



**TyneCoastCollege**

# GRIEVANCE POLICY

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This policy is available on-line at: [www.tynecoast.ac.uk](http://www.tynecoast.ac.uk)

- We will consider any request for this policy to be made available in an alternative format or language. Please note that the College may charge for this. Please contact: Director of HR
- We review our policies regularly to update them and to ensure that they are accessible and fair to all. We welcome suggestions for improving the accessibility or fairness of this policy.
- All our policies are subject to equality impact assessments\*. We are always keen to hear from anyone who wishes to contribute to these impact assessments. Please contact: Director of HR

Approved by	Version	Issue Date	Review Date	Contact Person
SEG, Board	5.1	July 2016	July 2019	Director of HR

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# POLICY STATEMENT

It is our policy to ensure that all employees have access to a procedure to help deal with any complaints or concerns they may have relating to their employment fairly and without unreasonable delay. We aim to investigate any formal grievance you raise, hold a meeting to discuss it with you, allow you the right to be accompanied at all grievance meetings by a workplace colleague or Trade Union Representative, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.

This policy aims to:

- encourage employees to feel confident in promptly raising concerns,
- provide guidance for employees to raise these concerns internally and receive feedback on actions taken,
- ensure that all concerns are taken seriously,
- reassure employees that they will be protected from victimisation, subsequent discrimination or disadvantage for raising grievances,
- recognise that employees can take matters further if they are dissatisfied with the initial response.

In accordance with the ACAS Code of Practice on grievance procedures we define grievances as “concerns, problems or complaints that employees raise”. They may, although not exclusively relate to:

- terms and conditions of employment;
- health and safety;
- work relations;
- bullying and harassment;
- new working practices;
- working environment;
- opportunities for career development
- organisational change; and
- discrimination.

[This Policy has been implemented following consultation with the Colleges recognised Trade Union Representatives]

This Policy does not form part of any employee's contract of employment. It may be amended at any time and we may depart from it depending on the circumstances of any case.

## Guiding Principles

We recognise that from time to time individuals may have concerns about their role, working conditions or colleagues. The College is committed to creating a working environment in which individuals can express concerns easily without fear of recrimination.

All grievances will be taken seriously and every effort will be made to find a solution that is acceptable to both the employee and the College.

It is understandable that raising and dealing with a grievance can be daunting for all concerned. Therefore it is the College's aim to handle the process in a sensitive manner, seeking to resolve matters as soon as possible.

Grievances will be made and heard in a calm and objective manner with the outcome being both fair and equitable.

Throughout the grievance procedure everyone will be treated equitably, with dignity and respect regardless of their gender, race, religion or belief, sexuality, age or disability.

## Advice and Support

Advice, support and guidance from Human Resources is always available at all stages of the procedure (informal or formal).

To help ensure the procedure is applied equitably, a representative of Human Resources should be present at grievance hearings.

We provide counselling and support as appropriate for individual employee's needs to ensure the welfare and performance of an employee is dealt with in a supportive and positive manner.

In exceptional circumstances it may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This involves the appointment of a third-party mediator arranged by Human Resources, who will discuss the grievance issue with all those involved and seek to facilitate an outcome. Mediation will only be used if all parties involved in the grievance agree.

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# WHO IS COVERED BY THE POLICY?

This Policy applies to all employees regardless of length of service. [It does not apply to agency workers or self-employed contractors.]

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# USING THIS POLICY

This Grievance Policy should not be used to complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the appropriate procedure. All policies are available on the College intranet.

[We have a separate Anti-harassment and Bullying Policy that may be useful if you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people.

[We operate a separate Public Interest Disclosure Policy (Whistleblowing) to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this Grievance Policy.]

Disputes about grading of posts do not fall within the Grievance Policy, these are dealt with separately.

On occasions there may be a grievance that covers a number of individuals/groups. Rather than submitting multiple individual grievances this procedure facilitates opportunities for collective grievances. The collective grievance does not affect the existing arrangements for Employee consultation and negotiation, which will continue to operate. Where a collective grievance arises it is important that all individuals aggrieved are identified. The group will nominate a representative to present the grievance on their behalf. If it is perceived advantageous to have more than one representative this should be discussed with the Director of HR. The process to be followed for a collective grievance is in accordance with the stages outlined in this policy.

Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our Data Protection Policy.

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# RAISING GRIEVANCES INFORMALLY

Most grievances can be resolved quickly and informally through discussion with your manager. If you feel unable to speak to your manager, for example, because the complaint concerns him or her, then you should speak informally to a more senior manager or the HR team. If this does not resolve the issue, you should follow the formal procedure below.

