

South Staffordshire College

Lichfield • Cannock • Tamworth • Rodbaston



GRIEVANCE POLICY & PROCEDURES

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This Staff policy contains information that outlines our aims. However, there may be times when we cannot meet these obligations. We are committed to act in a fair and reasonable way. We will review policies each year and the Equality Assessment every three years.

Grievance Policy & Procedures

1. Policy Statement, Aims and Scope

This policy is based on treating people with respect and, solving any problems or issues in an efficient, effective and respectful manner so the people concerned can sort out issues at an early stage. This should then help prevent staff from suffering with mental health conditions as a result of unresolved issues.

2. Policy Aims/Objectives

We believe all employees should be treated fairly and with respect. The purpose of this policy is to make sure we treat everyone fairly and consistently when problems or misunderstandings arise. We will handle any grievance, in particular issues around harassment or bullying, sensitively and quickly. Usually, when a problem is discussed openly, it can be dealt with easily but sometimes it may be left unresolved or is serious enough to develop into a formal grievance. Where possible, we will try to settle grievances informally, in the first instance through your line manager. If you feel unable to approach your line manager directly, a member of the HR team will be able to advise you on how you can take the matter forward.

If we cannot settle a grievance informally, it should be raised formally under the college's grievance procedure, using the appropriate form. We will investigate the grievance, including any complaints about an allegation of misconduct on the part of another colleague.

Good working relationships at all levels are extremely important, so if you have any grievance, complaint or problem relating to your employment, you should use our grievance procedure. If you raise a grievance, we will deal with it quickly.

The Human Resources team can guide you at any stage of the procedure and in particular can advise on issues around harassment or bullying. When you raise an issue, the HR team will always act in line with the law and the best interests of the college and our other employees. We would always try to sort out the matter so that colleagues can work together in harmony. However, where this is not possible, the interests of the college will come first.

We will treat any records made of any action taken under this procedure as confidential wherever possible.

This policy only applies to current college employees.

If you have a grievance or a grievance has been made against you, you have the right to be accompanied to meetings by a recognised trade union representative or a workplace colleague.

In the case of senior managers who raise a grievance, because of their seniority in the college it may not be possible to follow all stages of the grievance procedure. However, in these cases we will make a final decision at stage 2 of the formal procedure.

If the grievance is against your immediate line manager, you should raise it with their line manager or the appropriate HR officer or manager. If the grievance is against a senior post holder (that is, the Principal or Vice Principals) you should raise it with the Clerk to the Governors.

It is essential that even though you have raised a grievance, you should continue to work normally while the grievance procedure is being followed.

If your grievance relates to a disciplinary decision, you must follow the disciplinary appeals procedure contained within our disciplinary policy.

If you raise a complaint about your employment in writing but do not say that you are raising a grievance, we will deal with the grievance informally first.

The aim of this grievance policy is to settle grievances as quickly as possible and at the earliest stage. This means that you will be expected to attend any meetings required to explore, investigate and close the grievance or the College will dismiss the grievance.

Once grievances have been investigated and closed, having exhausted the process, you will be unable to resurrect all or part of the grievance in the future without having recent/up to date evidence of continuing issues. The College will not reconsider what has been closed.

We recognise that a formal grievance procedure can be stressful and upsetting for everyone involved and we will try to keep this to a minimum. We will do this by handling discussions respectfully and in a calm and professional manner.

We aim to carry out each stage of the procedure without unreasonable delay. We will consider whether a shorter or longer time limit would be appropriate, depending on how complicated the grievance is. However, we need to balance speed with time so that we can properly consider the issue and brief the managers who will be involved at the next stage. If

it is not possible for us to respond to you within the time stated at the meetings, we will explain the delay and tell you when you can expect a response. We should hold meetings at a reasonable time and place and we will agree the time and place with you and your trade union representative, where possible.

If you have a disability and any part of the grievance procedure may cause you difficulty (for example, access to the room or building where the grievance hearing is held, access to an audio or video tape of the hearing (for formal grievances only), or you need an interpreter because English is not your first language), please speak to a member of the HR team.

We may make the following recommendations when trying to settle the grievance.

- No action, as the grievance is not justified
- An apology
- Counselling for either or both sides involved
- Training or coaching
- Mediation
- To move on to the disciplinary procedure

There is a separate procedure for grievances against senior post holders (Principal and Vice Principals). This is outlined on the final page of this document.

