity of service for students and staff. This includes problems or concerns about work, management, working conditions, working relationships with colleagues, health and safety, new working practices, organisational change and equal opportunities.

b) One of the key aims of the policy is to enable the College to provide a working environment in which all employees feel comfortable and in which everyone is treated with respect and dignity, regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, disability or any other personal factor or quality.

This procedure also applies to cases of alleged bullying and harassment, i.e. where an individual feels that they has been subjected to unwelcome and unwarranted treatment thereby causing him/her a detrimental effect or where an individual wishes to complain of behaviour directed at others that they find offensive.

c) Grievances can damage working relations and/or cause low morale or ill health, therefore both employees and managers have a responsibility to raise and deal with grievances as speedily as possible. The information disclosed should be treated in strict confidence as far as it is possible to do so.

d) Where possible concerns, problems or complaints should be raised at an early stage, informally proposing a possible solution with the immediate line manager, or the next most senior manager if the complaint is against the line manager, in order to try to resolve the issue promptly. Mediation using a third party may, subject to agreement, be an alternative option for informal resolution.

e) Where it is not possible or appropriate to resolve matters on an informal basis the formal procedure for handling a grievance should be used. This formal procedure (Refer 6.) should usually only be used when other attempts have failed, and not as the first option.

f) The objective of all grievance meetings will be to understand and seek to resolve the issue.

### **2. Scope of the Procedure**

- a) This procedure applies to all academic staff groups.
- b) The definition of a manager for the purposes of this procedure is any member of the College, including Heads of Departments, with line management responsibility for one or more members of staff.
- c) The definition of the investigator is the person nominated by the Principal to carry out the investigation. If the grievance is against the Principal the Board of Directors must nominate an independent person (External Advisor) to investigate.
- d) Subject to the agreement of all parties involved in the grievance, the procedure may be suspended at any stage for mediation or discussions to discuss options with the aim of promoting a more speedy resolution of the grievance.

### **3. Roles and Responsibilities**

- a) Employees have a responsibility to:
  - raise a grievance with their line manager within a reasonable amount of time;
  - clearly state the basis of their grievance and provide the manager with all relevant details.
  - where possible, attempt to deal with the grievance informally before resorting to the formal stages of the procedure;
  - indicate what would be a satisfactory outcome to their complaint;
  - attend meetings held under the grievance procedure and provide the relevant details in relation to the grievance.
- b) Failure to comply with these responsibilities could prevent the College from offering support it might otherwise be able to provide.
- c) Managers have a responsibility to:
  - deal with grievances promptly, fairly and consistently in accordance with the College procedure and with advice from the investigator; clearly explain the reasons behind a decision in respect of a grievance and provide any necessary details if a hearing is held.
  - consider whether a group grievance against an individual should be investigated on a separate or group basis.

### **4. Support and Advice**

- e) ACAS also provide a helpline for employees who need advice in dealing with employment issues. The number is 08457 47 47 47 <http://www.acas.org.uk>.
- g) The College has a duty of care to all employees who are the victims of bullying or discrimination and will provide support to any employee who believes they are a victim of such behaviour.

### **5. Mediation**

a) Mediation is a process that involves the appointment of a third-party mediator, who will discuss the issues raised by the employee's grievance with all those involved and seek to facilitate a resolution for agreement by the parties. It may be requested or recommended at any stage in dealing with a grievance. However, while it is usually preferable for mediation to take place before formal grievance proceedings are commenced it may form part of the proposed remedies for the settlement of a grievance.

b) If mediation is an appropriate option, the parties should contact the relevant Manager. If the Manager agrees that mediation may help to resolve the grievance, the Manager will appoint an internal mediator (person who has had no direct involvement in the case) to help towards a resolution.

c) Agreement to mediation does not preclude the employee from submitting a formal grievance either in parallel or subsequently, bearing in mind that the employee has a responsibility to raise the grievance within a reasonable amount of time.

## **6. Formal Procedure**

a) There are two main steps to the Formal Grievance Procedure:

1. Employee submits the Statement of Grievance Form (Appendix 1)
2. Formal grievance meetings are held.

## **7. Setting out the Grievance**

a) If informal attempts to resolve the issue do not do so to the employee's satisfaction or are considered inappropriate in the circumstances, the employee should progress to the formal stages of the Grievance Procedure by setting out their grievance in writing using the Statement of Grievance Form (Appendix 1) and submitting it to the relevant Manager with all relevant documentation, whilst retaining a copy for themselves.

b) The employee, the complainant, should set out the facts of the specific complaint in the Grievance Form including any examples in support of the complaint, any steps already taken to try to reach a solution and how the employee would like to see the matter resolved. Further particulars may be requested of the employee where the specifics of the complaint are not clear to the manager dealing with the grievance.

