

GRIEVANCE POLICY



POLICY STATEMENT

1. Jesus College aims to create a working environment in which all employees can freely raise any concerns relating to their employment and seek a resolution promptly, fairly and informally wherever possible. Where informal resolution is not possible, the grievance procedure exists to provide a means to achieve formal resolution. The emphasis of this policy is on problem solving and mediation rather than confrontation or an adversarial process.

PURPOSE AND SCOPE

2. The policy is for College employees. It does not cover self-employed contractors and temporary agency workers, if they have a complaint connected to their work within the College this should be raised with their agency and the Director of Human Resources.
3. This policy and procedure applies to any complaint connected to the individual's employment with College and may include, but is not restricted to:
 - application of terms and conditions of employment;
 - health and safety;
 - data protection;
 - professional relationships at work;
 - new working practices/organisational changes; and
 - equal opportunities/diversity issues.
4. The College reserves the right to vary the process followed for those with short service.
5. The policy does NOT apply to any complaint which is covered by a specific process in another employment policy or procedure.

PRINCIPLES

6. The following principles apply:
 - managers and individuals will try to resolve problems informally and deal with them at the earliest opportunity;
 - confidentiality will be maintained at all times by everyone involved;
 - this policy will be applied objectively regardless of any of the protected characteristics as set out in the Equality Act;
 - the intention of this policy is not to apportion blame but to resolve grievances objectively, sensitively, consistently and fairly. This takes into account the fact that employment issues are not necessarily clear cut and responsibility cannot always be decisively established;

- managers will make decisions based on the 'balance of probabilities', meaning they will consider, having weighed up the evidence, whether it is more likely than not that the complaint has been substantiated;
- the College will assume that all grievances are raised in good faith. In the unlikely event that a complaint is frivolous, malicious or vexatious, the employee raising the grievance may be subject to disciplinary action;
- As a general rule, employees may not raise a grievance anonymously as this hampers consideration of the case. In exceptional circumstances where an employee has a genuine fear of the consequences of being identified as the complainant, they should contact the Director of Human Resources for advice.

OUTCOMES

7. The outcomes of this policy are that:
 - managers are aware of the procedure to deal with work related complaints and do so effectively;
 - employees are aware how to formally raise a work related complaint and there is trust that they will be dealt with appropriately; and
 - work related complaints are resolved without recourse to the formal procedures, wherever possible.

MONITORING AND REVIEW

8. Human Resources will monitor all grievances.
9. A formal review of this policy and procedure will take place regularly.
10. This policy does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of management.

Grievance procedure

1. Grievance Stages

1.1 The Grievance procedure has the following stages:

- Informal Stage
- Formal Stage
 - Raising a Grievance
 - Formal Meetings/Investigation
 - Decision
 - Appeal, if appropriate

2. Informal stage

2.1 Employees should raise any issues with the individual(s) concerned, or with their manager, in the first instance in order to try to reach resolution. Every effort should be made by all parties involved, including the employee who raised the concern, to resolve these matters without recourse to the formal procedures.

2.2 Where the employee's concerns relate to their manager, attempts should still be made to follow the informal process. This can include approaching an alternative or a more senior manager informally to seek early resolution.

2.3 If a manager is approached about an informal grievance regarding another employee, the manager should discuss ways in which the matter can be approached in order to resolve the concerns. Any action agreed at the informal stage may be recorded in the form of a note to those concerned.

3. Formal stages – raising a grievance

3.1 Once informal resolution has been exhausted, to make a formal grievance the employee must submit their grievance, ideally in writing, to their manager with a copy to the Director of Human Resources. If the subject of the complaint is the employee's manager or a decision by that manager, the grievance should be submitted to a more senior manager with a copy to the Director of Human Resources or directly to the Director of Human Resources.

3.2 The employee should provide as much information as possible in the written complaint, as it is on this information that the grievance will be considered. Therefore it should include:

- the details of the grievance, including a chronology of dates and events/incidents etc. where applicable;
- the details of attempts to resolve the matter informally – where applicable; and
- what outcome is sought.

4. Formal stages – meeting

4.1 On receipt of a formal written grievance, the manager (Grievance Manager) will invite the employee, in writing, to a formal meeting. The letter will remind the employee of their right to be accompanied to the meeting; and advise that Human Resources will attend in an advisory capacity. The employee who has submitted the grievance must take all reasonable steps to attend the meeting.

4.2 The purpose of the meeting is to clarify the details of the concern and consider whether it is possible to resolve the grievance without recourse to an investigation. At the meeting the manager will:

- listen to the complaint;

- review the evidence;
- summarise the problem;
- discuss possible solutions.

4.3 If a resolution is found at this meeting, the Grievance Manager will write to the employee who has raised the grievance setting out what has been agreed.

4.4 If it has not been possible to resolve the grievance at the meeting, the Grievance Manager will carry out an investigation to establish the facts and gather information.

5. Formal stages - investigation

5.1 The Director of Human Resources will provide guidance to the Grievance Manager on the format of the investigation but it will typically involve:

- examining the detail of the grievance, possibly through a further meeting;
- gathering and reviewing relevant documentation;
- speaking to the person(s) complained about (if that is the nature of the grievance);
- speaking to others (witnesses) who may have information about the complaint.