In terms of the Data Protection Act 2018 (encompassing General Data Protection Regulation (EU) (2017/679) (GDPR)), reference should be made to the College's "General Data Protection Regulation Policy" for clarification regarding how individuals' personal data is collected, managed and stored as a result of following this policy.

3. Scope

This policy and its procedures apply to everyone we employ. The policy makes it easier for us to take a consistent approach across the college. It makes clear the roles of those involved and the responsibilities of colleagues.

4. Policy Detail

In what circumstances is it appropriate to raise a grievance?

The following are examples of issues that we could consider under this policy (it is not a full list).

- Management decisions that may be harmful to you, for example, decisions that affect your working environment, conditions, allocation of work, career development and so on.
- Unfair treatment, equal opportunity issues or discrimination.
- Issues with colleagues or line managers.

In what circumstances is it not appropriate to raise a grievance?

- It is not appropriate for a line manager to raise a grievance against a member of the team or a colleague that they directly manage.
- It is also unhelpful to raise counter-grievances against an individual (making a grievance against someone who has made a grievance against you). We will consider all aspects of a grievance during our investigation, so you will be able to raise other issues that are linked to the grievance without the need for independent and lengthy investigations.
- It is not appropriate to raise issues that are the subject of collective negotiation or consultation with the recognised trade unions.
- It is not appropriate to raise a grievance in response to a disciplinary investigation/action. The appropriate action would be to include issues that you may rely upon as mitigation in the investigation. The investigation officers will then be required to investigate these issues.

Attending Formal meetings

You need to attend the meeting and you have the right to be accompanied by a trade union representative or a workplace colleague at all formal stages. Your trade union representative or workplace colleague will be allowed to address the hearing, ask questions and summarise the case. Neither the trade union representative or colleague can answer questions on your behalf.

There will be a member of the Human Resources team at the meeting as well as your manager.

You should make every effort to attend formal meetings. However, if the person accompanying you is not able to attend on the date given and they suggest another date, we will hold the meeting on that new date as long as it is reasonable and is ideally no later than seven days after the original date. If your colleague fails to attend that rearranged meeting for a similar reason as the first meeting, the grievance procedure will end.

For bullying or harassment issues, if you and the alleged perpetrator work closely together, without close supervision, we may have to make sure you do not continue to do so while we are investigating the complaint. This will depend on the circumstances but, for example, could include one of you working in a different place for a short time.

If you want to make a formal grievance but you do not want it to be dealt with by your line manager, you can explain your reasons to a member of the HR team who will appoint a different manager at the same level. We will follow this process for both stage 1 and stage 2 meetings.

How do I raise a grievance?

If you have an issue that you want to raise as a grievance you should use the following process.

Informal process – first step

If you think you have been the victim of harassment or bullying, you may in some cases be able to sort out the matter satisfactorily by explaining clearly to the person alleged to have harassed or bullied you (the perpetrator) that their behaviour is unacceptable and they must stop.

Or, you may want to discuss the matter with your line manager, a member of the HR team or your trade union representative who can arrange for a meeting to take place. In some cases, people may be unaware that their actions have caused offence and will be only too willing to alter their behaviour in the future.

If the grievance is about other issues, or it is not appropriate to hold a meeting at this time, you should first raise the matter in writing or verbally with your line manager. If you want to put the matter in writing but your first language is not English, or you are having any other difficulty setting out your grievance in writing, you should ask for a meeting so that we can record your grievance, or ask for help from a workplace colleague or trade union representative.

You need to give the full details of the grievance so that we know all the facts. If it is appropriate, we may then hold an informal meeting to discuss the grievance and get more information, if necessary.

Your supervisor or manager will try to settle the complaint informally. They will discuss your grievance with you and will give you a written summary of the discussion and its outcome

within seven days of the meeting. Most grievances will be sorted out at this stage. If you need support at this meeting, we will allow a trade union representative or workplace colleague to accompany you, although we will try to keep the meeting informal.

If the matter is not sorted out satisfactorily at this informal stage, the formal process should then be followed. When both parties agree, the grievance will be heard at Formal Stage 2.

