

NATIONAL JOINT COUNCIL FOR STAFF IN SIXTH FORM COLLEGES

Grievance Procedure

1. Introduction

- 1.1 This procedure provides guidance in dealing with staff grievances. The procedure is endorsed by the National Joint Council for Staff in Sixth Form Colleges for colleges' consideration in order to ensure that their own procedures meet minimum standards of good practice set out in this procedure.
- 1.2 Having a formal grievance procedure in place allows colleges to give reasonable consideration to issues which cannot be easily resolved and to deal with them fairly and consistently. This procedure recommends that pursuing the formal grievance route should be a last resort rather than the first option. Grievances are best dealt with at an early stage, informally, with the member of staff's immediate line manager.

2. Statutory Guidance

- 2.1 Guidance from the ACAS Code of Practice, (Disciplinary & Grievance) has been taken into consideration in drafting this procedure.

3. Scope and Purpose

- 3.1 A grievance is a concern, problem or complaint raised by an employee. An employee may at some time during their employment have problems or concerns with their work, working conditions or relationships with colleagues that they wish to raise with management. The purpose of this policy is to advise how such grievances will be dealt with by the college. The procedure should not be used as a substitute for normal day to day discussions or minor concerns.
- 3.2 This procedure cannot be used to challenge formal outcomes in other procedures which have their own appeal process, e.g. capability, disciplinary, job evaluation.

4. Informal Stage

- 4.1 If an employee has a grievance relating to her/his employment she/he should, with a view to resolving the issue, discuss the matter initially with their immediate supervisor e.g. head of department or other appropriate senior member of staff. If the grievance concerns the employee's immediate line-manager, the grievance should be raised with an appropriate manager more senior than the immediate line manager.
- 4.2 The immediate manager/supervisor will deal with the matter in confidence and will seek to address concerns and reply orally as soon as possible and in any case within 10 working days unless there is a good reason for a delay. The member of staff may, if she/he wishes, be accompanied by a work colleague or trade union representative when the matter is raised with the supervisor and/or when the supervisor/manager replies. If the initial fact finding by the manager concludes that the grievance has no substance, the member of staff will be advised accordingly and the matter will be dismissed.

5. Formal Stage

- 5.1 If the employee believes the grievance has been unresolved at the informal stage, they should raise the matter in writing with the Head of Department/ relevant senior manager. The employee has the right to consult their union representative at all stages during formal grievance procedure. On receipt of a formal grievance, the relevant manager/hr should inform the employee, the name of the manager who will investigate the grievance.
- 5.2 Where the grievance concerns another employee, the investigating manager, without delay, will inform the other employee (s). A copy of the grievance should also be given to the other employee concerned by the investigating manager. If applicable, the employee being complained against should have the opportunity to submit written observations/response to the grievance within 10 working days.
- 5.3 The investigating manager, after examining all the facts, will prepare a report to be considered at a formal grievance hearing. All parties involved in the grievance will have sight of the report 14 working days before a formal grievance hearing date is set. Where applicable, the report will contain;
 - copies of any witness statements
 - formal written response by any employee /manager complained against
 - Any other relevant written information
 - Summary of findings by the manager appointed to investigate the grievance.
- 5.4 The investigating manager with consultation with hr will arrange a formal grievance hearing to consider the matter within 1 calendar month of receiving the formal grievance.
- 5.5 If an employee is being complained against as part of the grievance, they may attend the grievance hearing to provide relevant information as a witness or forward a written submission for consideration in their absence. The employee raising the grievance is also entitled to bring relevant witnesses to the hearing. Both parties should confirm within 7 days of the date of the hearing the names of any witnesses being called. Both parties will be able to bring their union representative or a work colleague and have the opportunity to question the evidence presented/submitted.
- 5.6 The formal grievance will be heard by a manager expected to be from the college's senior leadership team or the Principal.
- 5.7 Where a grievance concerns a Senior Post-Holder or the Principal, the grievance should be heard in the first instance by another appropriate senior member of staff. If the senior member of staff decides that it is necessary then, subject to the agreement of the Chairman of the Corporation, the grievance should be referred for final decision to an appropriate Committee of the Corporation. The Committee of the corporation may consider it appropriate to appoint an external consultant to investigate the grievance.
- 5.8 The order of grievance hearing is set out in appendix 1 of this document.

