



**Humber UTC**  
A University Technical College

**Grievance Policy  
and Procedure  
2017 - 2018**

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*Approved by the Humber UTC Board on  
XXXX*

## Document control table



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## **Scope of the grievance procedure**

The purpose of the grievance procedure is to provide a means by which Humber UTC employees/workers can resolve disputes or address complaints and grievances relating to their employment. However, if the complaint is not capable of redress by the college, other procedures may need to be followed (see Appendix 3). There are also particular circumstances which will require the complaint to be addressed in either a different manner from the standard procedure or through other procedures for example harassment, bullying and discrimination. These are detailed in Appendix 4. If there is doubt about the appropriate procedure to follow, advice should be sought as soon as possible from Human Resources. The employee may also wish to consult their Trade Union to ensure the matter is raised in an appropriate manner at the outset.

### **Complaints involving the Principal/CEO**

Where a grievance is raised by the Principal/CEO, the procedure outlined in Appendix 1 should be followed.

Where the Principal/CEO is the subject of the grievance, the college will need to consider how this will be managed. Initially, the aggrieved employee should inform the Chair of Governors or other appropriate governor who should ask for details of the grievance to be confirmed in writing. The Chair of Governors should immediately contact Human Resources to discuss how to proceed. It will also be necessary to confirm that the complaint is within the scope of the grievance procedure rather than, for example, the harassment procedure or recruitment appeal. The Chair of Governors should inform the Principal/CEO that the complaint has been made, giving brief details only at this stage. The Principal/CEO should also be advised to contact their Trade Union for advice and support and may also contact HR for information and support as appropriate. Both parties must be advised to maintain confidentiality throughout the process of resolving the grievance.

### **Complaints involving a Senior Leader**

Where a grievance is raised by a Senior Leader, the procedure outlined in Appendix 2 should be followed.

Where the Senior Leader is the subject of the grievance, the Grievance Procedure outlined below will be followed.

# GUIDANCE ON MANAGING THE GRIEVANCE PROCEDURE

## Principles

This procedure encourages the parties involved to explore all reasonable means of resolving disputes informally. In this respect, the college culture and ethos will aim to provide open communication between employees/workers and their managers to ensure that concerns, queries and problems arising in the workplace can be aired and resolved promptly and to the satisfaction of all concerned. However, it is accepted that this is not always possible and therefore the formal process should be implemented where informal efforts have failed to resolve a grievance satisfactorily or are inappropriate.

- Any dispute or grievance will be dealt with as quickly as circumstances allow. The procedure establishes **timescales** which facilitate prompt resolution of the grievance. Whilst these should be adhered to wherever possible, they may, exceptionally, be varied by mutual agreement. If difficulties occur which mean that the agreed timescales cannot be met, the aggrieved employee/worker should be informed and a new timescale should be agreed as appropriate with all parties.
- The Grievance Procedure should normally be **followed sequentially** although there may be occasions when the grievance is sufficiently serious to warrant consideration under the formal stages of the procedure immediately. It may be mutually agreed that there is no purpose in following every stage of this procedure and entry to the procedure would be at a later stage.
- The opportunity exists within both the formal and informal stages of the procedure for consideration of **mediation** i.e. the involvement of an impartial third party to assist in resolving a grievance (See Appendix 4). If this is deemed appropriate, the mediator should be agreed by all parties including the Trade Unions. As a general rule, mediation should take no longer than 6 weeks unless there is joint agreement to extend this time limit. There may be occasions where it will be necessary to enlist specialist support to assist with particular problems and Human Resources can advise and facilitate appropriate support. Where mediation has been agreed, this will not prejudice the right of the employee to continue the grievance procedure if a resolution is not achieved by this means.
- Although the procedures aim to resolve most grievances at the informal stage, employees/workers have the **right to be accompanied** by a Trade Union or other representative(s) at any stage of the Grievance Procedure.
- **Records** will be kept by the college of all grievances raised, the employer's responses, any actions taken and the reasons for such actions. Such records will be kept confidential and retained in accordance with the provisions of the Data Protection Act 1998. Notes should be taken at all meetings, whether formal or informal, and shared with all parties involved.
- Staff should raise their grievances as early as possible. This is to ensure that the matter can be considered with reference to contemporaneous evidence.

