

Employee Grievance Policy and Procedure

UNCONTROLLED COPY

Status	Approved
Date of Version	August 2020
Responsibility for Contents	Human Resources
Responsibility for Review	Human Resources
Review Date	August 2023
Primary Contact	Human Resources Business Manager

1 INTRODUCTION

This document outlines the College policy and procedure on staff grievances. The College recognises that grievances can occur within the workplace and welcomes the opportunity to work with all involved parties towards an acceptable solution.

So far as is reasonable, confidentiality will be maintained. However staff should be aware that it might be necessary to disclose certain information so that the College can fully investigate the circumstances of a grievance. The College cannot be bound by its obligation of confidentiality or a request by a staff member to take no action where they advise the College of wrongdoing by another party.

The Policy and Procedure is non-contractual and the College reserves the right to alter or withdraw it at any time. This Policy and Procedure is not intended to create rights beyond the College's statutory obligations.

The College processes personal data collected during informal complaints and the formal grievance procedure in compliance with the Data Protection Act 2018 (DPA) and any future data protection law enacted in the UK, including UKGDPR. The College is the data controller for your data, and is registered with the Information Commissioner's Office. The College will collect and process information relating to you in accordance with the privacy notice which is available on the [College website](#).

In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the [College Data Policy](#) immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure. Employees should use College data for organisational purposes only, and should not keep personal copies of College data under any circumstances.

If you are unhappy with any aspect of the way your data is handled, you can contact the Data Protection Officer at dataprotection@forthvalley.ac.uk.

2 EQUALITIES IMPACT ASSESSMENT

We welcome feedback on this Policy and Procedure and the way it operates. We are interested to know of any possible or actual adverse impact that this Policy and Procedure may have on any groups in respect of gender, race, disability, sexual orientation, religion or belief, age or other characteristics.

An Equalities Impact Assessment of this Policy has been carried out. The policy has been written to fully comply with all obligations in respect of employment law and equality legislation and to take account of recommended best practice. It is therefore not anticipated that this policy will result in a negative or adverse impact on one or more groups in respect of gender, race, disability, sexual orientation, religion or belief, age or other characteristics.

We are in the process of gathering statistical and monitoring information. When this is complete, the information will be considered at the next review of this policy in line with the published Policy Review timetable and a full impact assessment will be completed where appropriate.

3 WHO DOES THE POLICY AND PROCEDURE APPLY TO?

This policy and procedure applies to all employees of the College. Staff who are members of SMT or report directly to a member of SMT should note that not all of the following stages may

apply. In such cases the Human Resources Department will provide further guidance.

POLICY

4 WHEN DOES THE POLICY AND PROCEDURE APPLY?

- The policy and procedure applies to work-related grievances. A work-related grievance is a complaint about a work related issue whether it is about the College; or
- about another member of College staff; or
- about a decision taken or proposed by the College, that affects you at work.

Wherever possible upon notification of a grievance, the first step will be to follow the Informal Stage set out in the Procedure as in many cases grievances can be resolved at that stage. However the College recognises there are occasions when it may be more appropriate to go immediately to the Formal Stage of this Procedure, based upon the nature of the grievance.

Depending on the nature of the grievance, one of the policies below may be enacted and supersede this policy and procedure. If this is the case, the Human Resources Department will inform the member of staff raising the grievance of the superseding policy.

- Equalities Policy;
- Disciplinary and Dismissal Policy and Procedure
- Whistleblowing Policy
- Prevention of Harassment and Bullying Policy and Procedure
- Job Evaluation Policy and Procedure

There may also be some situations where, because of the circumstances, it would not be appropriate to commence or complete the Employee Grievance Procedures, for example, where:

- at least one other colleague has the same grievance and it has been taken up by a trade union, in these circumstances, the College will confirm the procedure for dealing with collective grievances at the outset;
- or the grievance is made under a collective agreement; or
- a party who would be involved in the procedures reasonably believes that following them would result in a significant threat to a person or to property or his/her harassment; or
- in certain circumstances where employment has ended.

If a member of staff identifies a grievance but believes that it would not be appropriate to commence a grievance procedure, or if they are unsure what to do, they should discuss this with their HR Business Partner who will be able to advise them accordingly.

PROCEDURE

5 INFORMAL STAGE PROCEDURE

If a member of staff is unhappy or has concerns about any aspect of their employment or deployment, they should initially discuss the grievance with their line manager. Wherever possible, the member of staff raising a grievance should also indicate to their line manager what steps they feel would address their grievance. If the member of staff feels unable to speak to their manager, for example, because the complaint concerns him or her, then the member of staff should speak informally to a more senior manager or ask for assistance from HR.

These initial discussions should occur as soon as possible, and while the discussions are of an informal nature, participants may feel it useful to take notes of the meeting. After the initial meeting, the line manager will look into the grievance and provide a response within 5 working days, whenever practical. Depending on the nature and details of the grievance various options of support maybe offered, such as mediation.

If it is not possible to respond within the specified time period the employee will be given an explanation for the delay and told when a response can be expected.

If the informal stage does not resolve the grievance to the satisfaction of the involved parties, the formal procedure should be used.

6 INVESTIGATION PROCEDURE

In some cases, it may be necessary for the College to carry out an investigation into the grievance. The extent of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the aggrieved member of staff and any witnesses, and obtaining relevant documents, emails or other information. The investigation may be carried out by the line manager or another appropriate person appointed by the College.

All members of staff should co-operate fully and promptly in any investigation. This may include informing the College of the names of any relevant witnesses, disclosing any relevant documents and attending investigative interviews, if required.

