

## Grievance Procedure (Staff)



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Version Level	Details of Change	Date
01	New document	25/08/2017
02	Reviewed. Updated reference to DPA 2018 in 3.7.2.	19/07/2018
03	No changes	08/10/2019
04	Sections 01 and 3.5 - Notification that timescales might vary to those published in the procedure due to the Covid-19 restrictions. Sections 2.6, 2.84, 3.2.1, 3.3.1, and 3.7.4 updated title to Head of people and Organisational development Sections 3.2.1 removed reference to handing the complaint in person to HR and replaced with postal and email address. Sections 3.2.2 added – due to Covid-19 restrictions, meetings will be held virtually or by telephone.	19/01/2021
05	Presently under review	01/02/2022
06	Full review, new template merging complaints procedure (staff members) and elements from the complaints procedure (executive team). Collective grievance process included.	23/05/2024

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## 1. Introduction

- 1.1. We recognise that in any organisation there might be times when individuals or a group of individuals have concerns to raise about their work, the working environment, or relationships. The College Grievance Procedure provides a mechanism for concerns to be dealt with fairly, in a timely manner, and informally where possible.
- 1.2. Situations might arise where following the stages and timeframes set out in this procedure would not be appropriate or reasonably practicable under the circumstances. Where the College determines this to be the case, we reserve the right to alter the time frames and process set out in this procedure, or to deal with a grievance outside of this procedure.

## 2. Scope

- 2.1. This Procedure applies to grievances received from members of College staff, including Executive Team members and Senior Post Holders. Third party and agency workers making a complaint should use the College Feedback and Complaints Procedure.

## 3. Policy & Procedure

- 3.1. Grievances should be raised promptly and within 3 months of the date of the issue being raised. We will only consider grievances made after this time in exceptional cases.
- 3.2. The College will not consider grievances which are vexatious, unreasonable, or malicious in nature, as determined by the investigating officer assigned and might take disciplinary or other action against individuals if they are found to have made complaints of this nature.
- 3.3. Where someone raises more than one grievance against the College under this procedure, the roles below will determine the best of course action, such as appointing the same Investigating Officer to consider grievances together concurrently:

Role:	Applicable to:
The Head of People or a member of the People team with delegated authority	For staff members
Director of Governance and Compliance or the Director of People and OD	Executive Team Staff Members and Senior Post holders

### 3.4. Anonymous Grievances

- 3.4.1. Where a grievance is raised on an anonymous basis, this may impact on the College's ability to investigate. Where an anonymous grievance contains enough information, we might conclude that in the circumstances it is appropriate to carry out an investigation. We will decide the most appropriate way to investigate anonymous grievances on a case-by-case basis.
- 3.4.2. No appeal against any outcome of an anonymous grievance will be possible unless the complainant chooses to waive their right to anonymity during the process and makes an appeal under this procedure.

### **3.5. Informal Procedure**

#### **3.5.1. Staff members**

If a staff member has an issue relating to their employment, they should initially raise this with their line manager. If the issue relates to their line manager, team leader or supervisor, they should speak to the next more senior manager.

Where it is considered that the subject matter of the grievance may be suitable for informal resolution, the relevant manager will try to resolve the grievance informally. They will gather any relevant information and have a discussion with the staff member. A written record of the discussion and the outcome will normally be provided within 10 working days from concluding informal consideration of the issue.

#### **3.5.2. Executive Team staff members**

If an Executive Team staff member has an issue relating to their employment or role within the College, the issue should initially be raised verbally or in writing with the Principal. If the issue relates to the Principal, it should be referred to the Director of Governance and Compliance, who will pass the grievance to the Chair, who might then delegate any informal investigation to a member of the Board.

The person reviewing the issue raised will try to resolve the grievance informally. They will gather any relevant information and have a discussion with the complainant. A written record of the discussion and the outcome will normally be provided within 10 working days from ending informal consideration of the issue.

### **3.6. Formal Procedure**

#### **3.6.1. Staff members**

Where it has not been possible to resolve the matter through the Informal Procedure, the grievance should be put in writing providing details of the issue, why they feel it has not been resolved and their preferred outcomes. This should be sent to the Head of People within 10 working days of receipt of the outcome of the Informal procedure.

The Head of People, or a member of the People team with delegated authority, will appoint an appropriate person from the College's senior management team to investigate the grievance (Investigating Officer).

The Investigating Officer will, where possible, be more senior than the person who considered the grievance under the Informal Procedure and, if the grievance relates to a particular staff member, they will always be more senior than that person.

The Investigating Officer will invite the complainant to attend a meeting to discuss the grievance. They will have the right to be accompanied at the meeting by a trade union representative, or a workplace colleague. Legal representatives will not be allowed to attend internal investigation meetings or hearings.

At the meeting the complainant will be given the opportunity to explain their grievance and suggest how they think it should be resolved. The meeting might be adjourned or reconvened to investigate or clarify information.

The Investigating Officer will provide a written response to the complainant within 10 working days following the conclusion of the investigation and will advise the complainant of the right to appeal. If the Investigating Officer requires further time to investigate and determine the grievance, they will inform the complainant of this.

### 3.6.2. Executive Team staff members

If an Executive Team member feels the matter has not been resolved through informal discussion, this should be put in writing providing details of the dispute, and why they feel it has not been resolved this should be sent to the Director of Governance and Compliance within 10 working days of receipt of the outcome of the Informal Procedure.

The Director of Governance and Compliance will pass this to the Chair, unless the issue raised involves the Chair, in which case the grievance will be passed to a Vice Chair. The Chair and/or Vice Chair will appoint two members of the Board to investigate the grievance (neither of which will have been involved in the informal procedure).