- Consideration will need to be given to the **location of any meetings** in order to comfortably accommodate all parties involved or any witnesses waiting to give evidence at a formal meeting or hearing.
- In raising a grievance there should be no fear of **victimisation** of the employee/worker by anyone involved in the complaint or its resolution.
- Those responsible for resolving a grievance should consider carefully if there are any **conflicts of interest** which indicate they should withdraw from the case. Similarly, an employee who has cause to believe that anyone responsible for resolving their grievance has an undeclared conflict of interest could use the Grievance Procedure to challenge their continued involvement. However, it is expected that such concerns would be raised at the outset unless the difficulty only becomes apparent during the process. Where mediation has taken place, it will be important to ensure no inappropriate information is submitted as evidence at a later stage and that the role of the mediator is not compromised (See Appendix 4).
- Collective Grievances should be resolved using the Collective Grievance Procedure set out in Appendix 8. Nothing in this procedure will compromise the right of a Trade Union to pursue a collective dispute with the college.

## **Roles and Responsibilities**

When dealing with a grievance, it is important to establish at the outset who will undertake the necessary roles and responsibilities under this procedure. This must then be communicated to all parties to avoid any misunderstandings or possible conflicts of interest.

In those cases where the grievance is against the line manager, the employee/worker should raise their concerns with the immediate superior of their line manager. If the employee/worker is unsure who that is they should contact the Business Manager or Human Resources for clarification.

- **The employee/worker**

The essence of a grievance is that an employee has a complaint or dispute which remains unresolved and is seeking for that to be remedied. Before instigating the formal grievance procedures, employees/workers are normally expected to raise any such concerns, queries and problems informally with their immediate manager. The procedure should not be used as a general vehicle for expressing dissatisfaction. The formal grievance procedure requires the aggrieved employee/worker not only to set out clearly in writing the grounds of the grievance at the outset, but also the desired outcome.

The opportunity to raise a grievance is an important feature of an employee's/workers contract of employment and staff are encouraged to use these procedures positively to resolve concerns. Whilst the college would assure staff that all grievances will be considered constructively, without fear of victimisation, there is also an expectation that the provisions of the Grievance Procedure should be respected and not taken lightly or abused.

- **Principal / CEO**

In many situations, the Principal will have a key role in facilitating an informal resolution to a grievance received in the college. However, in other cases it may be more appropriate at the informal stage for this role to be delegated to another appropriate senior manager. This would then allow the Principal to hear the grievance at a Stage Two formal grievance meeting if appropriate. The Principal can be part of the Stage Two grievance meeting providing they are not directly involved in the grievance or the informal stages.

The Principal will normally take responsibility for considering a grievance under Stage Two of the procedure. They should have had no previous direct involvement in the case in question. The person(s) hearing the case should be considered on a case by case basis and be subject to agreement by all parties.

- **Members of the Governing Body**

Governing Body members will take responsibility for considering an appeal under Stage Three of the procedure and should have had no previous direct involvement in the case in question.

- **Trade Unions or other Representatives**

Employees have a right to be accompanied by a Trade Union representative or work colleague at any stage of the procedure. Their role will be to support and advise the complainant. They will have the right to address any meetings held and present the case on behalf of the member of staff but not to answer questions unless agreed by all parties. If they are employed at the college, they should be given reasonable time off to advise and meet with the complainant as necessary in preparation for any informal or formal meetings.

- **Human Resources**

Human Resources can support the Principal/Governing Body in applying the provisions of this procedure. Human Resources will act as advisers to the person(s) hearing the grievance and, in exceptional cases, officers from Human Resources may be requested to investigate a grievance on behalf of the college.