5.2 Witnesses statements may be made known to the employee raising the grievance if a case progresses to an Employment Tribunal.

5.3 Once the investigation is complete, and a decision has been reached, the Grievance Manager will prepare a decision letter which will detail their conclusions and the reasons for the decision. The decision letter should contain:

- a statement as to whether the grievance is fully, partly or not upheld;
- the reasons for the decision;
- details of the evidence, on which their decision is based (including relevant details from witness statements);
- any further action; and
- how to appeal against the decision (if appropriate).

5.4 The Grievance Manager will also write to any other employee named within the grievance, any action will follow.

5.5 If as a result of the investigation, disciplinary procedures are to be commenced, relevant details from the investigation will be provided to the Disciplinary Manager. However, for reasons of confidentiality, the person who raised the grievance will not be advised of specific actions taken.

6. Formal stages – appeal

6.1 The employee who raised the grievance has a right of appeal against the decision. An appeal should be submitted in writing within 10 working days of the date of the decision meeting, to the person outlined in the decision letter.

6.2 The letter should set out the full grounds of appeal; the content of this letter will be the basis on which the appeal is considered. All documentary evidence which the employee considers relevant to the appeal should accompany the appeal letter.

6.3 On receipt of the appeal an Appeal Manager will be appointed. The Appeal Manager will decide whether to hear the appeal through a meeting or to conduct a paper based review. If a meeting is to be held the Appeal Manager will write to the employee inviting them and reminding them of their right to be accompanied to the meeting.

- 6.4 At the appeal meeting, the Appeal Manager will consider the representations made by the employee. The purpose of the appeal is not to re-hear the case but to consider:
- whether the procedure has been followed;
 - any new evidence that was not available at the time of the grievance meeting;
 - whether the decision was reasonable in the circumstances.
- 6.5 The Appeal Manager will be supported procedurally through the process by Human Resources.
- 6.6 Following consideration of the evidence, the Appeal Manager will communicate their decision to the employee in writing. The letter will include:
- the outcome of the appeal and the reasons for the decision;
 - any actions agreed to resolve the situation if the appeal is upheld;
 - a reminder that there is no further appeal.
- 7. Right to be accompanied**
- 7.1 The employee who raises a grievance, which is investigated through the formal stages of the procedure can be accompanied to a meeting by a colleague or trade union representative.
- 7.2 The colleague or trade union representative, may:
- address the meeting but not answer questions on behalf of the employee;
 - confer with the employee during the meeting, requesting an adjournment, if necessary.
- 8. Timescales**
- 8.1 Timescales have largely been left open in order to allow a degree of flexibility. However, all those concerned in the grievance procedure should strive to expedite the matter as quickly as possible.
- 8.2 The following timescales are suggested as guidance:
- a grievance must be raised within 3 months of the decision or action being complained about other than in exceptional circumstances; and
 - formal meetings should be arranged with at least 5 working days' notice.
- 9. Confidentiality**
- 9.1 All participants in a grievance procedure, including those accompanying employees, are required to observe the strictest confidentiality.
- 10. Grievance during Disciplinary or Capability procedures**
- 10.1 Where a formal grievance is raised during a Disciplinary or Capability procedure, if it is relevant to that procedure, the aim will be to avoid unnecessary duplication and to ensure that the matter is dealt with speedily. In such circumstances it may be appropriate to deal with both matters at the same hearing/meeting. For example if a grievance is raised before a disciplinary hearing but it relates to the substance of the hearing, it may be appropriate to deal with the matter during the disciplinary investigation and any subsequent hearing. However, each case will be considered on its merits.
- 10.2 Employees should be aware that if a grievance is found to be vexatious or raised with the intention of disrupting the disciplinary process, they are likely to be subject to disciplinary action.

11. Vexatious Complaints

- 11.1 If a complainant is deemed to have known, or to have reasonably been expected to know, that their complaint is unfounded, the allegations may be judged to be vexatious or malicious, and in such circumstances disciplinary action may be taken against them. No action will be taken if a complaint which proves to be unfounded is judged to have been made in good faith. If a complainant repeatedly raises a complaint that has previously been satisfactorily addressed in line with our grievance policy and procedure, their actions in repeatedly raising the complaint without good reason may be treated as a disciplinary matter.

12. Sickness absence during the formal grievance procedure

- 11.1 The College aims to deal with grievances as quickly as is practicable. Brief periods of sickness absence may delay the process but if they are repeated or long absences then alternative arrangements may need to be made which may include continuing in the person's absence.

13. Grievance procedure after employment with College has ended

- 13.1 There is no legal requirement for the College to follow any grievance procedure in relation to an individual who is no longer employed with the organisation. However, the College will consider a formal grievance raised within 3 months of the last day of service and will follow a shortened grievance procedure. Former employees will not have a right of appeal against the grievance decision.
- 13.2 The ex-employee should write to the Director of Human Resources providing as much detail as possible. Following relevant enquiries, the Director of Human Resources will communicate their decision to the ex-employee in writing. The letter will include the following:
- the decision together with reasons;
 - any actions agreed to resolve the situation, if the grievance is upheld;
 - advice that there is no right of appeal.