## **8. Dealing with the Grievance**

a) On receiving the statement of grievance the Manager shall contact an appropriate person to act as the investigator who may be the line manager or a person nominated by the line manager within five working days. An example of where a person, other than the line manager, may be contacted to deal with the investigation in full or part is where the manager's predetermined commitments would lead to an unacceptable delay in dealing with the grievance. If the grievance is against the line manager, the line manager's manager or a person nominated by the line manager's manager will be contacted by the Manager. Awareness of the circumstances of the case shall not preclude an investigator from dealing with the grievance unless the

grievance specifically relates to their behaviour. The employee who submits the grievance is hereafter referred to as the complainant.

b) The complainant shall be notified of the name of the investigator and the date for the initial meeting within five working days of the submission of the statement of grievance form. Wherever possible the meeting will be held within ten working days of the submission of the grievance at which they shall be given the opportunity of explaining their grievance, submitting any witness statements if appropriate, answering questions and suggesting how they would like the issue(s) resolved. Where it is not possible to hold the meeting within ten days of the submission of the grievance, the complainant will be informed of the reasons for the delay. If further details or examples emerge at the meeting that were not included in the original statement of grievance, the meeting may be adjourned and the individual asked to put these in writing to form part of the grievance. At the end of the meeting, the investigator shall sum up their understanding of the grievance, explain the proposed next steps and provide an estimate of the timescale. Where possible, a date for the next meeting shall be agreed.

c) The investigator will forward a copy of the completed Statement of Formal Grievance Form and any supporting documentation to the subject of a grievance and invite the person to a meeting. The person complained against will also be given the opportunity to respond to the grievance in writing within five working days of the request. Where it is not possible for the individual to respond within the timescale of five working days, the manager dealing with the grievance shall consider a request for an extension and, if agreed, this will be communicated to the complainant.

d) If, after the initial meetings, the investigator dealing with the grievance decides to interview other members of staff, the investigator shall notify both the complainant and the person against whom the complaint has been made.

e) A work colleague may accompany the complainant who has submitted the grievance as well as the subject of the grievance at meetings. In cases of bullying and harassment people whose statements make reference to instances of bullying or harassment they have suffered may also be accompanied. Records of all meetings shall be sent to each individual to confirm they are accurate and to have the opportunity to correct any errors normally within two working days.

f) After receipt of confirmation or correction of the records of meetings, the complainant shall be given at least five working days' notice of the date, time and location of the second meeting. At the meeting, the investigator shall explain their findings to date listen to the complainant's comments and ask further questions of clarification. The meeting shall be adjourned for a short period to allow the investigator time to make a decision on the grievance and reconvened to communicate the decision to the complainant. The investigator shall also inform the person complained against of the outcome.

g) If further advice or information or further meetings with witnesses is required before the investigator is able to reach a valid decision, the investigator may choose

to adjourn the meeting. Where delay in reconvening the meeting is unavoidable the investigator should inform the complainant as soon as possible.

h) The outcome of the grievance will be confirmed to the complainant in writing within five working days of the final meeting. The letter shall explain the right of appeal should the complainant not be satisfied with the outcome.

i) Where the investigator is the person nominated by the line manager of the complainant, the investigator will inform the line manager of any relevant issues arising from the outcome of the grievance that need addressing in order to ensure effective management of the issues in the future.

j) The subject of a grievance shall be informed of the outcome and may request that this be sent to them in writing. The aforesaid person will not receive a copy of the full written statement of the outcome sent to the complainant.

k) The Manager responsible for the grievance shall monitor the progress of the grievance. The Manager shall inform the Principal of any grievance not resolved 60 days after the submission of the grievance. If the Principal believes there to have been undue delay they shall raise the issue with the relevant Manager to promote a speedy conclusion.

l) In the case of an allegation of bullying or harassment, where the Investigator has good cause to believe that there is a risk of further bullying or harassment they will inform the relevant line Manager and require them to take interim steps, without prejudice to the eventual findings, to prevent any recurrence.

## **9. Right of Accompaniment**

a) Complainants and the subjects of a grievance can choose to be accompanied at meetings by a work colleague subject to the chosen companion being able to attend on the proposed date.

b) External lawyers by profession, cannot act as companions under this procedure.

