



GRIEVANCE POLICY AND PROCEDURES

NEWBATTLE ABBEY COLLEGE

POLICY AND PROCEDURES FOR HEARING EMPLOYEE GRIEVANCES

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PROCEDURE FOR HEARING EMPLOYEE GRIEVANCES

1 INTRODUCTION

- 1.1 The College recognises that on occasion employees may wish to raise issues and concerns relating to their employment on an individual or collective basis. The aim of this procedure is to ensure that there is an effective mechanism for raising concerns and resolving them speedily, where possible, through discussion and agreement.
- 1.2 Although there is a need for a formal procedure the College accepts as a general principle that grievances are best resolved informally and as close to the point of origin as possible. In accordance with this principle, formal procedures should not normally be used until attempts at informal grievance resolution have been tried and have failed.
- 1.3 The College recognises that particular considerations arise in cases of alleged harassment with regard to informal grievance resolution and the operation of Stage 1 of the formal procedure. It is essential that in such cases that this procedure is read in conjunction with the College's Equalities and Inclusiveness Policy Statement on Discrimination and Harassment Appendix 8.
- 1.4 With regard to Stage 2 of the formal procedure, the Principal may delegate authority to nominated Senior Managers who will hear the grievance and reach a decision.

2 SCOPE OF PROCEDURE

- 2.1 Matters that can be dealt with under the scope of these procedures are as follows:
 - 2.1.1 Any question about an employee's rights generally under the Scheme of Conditions of Service
 - 2.1.2 Any question about the grading of an employee's post within the salary/wage scales operated by the College

- 2.1.3 Any question about whether there has been discrimination against an employee contrary to the terms of the relevant scheme of Conditions of service and related policies or statutory provisions.
- 2.1.4 Any question about the rights to complain to an industrial tribunal, excluding termination of employment on disciplinary grounds.
- 2.1.5 All other employee grievances, except any matter related to disciplinary action for which the right to appeal is provided under the College's disciplinary procedure

3. INFORMAL GRIEVANCE RESOLUTION

- 3.1 It is accepted that, where an employee has concerns relating to his/her employment, the initial efforts aimed at resolving the matter should be made through informal discussions between the employee and his/her immediate line manager.
- 3.2 During these informal discussions, the line manager should attempt to identify:
 - the nature and cause of the employee's concerns,
 - the possible courses of action or responses
 - and the implications of adopting any particular course of action.

At the conclusion of these discussions, or within three working days the line manager should inform the employee of the action, if any, he/she intends to take in response to the issue raised.

- 3.3 If, following these discussions, the employee remains dissatisfied the matter may be lodged in writing as a formal grievance by the employee. Thereafter the matter will be processed in accordance with the formal procedure.
- 3.4 Where the grievance relates to an allegation of harassment, efforts to resolve the grievance through informal discussion may still be appropriate in some circumstances. In such cases however, the particular provisions of the College's Equalities and Inclusiveness

Policy Statement on Discrimination and Harassment Appendix 8 will be followed.

4. GRIEVANCE PROCEDURE - GENERAL

4.1 At Stages 1 and 2 of the formal procedure, procedures should be conducted as follows:

4.1.1 The employee will submit a written statement, and supporting documentation if appropriate, setting out the nature of the grievance to be considered. A checklist of information to be included in the written statement is attached as Appendix A.

4.1.2 Following receipt of this written statement and any supporting documentation, the appropriate line manager will arrange a hearing to consider the grievance.

4.1.3 The line manager conducting the hearing will ensure that all relevant information is presented and considered. Where appropriate any supervisor/manager involved at an earlier stage will attend the hearing to facilitate discussions on the issue in question. In relation to grading matters being considered at Stage 2, the Manager responsible for Administration and Personnel matters will normally attend the hearing.

4.1.4 The line manager conducting the hearing may be advised by relevant managers or College advisers

4.1.5 The employee will have the right to call witnesses on his/her behalf subject to the names of any such witnesses being provided in advance to the line manager conducting the hearing.

4.1.6 The employee will have the right to be accompanied by a trade union official or some other person of his/her choice.

4.1.7 Where the issue relates to a group of employees, up to three spokespersons, together with one other person of their choice, if any, may attend the hearing.

5. **STAGE 1 HEARING**

- 5.1 Following receipt of the written notification of a formal grievance, the immediate line manager will arrange a grievance hearing. This hearing will be held within fourteen calendar days of the necessary written submission being received.
- 5.2 Following the hearing, a written response will be given to the employee, with a copy to whoever accompanied them, if any, within seven calendar days of the hearing.
- 5.3 In some instances depending on the nature of the grievance, it may be inappropriate for the matter to be considered by a first-line supervisor/manager and in the circumstances the matter will be referred directly to the Depute Principal to be considered under Stage 2 of the formal procedure. A grievance will not however be referred to the Depute Principal solely on the grounds that the employee's line manager has already considered the matter informally under the terms of an Informal Resolution of Grievance process.
- 5.4 In cases involving allegations of harassment at work, it may be inappropriate for the grievance to be considered by the first-line manager. In such cases another manager will be identified to hear the grievance at Stage 1 level.
- 5.5 If the grievance concerns matters affecting personal dealings or relationships with the Principal, the matter will be referred to a Grievance Committee of no less than three members of the Planning and Resource Committee of the Board of Directors. The Committee will act independently and impartially in accordance with the principles of justice and fairness and will respect the confidentiality of the proceedings
- 5.6 The Grievance Committee will be convened by a Chairperson appointed by the Board of Directors and will conduct its affairs under the same rights of representation, timing of the hearing, attendance at the hearing, and will follow the same procedures set out above.

