

# South Staffordshire College

Lichfield • Cannock • Tamworth • Rodbaston



## GRIEVANCE POLICY & PROCEDURE FOR SENIOR POST HOLDERS

Reference: Version	V1
Owner:	Assistant Principal HR & Clerk to the Corporation
Date Equality Impact Assessed:	June 2020
Date Approved by Governors:	July 2020
Date Approved/ Accepted by Unions:	N/A
Date approved by ELT:	
Next Review Date:	July 2023

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.

# Senior Post Holder Disciplinary Policy & Procedure

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## 1.0 Policy Statement

The purpose of this policy is to establish clear college guidance regarding the disciplinary procedures for senior post holders and to establish key principles, structures and monitoring arrangements for the college.

## 2.0 Policy Aims

Unless the Corporation's Articles of Governance set out specific directions and procedures for dealing with grievances made by senior post-holders, these rules are for guidance only and are intended as a statement of the Corporation's policy and do not form part of any contract of employment or otherwise have contractual effect. The Corporation will review these rules from time to time and may make changes.

The purpose of this procedure is to:

- Enable senior post-holders who consider that they have a grievance or complaint arising from their employment to have it dealt with at the appropriate level as expediently as possible.
- To promote fairness and consistency in the process by which grievances or complaints arising from a senior post-holder's employment is considered.

## 3.0 Scope

This policy applies to the Principal and Senior Post-holders as defined in the Corporation's Articles of Government. References to section numbers are to the numbered sections of this document.

Where the Clerk to the Corporation is also a member of staff at the institution, the Clerk is to be treated as a senior post-holder. If the Clerk raises a grievance under this procedure, the Corporation shall appoint an appropriate person to undertake the tasks that would otherwise be performed by the Clerk under these sections.

## 4.0 Detail

A senior post-holder has the right to be accompanied at formal grievance hearings by a representative of a trade union or fellow worker of their choice, subject to a reasonable request being made.

Every effort will usually be made to resolve a grievance informally. If that is not possible or appropriate, the formal procedure will be issued.

The Corporation will ensure that its members are familiar with the provisions in this procedure.

The Corporation will seek to establish the facts, including giving the senior post-holder an opportunity to set out their grievance, prior to making a decision in respect of any grievance.

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 only. If it is not practicable to adhere to these time limits, they may be amended. Due regard will be given to the personal circumstances of all parties involved in the procedure.

All reasonable steps will be taken to maintain confidentiality and written records of any grievance proceedings will be kept and maintained by the Corporation in accordance with the Data Protection Act 2018 and General Data Protection Regulations.

A senior post-holder will have the right to appeal against the outcome of their grievance.

### **Stage 1 – Informal Procedure**

If you have a grievance relating to your employment please raise the matter initially with the Principal (orally or in writing). If your grievance relates to the Principal or you are the Principal and wish to raise a grievance, please raise it with the Clerk to the Corporation, who will arrange for a member of the Corporation to consider the grievance.

The person considering the grievance will take appropriate steps to resolve the grievance as quickly as possible with you. S/he shall enquire into the grievance and will discuss it with you. A written record of the discussion and the outcome will be provided within 7 working days after the complaint is received. It is anticipated that most grievances will be resolved at this stage.

If the matter is very serious or you do not wish to raise the matter informally, you may proceed straight to the formal stage of the procedure.

### **Stage 2 – Formal Procedure**

If the matter cannot be satisfactorily resolved under the informal procedure, or it is appropriate to do so, you should raise the matter formally by setting out your grievance in writing.

The grievance should provide full details of the complaint and should be addressed to the Clerk to the Corporation unless the grievance is about him/her in which case it should be addressed to the Principal. The recipient will determine who is best placed to deal with your grievance “the decision maker”. The formal grievance will be considered by a member of the Corporation who did not hear the grievance at the informal stage.

The Corporation will, as soon as possible (ideally within 7 working days, but no longer than 10 working days of receipt of the written grievance) invite you to attend a grievance hearing. The Corporation should remind the senior post-holder of the right to be accompanied in the invitation letter.

You have the right to be accompanied at the hearing as detailed below. You and any companion should make every effort to attend the hearing.

At the hearing, you will be given the opportunity to explain the grievance and how you consider it should be resolved. The hearing may be adjourned if it is felt that further investigations are necessary or more time is needed to consider the grievance.

The Corporation member hearing the grievance will consider all of the matters raised at the hearing and undertake all reasonable investigations into the grievance.

The decision maker will write to you with their decision as soon as reasonably practicable following the hearing, normally within 10 working days of the hearing. The letter will outline, where appropriate, what action the Corporation intends to take to resolve the grievance and of your right to appeal. If the decision maker does not uphold your grievance, their letter will set out the reasons. Any other parties involved in the grievance will also be appropriately informed of the outcome.

If it is not possible for a decision to be reached within 10 working days, you will be informed in writing of the reasons for this and when the written decision can be expected.

### **Stage 3 – Appeal**

If you are not satisfied with the resolution of the grievance under Stage 2, you may appeal against the grievance decision. Any such appeal must be submitted in writing, setting out the full grounds for the appeal and sent to the Clerk to the Corporation within 10 working days of receipt of the decision reached at Stage 2.

The Corporation will, as soon as possible (and in any event, within 7 working days of receipt of the written appeal), appoint a committee of the Corporation (“the appeal committee”) to hear the appeal. The appeal committee will not include any member of the Corporation who has been involved with the grievance process in question so far, nor any staff or student member. The appeal committee will invite the senior post-holder to an appeal hearing ensuring that in the invitation letter, the right to representation is included.

You will be invited to the appeal hearing. You have the right to be accompanied at the hearing as detailed below. You and any companion should make every effort to attend the hearing.

The appeal committee will consider the appeal and may be supplied with all of the documentation submitted in relation to the earlier stages of the procedure. If the grievance involves another employee, the appeal committee may require the attendance of that employee at the appeal hearing, or any other employees who may be able to provide relevant information.

The decision of the appeal committee will be communicated in writing to you as soon as reasonably practicable following the hearing and normally within 10 working days, of the hearing. Any other parties involved in the grievance will also be appropriately informed of the outcome.

If it is not possible for a decision to be reached within 10 working days, you will be informed in writing of the reasons for this and when the written decision can be expected.

The appeal committee’s decision shall be final.

## **Right to be accompanied**

You are entitled to be accompanied at any grievance hearing (including any appeal hearing) by a fellow work colleague of your choice or trade union representative who meets the statutory requirements. Please note that it is your responsibility to secure the attendance at any hearing of any fellow work colleague or trade union representative.

You may not be accompanied by any other person, such as a relative without the prior agreement of the Corporation, or a legal representative.

The person accompanying you is entitled to address the hearing to put and sum up your case, respond on your behalf to any views expressed at the hearing and confer with you during the hearing. The person accompanying you does not have the right to answer questions on your behalf, address the hearing if you do not wish it or prevent the Corporation from explaining its case. Any work colleague who you have requested to accompany you will be given a reasonable amount of paid time off to prepare for and attend the hearing.

Before the hearing takes place, you must notify the Clerk to the Corporation of the name and contact details of your companion.

## **6.0 Monitoring, Review and Responsibility**

This policy and procedure will be reviewed by the Board every three years.

The internal monitoring of the implementation of this policy will be the responsibility of the Assistant Principal HR and the Clerk to the Corporation.