# THE GRIEVANCE PROCEDURE

## 1. Stage One – Informal Stage

- 1.1 These procedures recognise the need to resolve grievances as promptly, efficiently and as close to their original source as is possible. It is, therefore, recommended, that in most cases, employees/workers should aim to settle grievances informally through their immediate manager. This could be the Principal or other appropriate senior member of staff. However, whilst every effort should be made to resolve the matter promptly, it is important for the manager to reassure the employee that the grievance will be treated seriously and be given their full attention.
- 1.2 In the first instance, therefore, the employee/worker should discuss the issues informally with their immediate manager. Where the grievance directly involves the employee's/workers immediate manager, it may be more appropriate to raise the matter with another senior member of staff or within the next level of management at the college. Where a grievance **involves or is against the Principal/CEO**, the matter should be raised with the Chair of Governors who would then assume the role of the Principal/CEO (manager) as described below.
- 1.3 During the informal stage of these procedures:
- The employee/worker has the right to be accompanied by their Trade Union representative or work colleague.
  - The manager should explain their role within the procedure.
  - The employee/worker will be given every opportunity to state their grievance in their own way.
  - The employee/worker will explain the remedy they are seeking.
  - The manager should seek to clarify any uncertainty around the facts and issues raised by the employee/worker.
  - The manager will explore any options with the employee/worker that may lead to a satisfactory resolution. In some cases it may be appropriate to seek advice or involve other parties e.g. Human Resources.
  - A note will be made of the issues explored at the meeting and any agreed actions to be taken and this should be circulated to all parties.
- 1.4 It may be agreed that the nature of the grievance is such that the involvement of a third party (for example another Senior Leader or external adviser with counselling/mediation skills) might assist in resolving the matter. The use of a third party to help mediate or facilitate a solution is dependent on the agreement of all persons affected by grievance. Such **mediation/facilitation** should then be conducted over an agreed timescale after which the situation will be reviewed and a decision made as to whether the matter is now resolved. (See Appendix 4 for further guidance on mediation)

- 1.5 If the circumstances giving rising to the grievance require consultation with other members of staff or the Governing Body, the manager should arrange to meet them informally to obtain any necessary information about the complaint prior to this grievance meeting with the aggrieved employee/worker.
- 1.6 At this informal stage, the aim is for the manager to gain a full understanding of the complaint and discuss strategies for resolving the issue. The intention is to provide a mechanism for resolving the grievance informally through the creation of an atmosphere that is conducive to the employee/worker and manager speaking freely about the circumstances which gave rise to the grievance. The principle objective of the meeting is to facilitate an agreed resolution to the particular dispute so it will be important for a positive and sustained effort to be made by all parties to try to reach such an agreement.
- 1.7 If it is not possible to resolve the issue through such informal discussions or mediation the complainant should then submit details of their **formal grievance** in writing to the Principal/CEO as appropriate as soon as possible. This notification should specify the exact nature of the grievance, including full details of relevant dates, times, events, witnesses etc. and the remedy that the employee/worker is seeking. To assist with this, a pro-forma is attached as Appendix 5 which can be used CEO who will also confirm the formal procedures will now begin in order to resolve the issue and acknowledge receipt of the complaint within 5 working days of the written notification.

## **2. Stage Two – Formal Stage**

### **2.1 Grievance Hearing**

Following receipt of the written notification of the formal grievance complaint, the Principal/CEO will convene a Stage Two grievance meeting to discuss the matter with all the parties involved and the trade union representatives or work colleague. The purpose of this meeting will be to discuss the nature of the grievance, possible ways forward and an outline timescale. Where practicable this will be held within 15 working days of formal notification of the grievance or as soon as possible thereafter with agreement.