With a view to supporting the aggrieved member of staff and any other staff involved in the investigation process, and to ensure a reasonable investigation of the allegations is undertaken as swiftly as possible, consideration will be given, where appropriate, to the parties undertaking work in another campuses or undertaking alternative work.

The College may hold an initial grievance meeting before deciding what investigation (if any) to carry out. In such cases, the College will hold a further grievance investigation meeting with the member of staff before they reach a decision. The College may also initiate an investigation before holding a formal grievance meeting where they consider this appropriate.

7 FORMAL STAGE PROCEDURE

To formally raise a grievance, the staff member should submit the grounds of their grievance in writing to their line manager stating that it is a formal grievance. A grievance in relation to their line manager should be submitted in writing to their line manager's manager or to HR. The written grievance should contain a brief description of the nature of the complaint, including the relevant facts, dates and names of individuals involved. If there are any documents or letters that are relevant to the grievance, please include copies of them.

Staff raising a complaint can also nominate a colleague to explain their case, respond to any views expressed at the hearing and summarise their views in relation to the grievance. However, a companion may not answer questions on their behalf.

7.1 GRIEVANCE MEETING PROCEDURE

On receipt of a formal grievance the appropriate manager will arrange a grievance meeting, normally to be held within 10 working days. An HR Business Manager may be present at the meeting at the request of either party. For clarification purposes, the College, where necessary, may ask for further information about the grievance before holding this meeting.

The aim of the meeting will be to facilitate a structured discussion at which all parties can discuss the issue openly and fully. It is important that clarity is reached regarding the solution which would satisfy the grievance, to enable the line manager to consider this.

The member of staff making the grievance may bring a UNISON or EIS-FELA representative, or a colleague, to any grievance meeting under this procedure. The member of staff must inform the person holding the grievance meeting who their chosen companion is within the agreed time before the grievance meeting. If the person accompanying the member of staff

cannot attend on the proposed date of the hearing, the member of staff may suggest a reasonable alternative date, which must be within 5 days of the date first proposed. The hearing will take place on an agreed rescheduled date whether or not the person accompanying the member of staff attends, except in exceptional circumstances.

As a result of the issues raised at the meeting the line manager may be required to conduct further investigation, gather additional evidence or hold further grievance meetings as they consider appropriate; as such the meeting may be adjourned. Once the matter has been fully considered, a response will be provided in writing within a reasonable period of time, normally within 10 working days from the conclusion of the meeting and investigation (if appropriate), to confirm the outcome and any further action that the College intends to take to resolve the grievance. The College will also inform the member of staff of their right to appeal.

If it is not possible to respond within the specified time period an explanation for the delay will be given and an indicated response time period will be provided.

8 APPEALS PROCEDURE

If, after the Formal Grievance Meeting the staff member remains unsatisfied with the decision, they (or with their agreement by a UNISON or EIS-FELA representative) may pursue the matter by appealing in writing to the Depute Principal (or nominee) preferably within 10 working days of receiving notification of the grievance decision. The written notification of appeal should specify the grounds for appeal.

8.1 Appeal Panel

Grievance appeals will be heard by a Panel chaired by the Principal (or nominee) and supported by the Depute Principal (or nominee). Any person previously involved in the case will ordinarily be excluded from the appeal panel although they may be asked to be present at the appeal meeting. The member of staff has a right to bring a companion to the appeal meeting.

The member of staff making the appeal may bring a UNISON or EIS-FELA representative, or a colleague, to any appeal meeting under this procedure. The member of staff must inform the person holding the appeal meeting who their chosen companion is, in good time before the appeal meeting. If the person accompanying the member of staff cannot attend on the proposed date of the meeting, the member of staff may suggest a reasonable alternative date, which must be within 5 days of the date first proposed. The meeting will take place on an agreed rescheduled date whether or not the person accompanying the member of staff attends.

At the meeting, the member of staff's companion / representative may make representations to the meeting and ask questions. They should not however answer questions on the member of staff's behalf. The member of staff may confer privately with his or her companion at any time during the appeal meeting.

Acting as a companion is voluntary and staff are under no obligation to do so. Staff will be allowed reasonable time off from duties without loss of pay to act as a companion.

8.2 Appeal Panel for Grievances raised by SMT

In the event of an appeal made by a member of the SMT, the Depute Principal (or nominee), will liaise with the Chair of the HR Committee to form a Panel and fix a date for it to meet. The Panel will comprise of the Chair (normally a nominated representative from the HR Committee, excluding members of staff or student representatives), the Principal (or nominee) and the Depute Principal (or nominee). Any person previously involved in the case will ordinarily be excluded from the Panel although they may be asked to be present at the appeal meeting.

8.3 Appeal Procedure

An appeal will not normally be by way of a re-hearing unless the Investigating Officer (where relevant) or the staff member has additional relevant material to introduce which was not available at the time of the Formal Grievance Meeting. Normally, the Appeal meeting will reconsider the original decision.

Appeals will be considered as soon as possible and normally within one month of receipt of the appeal notification however this may depend on the availability of persons holding the appeal or on other factors. At least 5 working days' notice of the date of an appeal will be given.

The Chair of the appeal hearing may direct that further investigations should be undertaken should that be thought appropriate.

Within a reasonable time after the Appeal meeting and normally within 10 working days, the Chair of the Appeal Panel shall confirm the decision in writing. If it is not possible to respond within the specified time period the employee will be given an explanation for the delay and told when a response can be expected.

The decision of the Appeal Panel will be final and there is no right of appeal to this decision.

UNCONTROLLED COPY