6. STAGE 2 HEARING

- 6.1 If the employee remains dissatisfied, the matter may be referred by the employee to the Depute Principal or Principal, with a request for a further hearing. This request must be submitted within fourteen calendar days of the employee being notified of the outcome of the Stage 1 hearing.
- 6.2 Following receipt of the necessary written submission, the Depute Principal or Principal will arrange a further grievance hearing, with a view to resolving the matter. This meeting will be held within fourteen calendar days of the employee's written submission being received.
- 6.3 Following the above hearing, a written response will be given to the employee, with a copy to who accompanied the employee, if any, within seven calendar days of the hearing.

7. STAGE 3 HEARING - APPEALS SUB-COMMITTEE

- 7.1 If the employee remains dissatisfied the matter may be referred by the employee in writing to the Chairperson of the Board of Directors summarizing the main details of the grievance and the reasons for the failure to agree. Any such appeal must be submitted within fourteen calendar days of the employee being notified of the outcome of the Stage 2 hearing.

The Chairperson will, after consultation with the employee and his/her line manager, decide whether resolution of the grievance should be attempted by an Appeals Sub Committee of the Planning and Resource Committee, or whether outside conciliation or arbitration should be sought.

- 7.2 The Appeals Sub Committee will be convened by the Chair of the Planning and Resource Committee and will have two other Board members present from this Committee. The appeal will be heard by

the Appeals Sub Committee within twenty-eight calendar days of receipt of the letter of appeal or as soon as possible thereafter.

- 7.3 The same rights of representation, timing of hearing and attendance at hearing will apply as for Stage 2.
- 7.4 The Appeals Sub Committee will investigate the circumstances of the grievance, hear the evidence (written and oral) on both sides and determine if the grievance can be upheld. Both parties may call and question witnesses. If an individual concerned does not appear at the appeal hearing, after due notice has been given, and without good cause, the hearing will take place in his/her absence.
- 7.5 Following the appeals hearing, a written response will be given to the employee, with a copy to who accompanied the employee, if any, within seven calendar days of the hearing.
- 7.6 No further right of appeal will exist against the decision of the Appeals Sub Committee and the procedure will be considered to be exhausted.

8 TIME LIMITS

- 8.1 The time limits relating to Stages 1, 2 and 3 of this procedure may be varied by mutual agreement.

**APPENDIX A
PROCEDURE FOR HEARING EMPLOYEE GRIEVANCES**

**CHECKLIST FOR EMPLOYEES ON INFORMATION TO BE INCLUDED
IN A WRITTEN STATEMENT OF GRIEVANCE**

1. Name
2. Job Title
3. Date of informal meeting held in accordance with *Grievance Procedure*
4. Date of Stage 1 hearing if matter is being progressed to Stage 2
5. Name of Supervisor/Line Manager
6. Details of *Grievance*
7. Enclose any supporting documentation
8. State how you wish grievance to be resolved
9. Date and sign your submission

APPENDIX B

Checklist of stages for Hearing Grievances

Informal resolution of grievance

Informal discussion followed by line manager informing employee, within three working days, of the action that will be taken

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Formal Procedure

Stage 1 If the staff member is not satisfied with the action, written statement submitted

Line Manager arranges hearing within 14 days of receipt of written submission

Line manager sends written response of the outcome of hearing to member of staff within 7 days

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Stage 2 If the staff member remains dissatisfied a request for a further hearing is lodged to the Principal or Depute Principal within 14 days of the written response being received

Principal or Depute Principal arranges a further hearing within 14 days of receiving the written submission

Following the hearing a written response will be given to the staff member within 7 days

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Stage 3 If the staff member remains dissatisfied the matter is referred by him/her in writing to the Chair of the Board of Directors within 14 days of the outcome of Stage 2.

The Chair of Board of Directors or the Chair of the Planning and Resource Committee decides whether the matter should be attempted to be resolved by an Appeals Sub Committee of the Board or whether external conciliation would be more appropriate.

Appeals Sub Committee is convened within 28 days of letter of appeal being received (or as soon as possible thereafter).

Written response is given to the employee within 7 days of the hearing.



No further right of appeal

Newbattle Abbey College	POLICY/PROCEDURE
Title: Grievance	File ref: Employment
Prepared by: M Teale	No of pages: 11
Approved by: Board	Revision date: 2011
Date approved: Nov 03	Date last modified: JR/Feb 08