### **2.2 Arranging the grievance Hearing**

A formal grievance hearing will then be arranged by the college to fully consider the outstanding grievance complaint. As such meetings often take considerable time the timings of the meeting should take this into account. Normally such meetings will be held during the college day. Consideration will also need to be given to the provision of a suitable room in which to comfortably accommodate all those attending the hearing or waiting to give evidence.

2.3 A minimum of 10 working days' notice of the hearing must be given in writing. It will be important, therefore, to make the arrangements in consultation with all parties i.e. Trade Union representatives, witnesses, to ensure their attendance as appropriate. All witnesses would be allowed leave of absence with salary to attend.

2.4 Where represented by a Trade Union the date of the hearing should be arranged in liaison.

2.5 The aggrieved employee/worker is entitled to be accompanied at the hearing by their Trade Union representative or a work colleague and the hearing should be arranged to accommodate this. This also needs to take into account the rights of the Trade Union representative to seek an alternative date within 5 days of that proposed, in line with TULRA.

2.6 Written submissions, correspondence, details of witnesses, witness statements or other papers relevant to the grievance, which either the aggrieved employee/worker or the person defending the case intend to rely on at the hearing should be circulated before the meeting. This means that all such papers must be submitted within 3 working days of the hearing to facilitate their circulation to all parties.

2.7 The person(s) hearing the Grievance may be advised by Human Resources. Arrangements should also be made for a suitable person to take notes throughout the meeting.

#### **Grievance Hearing procedure**

2.8 The hearing should be conducted with the agreement of all parties in line with the framework shown in Appendix 7. However, as the aim is to achieve a mutually acceptable resolution the person(s) hearing the grievance may wish to engage in a more flexible discussion and dialogue to facilitate this.

#### **Outcomes**

2.9 There are a number of possible outcomes of the Stage Two grievance hearing:

- A decision to uphold the grievance. This will mean that arrangements must be made for the employee's/worker's desired remedy to become effective or alternative strategies are agreed to resolve the dispute.
- A decision that, following full consideration under Stage Two of the procedure, the grievance is unsubstantiated. The written response should, therefore, include details of the employee's/workers' rights to invoke Stage Three of the Grievance Procedure should they disagree with this decision.
- If, following both the Stage One informal procedures and Stage Two formal procedures it has not been possible to resolve the matter or the complainant is not satisfied with the outcome, the complainant should inform the Principal/CEO in writing that they wish the matter to be addressed by an Appeal in line with Stage Three of the procedures.

Advice and guidance should again be sought from Human Resources at this stage.

- 2.10 If the Principal/CEO's decision is to fully or partly uphold the grievance, this will normally involve arrangements being made either for the employee's/worker's desired remedy to become effective or for alternative resolutions to be agreed and implemented. In arriving at their decision and depending on the nature of the case, the Principal/CEO may also wish to consider whether there are other implications arising from the case e.g. whether it would be appropriate to consider disciplinary proceedings against any of the individual(s) involved, review relevant college policies and/or procedures etc.
- 2.11 The Principal/CEO may determine that, on the basis of all the evidence presented at the meeting, they are unable to substantiate the grounds for the grievance. The written response should then include details of the employee's/worker's rights to appeal against this decision to an Appeal.
- 2.12 If the Principal/CEO decides that it needs further information from either party, or further witnesses, an adjournment may be arranged until a mutually acceptable date and time. This also needs to take into account the rights of the Trade Union representative to be available and to seek an alternative date within 5 days, in line with TULRA.
- 2.13 The decision and any remedy will normally be conveyed verbally to the employee/worker at the end of the meeting. However, where complex issues are being addressed it may be necessary for the Principal/CEO to reconvene within an agreed timescale to conclude their deliberations. The decision will be confirmed clearly in writing within 5 working days giving the right of appeal to the complainant if they consider that their grievance has not been remedied.