Formal stage 1

If you feel that the matter has not been settled through informal discussion with your immediate supervisor or manager, you should raise the grievance formally in writing with your line manager's manager (see appendix 1) who will arrange a formal meeting with you to fully discuss the details. After discussing the issues with your immediate line manager, the line manager will give you a verbal response as soon as possible, followed by a written response within seven days. The meeting will focus on what needs to happen to solve the problem or issue. We may need to adjourn (delay) and rearrange the meeting more than once.

The College reserves the right to escalate certain cases to be heard by a member of ELT.

If, after receiving our written decision, which will include a suggestion of mediation if appropriate, you are still not satisfied with the decision, you may take the grievance to stage 2. In our letter to you at stage 1, we will give you the name of the person who we have nominated to handle stage 2. You must say, in writing, why you want to continue your grievance, within seven days of receiving our written decision at stage 1. If you want to appeal, it will not be appropriate to have a mediation meeting.

Stage 2 (appeal process)

If you are not satisfied with the outcome of stage 1 you need to fill in a stage 2 grievance form giving the grounds of your appeal (that is, why you believe the outcome at stage 1 was wrong or the action taken as a result was inappropriate). Stage 2 will be dealt with by either an Assistant Principal or a Vice Principal of the college who will, within seven days of receiving your grievance form, arrange a meeting with you. The panel at this meeting will consist of an Assistant Principal or Vice Principal and a member of the Human Resources team. A note-taker may also be present.

We will give you the opportunity to explain your grievance, give verbal and written evidence and identify or call appropriate witnesses. The panel will consider the grounds that you have put forward and assess whether or not the conclusion reached in the stage 1 hearing was appropriate. We will not hear your original grievance again at stage 2, but will consider the

areas you are not satisfied with in relation to the original grievance. The meeting will only deal with those specific areas rather than the whole matter.

It may also be appropriate to hold a mediation meeting between you and the other person involved. (Mediation is where an independent person aims to help both sides to come to an agreement.)

The panel will consider all of the matters raised at the meeting and the Assistant Principal or Vice Principal will make the final decision and tell you the result in writing within seven days (this will include a suggestion of mediation if appropriate).

This decision will be final and will end the internal procedures.

The mediation meeting will then need to happen at this stage.

What support will you give me if a grievance is raised against me?

We will give you as much support and guidance as reasonably possible if a grievance is raised against you.

- Your line manager or the Human Resources team will tell you that someone has raised a grievance against you and what the nature of the grievance is as soon as they can. They will tell you about any changes you need to make while we are dealing with the matter. They will also tell you who the Investigating Officer will be, and you will be able to meet the Investigating Officer to give your response to the grievance. During this meeting you will also have the opportunity to discuss how we can settle the matter.
- You will be able to review any appropriate evidence gathered in the investigation and consider your response.
- Your line manager or the Human Resources team will update you regularly about the progress of your grievance, including telling you when the grievance has been closed. We will send you written confirmation of the outcome.
- We will give you every opportunity to discuss and settle the matter.

You are also reminded that external advice can be obtained by contacting our employee assistance provider LifeWorks. Every employee will have been sent a link to register, however, if you need further help to contact LifeWorks, please speak with a member of the HR Team

Making a grievance against a senior post holder

If your grievance relates directly to the actions of a senior post holder, other than a decision taken under this procedure, you should write to the Clerk to the Board of Governors setting out full details of your complaint.

Stage 1

If your grievance is against a Vice Principal, the grievance will be heard by the Principal. If your grievance is against the Principal (or the Clerk), the grievance will be heard by the Chair of the Board of Governors (or in the Chair's absence, the Vice Chair). We will arrange the hearing as soon as possible and normally within 10 working days. We will consider all relevant documents and evidence given by people involved and give you our decision in writing within 10 working days.

Stage 2

If you are not satisfied with the outcome of stage 1 and wish to appeal, you can ask that your case is heard by appeals panel of the Board of Governors within 10 working days following the date of the decision by informing the Clerk in writing, clearly stating the grounds for appeal. This panel will consist of at least two governors (not including the Principal, staff and student governors). They will give their decision in writing within 10 working days following the date of the appeals panel and their decision is final.

Monitoring, Review and Responsibility

- This policy will be reviewed annually.
- The internal monitoring of the implementation of this policy will be the responsibility of the Assistant Principal – HR.