6 Appeal

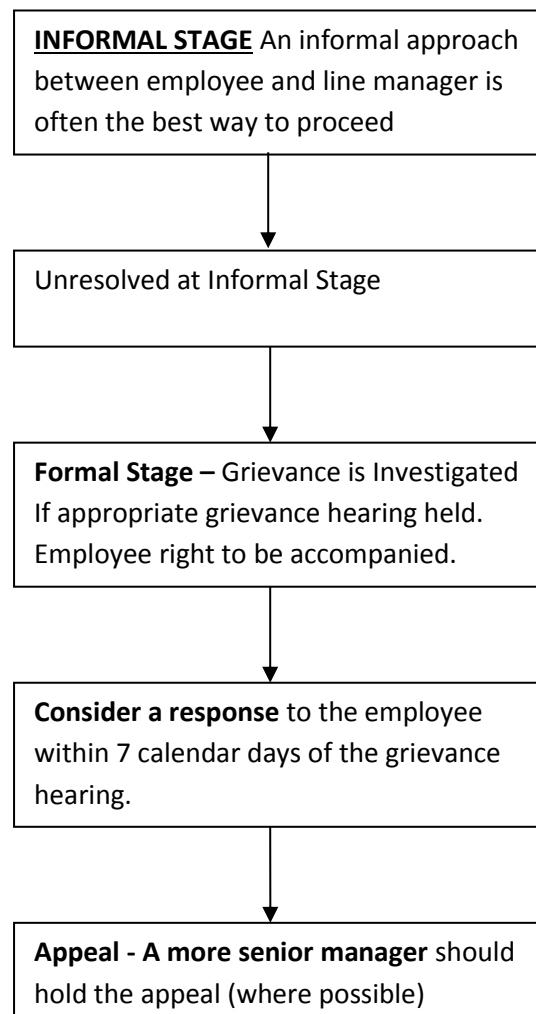
- 6.1 The employee has the right to appeal against the outcome of the grievance. If the employee wishes to appeal against the outcome of the formal grievance, they should state in writing their grounds for appeal within 14 working days of receiving the decision of the grievance hearing. An appeal hearing will be arranged within 1 calendar month of receipt of the appeal letter.
- 6.2 The member of staff can appeal on the grounds that the original decision maker (chair) at the grievance hearing did not consider key facts or give sufficient weight to evidence in reaching their conclusion. The remit of the appeal hearing will not be to have a re-hearing of the original grievance or consider any new evidence but may address points which the member of staff considers were not properly considered at the original hearing.
- 6.3 An appeal can be heard by a member of the senior leadership team, the Principal, or a committee of the corporation.
- 6.4 The original decision maker / Chair of the hearing will be present at the appeal hearing as a witness.
- 6.5 The employee should receive notification of the outcome of the appeal in writing as soon as possible and in any case within 7 calendar days of the outcome of the appeal.

APPENDIX 1


Order of hearing for Grievance Hearing / Grievance Appeal Hearing

- 1 The chair of the grievance hearing can have an appropriate advisor/note taker present at the hearing.
- 2 The chair will introduce all parties present and confirm the order of hearing.
- 3 The employee raising the grievances /their work colleague /union representative will outline their case verbally. Reference can be made to previously submitted written evidence.
- 4 The employee raising the grievance should call any witnesses
- 5 The employee raising the grievance or their representative may ask questions of the witness
- 6 The respondent should ask questions of the witness.
- 7 The Chair / panel can ask questions of the witness
- 8 The respondent can ask questions of the employee raising the grievance
- 9 The Chair / panel can ask questions of the employee raising the grievance
- 10 The employee raising the grievance can summarise their case
- 11 The respondent or their work colleague or their union representative should present their case
- 12 The respondent should call any witnesses
- 13 The employee raising the grievance should ask questions of the respondents witness
- 14 The Chair /committee may ask questions of the respondents witness (All witnesses should leave the hearing at this stage).
- 15 The employee raising the grievance should ask questions of the respondent
- 16 The Chair /committee can ask questions of the respondent
- 17 The respondent should summarise their case
- 18 The chair may call an adjournment at this state
- 19 If after a short period of deliberation, the chair/ panel are in agreement that a decision cannot be reached within a reasonable period of time immediately after the hearing, both parties will be informed and the decision will then be communicated to both parties in writing within a 7 day calendar period.

Grievance Procedure Flow Chart



National Joint Council for Staff in Sixth Form Colleges



**Sixth Form Colleges' Association
National Union of Teachers
National Association of Schoolmasters
Union of Women Teachers
Association of Teachers and Lecturers
UNISON**