### **3. Stage Three - Formal Stage**

#### **Right of Appeal**

- 3.1 The third and final stage of the grievance procedure is an appeal. If the employee/worker wishes to exercise their right of appeal against a decision of the Principal/CEO they must notify the Principal/CEO of this in writing within 10 working days of the outcome letter. The written notification must reaffirm the nature of the grievance; the remedies sought and include the grounds for an appeal.

#### **Arranging the Appeal Hearing**

- 3.2 The appeal will be heard by a Panel of 3 made up of members of the Governing Body of the college, all of whom have had no previous involvement in the case. The management case will be presented by either the Principal/CEO who heard the initial hearing against which the appeal is made. A Human Resources representative will also be available to advise the Panel but will not be part of the panel. Either party may ask relevant witnesses to attend and give evidence. Time off with pay will be granted for witnesses to attend the hearing.

- 3.3 The appeal hearing should be convened within 15 working days of the written notification of the appeal. A minimum of 10 working days' notice of the time and date of the hearing must be given to all parties. It will be important, therefore, to arrange the appeal in consultation with all parties i.e. Trade Union representative(s), witnesses, to ensure their attendance as appropriate.
- 3.4 Consideration will need to be given to the location of the hearing in order to comfortably accommodate all parties involved or any witnesses waiting to give evidence at a formal hearing.
- 3.5 Any statements of case, written submissions, correspondence or other papers relevant to the grievance, which either the aggrieved employee/worker or the manager who investigated the matter at Stage Two intend to rely on at the hearing should be circulated to all parties no later than 3 working days before the appeal hearing. To facilitate this, all such papers must be submitted within 7 working days of the date of the appeal. These papers should include the written conclusions of the Stage Two hearing.
- 3.6 The complainant's statement of case should reiterate the grounds for their appeal and the outcome sought at the time of the notification of appeal. It should also include written details of any witnesses to be called.
- 3.7 Advice to the Panel will be available from Human Resources.

#### **Procedure for the appeal hearing**

- 3.8 The hearing will be conducted in line with the order of events shown in Appendix 7

#### **Outcomes of Appeal Hearing**

- 3.9 The Panel has the power to dismiss the appeal or to fully or partly uphold the appeal. Where the appeal is upheld in part the Panel may need to modify the original decision and any recommendations or take other appropriate action. This will often mean subsequent arrangements being made for the employees' desired remedy to become effective. In arriving at their decision and depending on the nature of the case, the Panel may also wish to consider whether there are any implications arising from the case e.g. whether it would be appropriate to consider disciplinary proceedings against any of the individual(s) involved, review relevant college policies and/or procedures etc.
- 3.10 The appeal process is the last stage of the Grievance Procedure and its decision is final.

## **GRIEVANCES RAISED BY THE PRINCIPAL/CEO**

The principles of the procedures to address a Principal/CEO complaint mirror those in the standard procedures. However, the matter will need to be addressed by members of the Governing Body at an earlier stage in line with the summary below. The role of the Principal/CEO in the standard procedures will also need to be taken by the Chair of Governors. Advice should, therefore, be sought from Human Resources as soon as possible regarding the management of the grievance procedures in these circumstances.

### **Stage One – Informal Procedure**

Where the Principal/CEO has a grievance, he or she should first endeavour to resolve the matter informally by direct approach to the person concerned. They may, of course, seek personal support from their Trade Union at this stage and, if necessary through the formal stages. They may also choose, at this informal stage, to inform the Chair of Governors on the nature of the complaint.

### **Stage Two – Formal Grievance Meeting**

If the grievance is still unresolved, the Principal/CEO may, within five working days, notify the Chair of Governors, giving full details of their grievance and desired outcome in writing. The Chair of Governors will then need to be convened at stage two meeting in line with the standard grievance procedures.

Should the Chair of Governors have had any previous involvement in the case, then a Grievance Panel will be convened comprising three Governing Body members with no prior involvement in the case. Human Resources may be invited to attend in an advisory role but shall not form part of the panel. The decision of the meeting will be confirmed in writing within five working days.