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# FORMAL WRITTEN GRIEVANCES

If your grievance cannot be resolved informally you should put it in writing and submit it to your manager, indicating that it is a formal grievance. If the grievance concerns your manager, you may submit it to your manager's manager or the HR team instead.

The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. In some situations we may need to ask you to provide further information.

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# INVESTIGATIONS

In some cases it may be necessary for us to carry out an investigation into your grievance. The amount 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 you and any witnesses, and/or reviewing relevant documents. [The investigation may be carried out by your manager or someone else appointed by a member of the Senior Executive Group).

You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.

We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with you after our investigation and before we reach a decision.

In exceptional or significantly complex cases, a hearing will be held once the Investigation Officer has completed their investigation to allow each party the opportunity to hear the results of the investigation and make their case. The procedure followed in these cases can be found in the College's Hearing Policy. Once the investigation/hearing is concluded both the claimant and the member of staff the grievance is against will be informed of the outcome of the

investigation in writing by the appropriate manager within 2 weeks of submitting the complaint form. Whilst every effort will be made to adhere to this timescale, there may be circumstances which will mean that the process may take longer. Where this is the case the parties will be informed in writing.

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# RIGHT TO BE ACCOMPANIED

You may bring a companion to any grievance meeting or appeal meeting under this Policy. The companion may be either a trade union representative or a colleague. You must tell the person holding the grievance meeting or the HR team who your chosen companion is, in good time before the meeting.

At the meeting, your companion may make representations to the chair and ask questions, but should not answer questions on your behalf. You may talk privately with them at any time during the meeting.

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

If your choice of companion is unreasonable we may ask you to choose someone else, for example:

- if in our opinion your companion may have a conflict of interest or may prejudice the meeting; or
- [if your companion works at another site and someone reasonably suitable is available at the site at which you work; or]
- if your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards.

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# GRIEVANCE MEETINGS

We will arrange a grievance meeting, normally within 10 working days of receiving your written grievance. In exceptional circumstances it may be necessary to extend these timescales. You will be advised of any such delays in writing.

You and your companion (if any) should make every effort to attend grievance meetings. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.

The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made.

After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.

We will write to you, usually within ten working days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal.

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# APPEALS

If the grievance has not been resolved to your satisfaction you may appeal in writing to the Director of HR, stating your full grounds of appeal, within ten working days of the date on which the decision was sent or given to you.

We will hold an appeal meeting, normally within ten working days of receiving your written appeal. This will be dealt with impartially by a manager at the next level of authority to the manager hearing the grievance, this will be a manager who has not previously been involved in the case, Appendix A (although they may ask anyone previously involved to be present). You have a right to bring a companion to the meeting as outlined in section right to be accompanied.

We will confirm our final decision in writing, usually within ten working days of the appeal hearing. This is the end of the Policy and there is no further appeal.

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# POLICY REVIEW

The effectiveness of this policy will be monitored annually and reviewed every three years in light of experience and best practice. This mechanism recognises that changes as a result of experience and/or to employment legislation may prompt a review of the policy before the end of the three year period.

On considering the effectiveness of this policy, consultation will be undertaken with the Trade Unions, Employees and Managers to assist in the policy review and monitoring of this policy.

# Appendix A

Category of Staff	Grievance Hearing	Appeal
Director	Deputy Chief Executive	Chief Executive
Assistant Principal	Principal Deputy Chief Executive	Chief Executive Deputy Chief Executive
Head of School Head of Service	Deputy Chief Executive Principal Assistant Principal	Chief Executive Deputy Chief Executive Principal
Service Managers	Head of Service	Deputy Chief Executive
Lecturers	Head of School Assistant Principal	Deputy Chief Executive Principal
Business Support	Line Manager	Head of Service

# Appendix B

## **Guidance Notes for Managers on Preparing for a Grievance Meeting**

Managers should

- arrange a meeting in private where there will be no interruptions
- consider arranging for someone who is not involved in the case to take notes of the meeting and to act as a witness to what was said
- consider whether similar grievances have been raised before, how they have been resolved, and any follow-up action that has been necessary. This allows consistency of treatment.
- Consider arranging for an interpreter where the employee has difficulty speaking English
- Consider whether any reasonable adjustments are necessary for a person who is disabled and/or their companion
- Consider whether to offer independent mediation

## **Guidance Notes for Managers on the Conduct of a Grievance Meeting**

Managers should:

- remember that a grievance hearing is not the same as a disciplinary hearing, and is an occasion when discussion and dialogue may lead to an amicable solution
- make introductions as necessary
- invite the employee to re-state their grievance and how they would like to see it resolved
- put care and thought into resolving grievances. They are not normally issues calling for snap decisions.
- consider adjourning the meeting if it is necessary to investigate any new facts which arise
- sum up the main points
- tell the employee when they might reasonably expect a response.