The same steps will then be followed as outlined in the staff members process in section 3.6.1.

## 3.7. Appeal

### 3.7.1. Staff members

If the grievance is not resolved, the complainant can appeal within 10 working days of receipt of the response. The appeal should be sent to the Head of People and should set out the grounds for appeal, including why they feel the grievance has not been adequately resolved under the formal procedure.

The appeal will normally be heard by an individual who is senior to those previously involved in the process, and independent of the original investigation. The Head of People or member of the People team with delegated authority will appoint the Appeal Officer.

The complainant will have the right to be accompanied at the appeal meeting by a trade union representative, or a workplace colleague.

The outcome of the appeal will be communicated in writing within 10 working days following the conclusion of the appeal. This decision will be final.

### 3.7.2. Executive Team staff members

If the grievance is not resolved, the complainant can appeal within 10 working days of receipt of the response. The appeal should be sent to the Director People and OD, unless an alternative individual has been identified in the written response, and should set out the grounds for appeal, including why they feel the grievance has not been adequately resolved under the formal procedure.

The appeal will be passed to the Chair who will establish a sub-committee of Board members (not including those involved during the informal or formal procedures) to consider the appeal. The complainant might be invited to a meeting with the sub-committee to discuss the grievance.

The complainant has the right to be accompanied at the appeal meeting by a trade union representative, or a workplace colleague. Legal representatives will not be allowed to attend internal investigation meetings or hearings.

Following consideration of the appeal by the sub-committee, the complainant will be informed of the decision within 10 working days of the formation of the sub-committee or the appeal meeting, whichever is later. This decision will be final.

### **3.8. Collective Grievances**

#### **3.8.1. Informal Procedure**

If more than one member of staff has identical grievances and they wish to have them addressed together, a collective grievance can be raised.

The issue should initially be raised with the line manager of the group. If the issue relates to the line manager, team leader or supervisor, it should be referred to the next more senior manager.

The relevant manager will try to resolve the grievance informally. They will gather any relevant information and have a discussion with the staff members. A written record of the discussion and the outcome will normally be provided within 10 working days from concluding informal consideration of the issue.

#### **3.8.2. Formal Procedure**

If the matter has not been resolved through informal discussion, the grievance should be put in writing providing details of the issue, why it has not been resolved and the preferred outcomes. This should be sent to the Head of People within 10 working days of receipt of the outcome of the Informal Procedure.

The complaint should be submitted in one document, clearly identifying, and signed by each member of staff raising the collective grievance. One colleague should be nominated to act on behalf of the group throughout the grievance process. The grievance should identify who has been appointed to be the nominated representative.

If all colleagues are all members of the same trade union, their trade union representative might raise the collective grievance on their behalf. The individual nominated as the group representative, will be invited to attend a collective grievance meeting. They will be entitled to be accompanied by a trade union representative, or a workplace colleague. Legal representatives will not be allowed to attend internal investigation meetings or hearings.

Following the meeting there will be one identical outcome sent to each complainant.

### **3.8.3. Appeal**

If the grievance is not resolved, an appeal can be raised within 10 working days of receipt of the response. The appeal should be sent to the Head of People and should set out the grounds for appeal, including why they feel the grievance has not been adequately resolved under the formal procedure. The Head of People will appoint an appropriate appeal officer.

The appeal should be submitted in one document and must clearly identify those withdrawing from the process and signed by those wishing to appeal. The appeal letter must also identify who has been appointed to be the nominated representative throughout the appeal stage.

The nominated representative will be invited to attend a collective grievance appeal meeting and will be entitled to be accompanied by a trade union representative, or a workplace colleague. Following the appeal meeting, there will be one identical outcome sent to each complainant. The outcome of the collective appeal is final.

If only one complainant wishes to appeal, the normal grievance procedure will apply to the appeal.

We reserve the right to hear grievances individually if members of the group do not all agree to the collective grievance process, if the grievances are not identical, or there are exceptional circumstances.

## **3.9. Further Determination**

- 3.9.1. Provided that the College has followed this procedure and has taken reasonable steps to identify evidence that is relevant to the grievance, there will be no right for the complainant to seek to have any formal grievance re-investigated under this procedure in any circumstances. In exceptional cases, the College can decide to re-investigate matters that have already been considered as part of a formal grievance such as where new evidence comes to light or if similar issues arise at a future date which form a pattern of events or behaviour.

## **3.10. Overlapping Grievance and Disciplinary Cases**

- 3.10.1. Where an individual raises a grievance during a disciplinary process, the disciplinary process might be suspended to deal with the grievance. However, where the grievance and disciplinary cases are related it might be appropriate to deal with both issues concurrently. The best course of action in these circumstances will be decided by the Head of People for grievances raised by staff members and the Director of People and OD for grievances raised by Executive Team members.

## **3.11. Timescales**

- 3.11.1. We will provide an estimation of the timescales involved at each stage of the process. In exceptional circumstances, resolving the grievance might take longer than planned. Where this is the case, we will provide updates about any delays as soon as possible.

## **3.12. Information & Data**

- 3.12.1. The complainant or any witnesses or managers involved in the process must not publish, discuss, or otherwise refer to the grievance or its subject matter on any form of media, including social media, or encourage or facilitate any third party to do

this. Further action might be taken under the Disciplinary Policy and Procedure if this is the case.

- 3.12.2. We process personal data collected in accordance with our data protection policy. Data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of managing requests under this policy.

#### **4. Related Documents**

- Feedback and Complaints Procedure