### **Stage Three - Appeal Hearing**

If the Principal/CEO remains dissatisfied with the decision reached, he or she may lodge an appeal in writing within 7 working days of the receipt of written notification of that decision. A college Appeal Hearing will then need to be convened in line with the standard grievance procedures. The appeal notification should reaffirm the grievance; the remedies sought and specify the grounds for appeal against the initial decision.

The college's Appeal Panel should comprise 3 Governing Body members who have had no prior involvement in the case. Again, Human Resources may be invited to attend in an advisory role. The decision of the appeals committee shall be confirmed in writing within 5 working days and is final and binding under this procedure.

## **GRIEVANCES RAISED BY A SENIOR LEADER**

The principles of the procedures to address a Senior Leader's grievance complaint mirror those in the standard procedures. However, the matter will need to be addressed by members of the Governing Body at an earlier stage in line with the summary below. The role of the Principal/CEO in the standard procedures may also need to be taken by the Chair of Governors. Advice should, therefore, be sought from Human Resources as soon as possible regarding the management of the grievance procedures in these circumstances.

### **Stage One – Informal Procedure**

Where a Senior Leader has a grievance, he or she should first endeavour to resolve the matter informally by direct approach to the person concerned. They may, of course, seek personal support from their Trade Union at this stage and, if necessary through the formal stages. They may also choose, at this informal stage, to inform the Principal/CEO depending on the nature of the complaint.

### **Stage Two – Formal Grievance Meeting**

If the grievance is still unresolved, the Senior Leader may, within five working days, notify the Principal/CEO, giving full details of their grievance and desired outcome in writing. The Principal/CEO will then need to be convened at stage two meeting in line with the standard grievance procedures.

Human Resources may be invited to attend in an advisory role but shall not form part of the panel. The decision of the meeting will be confirmed in writing within five working days.

### **Stage Three - Appeal Hearing**

If the Senior Leader remains dissatisfied with the decision reached, he or she may lodge an appeal in writing within 7 working days of the receipt of written notification of that decision. An Appeal Hearing will then need to be convened in line with the standard grievance procedures. The appeal notification should reaffirm the grievance; the remedies sought and specify the grounds for appeal against the initial decision.

The Appeal Panel should comprise 3 Governing Body members who have had no prior involvement in the case. Again, Human Resources may be invited to attend in an advisory role. The decision of the appeals committee shall be confirmed in writing within 5 working days and is final and binding under this procedure.

## OTHER COMPLAINTS

### **Complaints against the college i.e. relating to pay, conditions of service or other employment matters.**

If the grievance arises from actions or decisions taken by the college, the Principal will initially seek to resolve the grievance informally, using Stage One of the procedure. This will involve discussions with the Chair of Governors. If it is not possible to resolve the complaint informally, the formal stage will need to be implemented.

Complaints arising from pay or grading determinations made by the Governing Body should be dealt with under the pay appeal mechanism specified within the Pay Policy. However, attempts should first be made to resolve the matter informally before the formal procedure is implemented, involving grievance and appeal hearings.

If the complaint is about the conduct, actions or behaviour of an individual Governing Body Member, it will be necessary to confirm that the complaint is within the scope of the grievance procedure rather than, for example, the harassment procedure or recruitment appeal.

### **Complaints Which Relates to Bullying, Harassment or Discrimination**

Exclusions from the grievance procedure include employee/worker complaints where bullying, harassment or some form of discrimination may be involved. Such complaints are, by their nature very sensitive and can be difficult to resolve. Inter-employee/worker complaints where some form of discrimination or bullying is involved will be covered in the separate guidance in the Dignity at work procedure.

Where employees/workers consider that they have been subjected to bullying or harassment at work, they should make a complaint under the college's Harassment Procedure. The harassment can be racial, sexual or relate to disability or age or some other cause. If there is doubt about the appropriate procedure to be followed, advice can be obtained from Human Resources or the appropriate Trade Union.

### **Complaints which may constitute "Whistleblowing"**

This grievance procedure is not intended to apply where an employee is seeking to make a complaint which would constitute a protected disclosure within the meaning of the Public Interest Disclosure Act 1998. The provisions in PIDA will always take precedence. This effectively gives the employee the right to choose whether to raise a concern as a grievance or as a protected disclosure. In such cases advice should be sought from Human Resources or the appropriate Trade Union.

Where an employee has a belief and concern that wrong doing may be taking place at work (for example fraud, theft, negligence) they have the rights of the Public Interest Disclosure Act 1998 to protect them should they make a complaint. The college's 'Whistleblowing' Procedure describes how such a complaint may be made and details the rights and protection afforded to employees who choose to use it.

## Appendix 4

### GRIEVANCE MEDIATION

#### Purpose

Mediation is a process which enables assistance to be given to help resolve grievances, normally at the informal stage. It does not replace established procedures but enhances the probability of resolution.

Mediation involves an independent and impartial person (the mediator) facilitating communication between the parties involved in the grievance. For it to be effective it needs the consent and participation of all the parties concerned and they need to have, or gain quickly, confidence in the mediator.

As a general rule, mediation should take no longer than 6 weeks unless there is joint agreement to extend this time limit.

It is important that the mediator is a person with appropriate experience and training and no conflict of interest or bias towards one of the parties involved.

The mediator's task is to help promote a settlement of the grievance, acceptable to both parties. If this cannot be achieved, there may be at least a better understanding of the issues and viewpoints of each of the participants.

The mediator does not have the authority to decide any issue for the parties, but will attempt to facilitate the informal voluntary resolution of the dispute by the parties concerned. The mediator may suggest ways of resolving the dispute, but should try to avoid imposing his/her own judgements.

#### Process

In order to help resolve the grievance, the mediator may initially offer to meet both parties separately to discuss methods of achieving a settlement. If necessary, the mediator may also obtain additional expert advice, including that from Human Resources, concerning contractual, technical, professional and organisational aspects of the dispute. Once it appears that an agreed settlement may be achievable, then it may be possible for all parties to meet together.

The time and location of any meetings and the issues to be discussed will be agreed with the Mediator. Time within the college day should be allowed to facilitate this. It will also be helpful to the mediator if both parties set out their views for them and provide copies of any relevant documents.

Mediation sessions are usually private only involving each of the parties and their representatives. Other persons may attend with the permission of the parties involved and with the consent of the mediator.

While neither party is asked to commit to settle their case in the mediation process, all parties commit to participate in the proceedings in good faith with the intention to settle, if at all possible.

It is important that the parties engaged in the process should have the necessary authority to reach an agreed settlement, accepting that the individual will wish to seek their own advice and management representatives may need to seek formal approval to any proposals.

Confidential information disclosed to a mediator by the parties, or by witnesses, in the course of the mediation is not divulged to other parties without agreement. In order for the mediation process to be effective the mediator should not be required to divulge any of the information disclosed in internal or external proceedings without the prior agreement of the parties involved.

Similarly, the parties should not introduce as evidence in any subsequent internal proceedings:

- Views expressed or suggestions made by another party with respect to a possible settlement of the grievance.
- Proposals made or views expressed by the mediator or
- The fact that another party had or had not indicated willingness to accept a proposal for settlement made by the mediator.

The mediation process is normally finished when:

- There is a settlement agreed by the parties concerned with the outcome formally recorded; or
- The mediator or either party feels that further efforts at mediation are no longer worthwhile and the matter should proceed to the formal stage of the Grievance Procedure. The Principal/CEO would need to be informed that this stage had been reached.

**NOTIFICATION OF FORMAL GRIEVANCE**

The Grievance does not have to be recorded on this proforma. It can be presented in any form as long as it includes the following details:

Pro-forma for employees to raise a formal grievance	
Name	Post
Description of grievance:	
Please give details of grievance (including relevant dates, times, events, witnesses etc) What has been done to date to resolve this grievance?	
Supporting documents	
What outcome would you like from this process:	
Signed: Date:	

## Appendix 6

### GRIEVANCE PROCEDURES

#### POSSIBLE OUTCOMES FOR THE EMPLOYEE:

The employee may wish to consider the following suggested outcomes for their grievance to be shown on the “Notice of Formal Grievance” form – see Appendix 5. This list is not exhaustive and the employee may insert their own outcome should the list not cover their desired resolution. It may also be that a different combination of the possible outcomes could be sought:

- Acknowledgement of the grievance by management.
- Agreement by management that the “offending” member of staff is counselled as to the conduct/behaviours expected of them by the Employer.
- Acknowledgement of the grievance by management and an agreement to change work practices/ procedures.
- Acknowledgement of the grievance and agreement to provide training and support (to be specified) to the employee.
- Acknowledgement of the grievance by management and an apology.
- Acknowledgement of the grievance by management, an agreement to work/ behave differently and an apology.
- Arrange a “round table” discussion to agree a way forward.
- Mediation between the aggrieved parties.
- Acknowledgement of the grievance by management and supervisors.
- warning (i.e. outside the formal disciplinary procedure) being issued to the “offending” member of staff.
- Formal disciplinary procedures are initiated.

## Appendix 7

### FORMAL GRIEVANCE PROCEDURES STAGES TWO AND THREE

#### PROCEDURE FOR GRIEVANCE MEETING / APPEAL HEARING

##### Adjournments

It has to be acknowledged that during the course of the hearing/ meeting, any party may request an adjournment. In particular consideration should be given to the aggrieved employee who may suffer stress/discomfort during the course of these procedures. Management should always provide a separate room for the employee and his/her representative at this time.

##### Order of Events

- (1) The aggrieved employee and/or their representative will:
  - Introduce and explain their case
  - Answer any questions put by the management representative and the Hearing Authority.
  - Call any witnesses in support of their case and for them to answer any questions from both sides and the Hearing Authority.
- (2) The management representative will:
  - Present their findings.
  - Answer any questions from the aggrieved employee or their representative and by the Hearing Authority.
  - Call any witnesses in support of their case for them to answer any questions from both sides and the Hearing Authority.
- (3) When the Hearing Authority is satisfied they have sufficient information about the issues, they will invite:
  - The aggrieved employee and/or their representative to summarise their case
  - The management representative to summarise their case
- (3) The grievance hearing will then be adjourned to enable the Hearing Authority to:
  - Consider the issues.
  - Take any necessary advice.
  - Deliberate and decide whether or not to uphold the grievance.
  - Consider an appropriate remedy or follow up actions as appropriate.
- (5) All parties reconvene.
- (6) The Hearing Authority will normally announce the decision at the end of the hearing however in exceptional cases this may be delayed if further time is needed to consider the evidence.

This decision will be confirmed in writing within 5 working days of the hearing.

## Appendix 8

### COLLECTIVE GRIEVANCES

Collective grievances i.e. where there are two or more complainants, shall fall into two categories as defined below:

#### **At College Level:**

Where a collective grievance is raised about the application of a particular policy, procedure, management decision/action or work practice at **college level** it should, in the first instance, follow the same procedure set out in this policy.

If the grievance is not resolved, as a final resort, the grievance would be considered by a panel of 2 Governing Body Members with the Chair of Governors chairing the meeting. The decision of this body would be final for all such complaints.

#### **At Governing Body Level:**

Where a collective grievance is raised about the application of a particular policy, procedure, management decision/action or work practice and has implications **across the college**, it should, in the first instance, be raised as a formal item at the Collective Agreements Meeting between the college and the Trade Unions.

If the Grievance is not resolved, as a final resort the grievance would be considered by a panel of 3 Governing Body Members. The decision of this body would be final for such complaints.