## **10. In Attendance**

a) Formal meetings shall be chaired by the Investigator, who may be accompanied by a senior member.

b) The complainant will attend to present their grievance and answer questions of clarification in relation to the original written submission.

c) Given the variety of organisational arrangements within the College, some modification from this procedure may, on occasions, be necessary in terms of the selection of the Investigator.

## **11. Possible Outcomes of Grievance Meetings**

### **If the grievance is upheld**

a) The Investigator should decide what steps and related timescale should be taken to resolve the grievance or underlying issues and either implement the steps or

report to the relevant manager with authority to make a decision on the grievance and implement the steps.

b) If the Investigator concludes there has been bullying or harassment they shall report this to the offender's line manager with a view to instigating appropriate disciplinary action. In the case of bullying and harassment there will be no presumption that the issue will be resolved by moving the person bullied or harassed. It will be the responsibility of the College to take such measures, wherever practicable, to enable them to continue their existing duties free of the fear or threat of further bullying or harassment.

### **If the grievance is not upheld**

c) The investigator should report the outcome to the Manager responsible for taking action and include in the report any steps that need to be taken to address any underlying issues.

## **12. Grievance against a Director**

a) Where the grievance is against any member of the Board of Directors and the matter has not been resolved informally, the aggrieved member of staff may submit the Statement of Formal Grievance Form (Appendix 1) to the meeting panel through the College Secretary. The formal grievance will be considered and determined by a panel of three independent members not previously involved in the grievance.

## **13. Appeals Procedure**

If the complainant (employee involved in initiating the complaint and completing the Statement of Formal Grievance Form) feels that the resolution is unfair he/she has a right to an internal appeal.

a) Appeals must be submitted in writing to the Principal (or if the complaint involved the Principal to the College secretary no later than *five* working days after receipt of the decision in writing.

b) Appeal hearings may be a review of the decision made at the Grievance Hearing. Employees must be specific about the grounds of the appeal as these will form the agenda for the Appeal Hearing and may determine who should be present. Appeals may be raised on any grounds including:

- **procedure** - a failure to follow procedure at the Grievance hearing;
- **the decision** - the evidence did not support the conclusion reached;
- **any proposed action** - was inappropriate given the circumstances of the case;
- **new evidence** - which has come to light and was not available at the Grievance hearing.

The complainant should also outline the remedy or outcome sought.

c) The Appeal will be heard by a panel comprising three members of staff appointed

by the Principal or the independent members panel if the case was initially made against the Principal.

d) Appeal arrangements should be confirmed as soon as reasonably practicable after receipt of the appeal. The complainant should be given a minimum of five working day's advance notice of the time, date and place of the appeal hearing once it is scheduled. They will also be advised that they are entitled to be accompanied by a companion. The complainant should notify the Appeal Chairperson of any new witnesses they wish to appear at the Appeal hearing.

#### **14. Appeal Hearing Procedure**

a) At the Appeal Hearing the Chairperson of the Appeal Panel will explain the purpose of the meeting, how it will be conducted, and the action which may be taken as a result of the hearing. Depending on the circumstances, the Investigator who heard the formal grievance may be requested to attend in order to outline the reasoning behind their original decision.

b) The employee (or their companion) will be asked to explain their grounds of appeal including any new evidence they may wish to introduce. In the event of new witnesses being presented all parties will have the opportunity to question them. At the end of the hearing the employee (or their companion) should have the opportunity to summarise the case.

#### **15. Decision**

a) A decision on the appeal should be made in a prompt manner, having given due consideration to all the evidence presented and conducted any further investigations required.

b) The result of the appeal will normally be notified to the complainant in writing by the Principal no later than *five* working days after the decision is made. The notification should outline the decision made, reasons for the decision and if appropriate actions required for the redress of the Grievance. A copy should also be sent to the respondent(s) against whom the grievance was raised.

c) The decision of the Appeal panel is final.

## 16. Appendix

### STATEMENT OF FORMAL GRIEVANCE FORM

**Complainant's name:**

**Complainant's job title:**

**Complainant's department:**

**Date:**

**Does your grievance relate to your line manager? Yes/No**

**Summary of complaint: Yes/No**

Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required.

Please provide the names and contact details of any people involved in your complaint, including witnesses.

**Outcome requested:**

Please set out what outcome you would like to see your complaint dealt with, and why and how you believe that this will resolve the issue(s) as described above.

**Declaration:**

I confirm that the above statements are true to the best of my knowledge, information and belief.

Signature:

Date:

