



CLEVELAND COLLEGE OF
ART & DESIGN

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The policy or procedure will be reviewed by the date shown on the front cover sheet, or sooner if a change in legislation, best practice, or other circumstances indicate that this is necessary. If, for whatever reason, the policy or procedure is not reviewed by the date shown, the policy or procedure shall stay in force until formally reviewed.

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INTRODUCTION

- 1) This procedure aims to help to resolve individual grievances in a manner which is as fair and expeditious as possible. It is the College's policy to attempt to find a solution to individual grievances as early in the procedure as possible.
- 2) The procedures will be applied in accordance with the Articles of Government of the Corporation and in accordance with the Advisory, Conciliation and Arbitration Services (ACAS) Code of Practice, Disciplinary and Grievance Procedures', dated April 2009.

General principles

- 3) An employee has the right to be accompanied at formal grievance meetings by a representative of a trade union or fellow worker of their choice, subject to a reasonable request being made. (Please refer to Appendix 1 – Guidance on the role of the companion).
- 4) Managers are required to familiarise themselves with the grievance procedure.
- 5) Every effort will be made to resolve the grievance at the informal stage.
- 6) In the interest of ensuring that grievances are resolved as speedily as possible, time limits are given for appropriate stages in this procedure. These are for guidance. If it is not practicable to adhere to these time limits, they may be amended, ideally by mutual agreement. Due regard will be given to the personal circumstances of all parties involved in the procedure.
- 7) If the grievance is against the immediate line manager, then the person to whom the grievance should be sent should be senior to the line manager.

Complaints against the Principal or other Senior Post-holder

- 8) Where the complaint is against the Principal or another senior post-holder, the same steps should be taken to investigate the matter.
- 9) The Chair of the Corporation will appoint an appropriate Investigating Officer to investigate the complaint. This may be the Principal, a member of the Corporation Board, or an external investigator, depending on the circumstances.
- 10) If the complaint is upheld and disciplinary action may be required, the matter must be referred to the Corporation who should follow the College's special committee procedure.

SCOPE

11) This procedure shall apply to all employees.

DEFINITIONS

12) Grievances are concerns, problems or complaints that employees raise with their employers (as defined by www.acas.org.uk).

PROCEDURE

Stage 1 - Informal Procedure

13) If an employee has a grievance relating to his/her employment, the matter should be raised initially with the employee's manager. The grievance should be raised orally in the first instance. In the event that the grievance relates to the manager who would normally deal with a grievance at this stage, the grievance should be referred to the line manager's immediate manager.

14) The manager will take appropriate steps to resolve the grievance as quickly as possible on an informal basis. He/she shall enquire into the grievance and will discuss it with the employee. A written record of the discussion and the outcome will be provided within ten working days after the complaint is received. It is anticipated that most grievances will be resolved at this stage.

15) If the matter is very serious or in other circumstances where the employee does not wish to raise the matter informally, the employee may proceed straight to the formal stage of the procedure.

If the grievance involves another employee

16) In many cases it will be sufficient for the complainant to raise the problem with the employee as soon after the incident as possible, stating clearly that the behaviour is unacceptable. A note should be made of the action taken.

17) In most cases it is preferable to deal with grievances informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. Solutions can be reached quickly with minimum risks of embarrassment, suffering, disruption to work and working relationships. If, at the informal meeting the employee who the grievance is against does not feel they have done anything wrong the complainant should raise this with the HR department. A member of the HR department will then speak to the employee to discuss that the complainant is unhappy with how the informal meeting went but does not

want to proceed straight to stage 2 of the procedure. Possible staff development will be discussed with the employee who the grievance is against. For example it may be necessary for them to undertake some staff development on their communication style and how it is perceived by others.

18) If the complainant does not feel able to approach the employee alone, he/she could seek support from a colleague, trade union representative, line manager or appropriate member of the HR department. Where both parties are in agreement, the College may consider addressing the unacceptable behaviour through a recognised mediator.

19) If the matter is very serious, the employee feels the matter has not been resolved at this stage, or in other circumstances where the employee does not wish to raise the matter informally, the employee may proceed to the formal stage of the procedure (Stage 2).

Stage 2 – Formal Procedure

20) If the employee feels that the matter has not been resolved through informal discussion, or in the event that paragraph 19 applies, the grievance should be put in writing.

21) The grievance should provide full details of the complaint and should be addressed to the employee's manager.

22) The College will, as soon as possible (ideally within five working days, but no longer than ten, of receipt of the written grievance) arrange a grievance meeting.

23) The employee may be accompanied at the meeting by a trade union representative or work colleague. (Please refer to Appendix 1 for guidance on the role of the companion). The College should remind the employee of the right to be accompanied prior to a grievance meeting. Before the meeting, the employee should tell the College who he / she has chosen to be a companion.

If the grievance involves another employee

24) The investigation of the formal grievance where another employee is involved should be conducted in a sensitive manner and without undue delay. It is recommended that no more than 28 days should elapse from the College's receipt of an employee's written grievance to the resolution of the formal procedure; unless a different timescale is agreed by both parties.

- 25) The grievance should be submitted in writing to the employee's line manager. If the grievance is about the employee's line manager, it should be given to the next level of management or the HR department.
- 26) The College should appoint an appropriate manager to investigate the grievance (the Investigating Officer). The investigation should be carried out in an impartial and objective manner. The Investigating Officer should not be involved with the case in any way.
- 27) In cases which appear to involve serious misconduct, and there is reason to separate the parties, a short period of suspension of the employee who the grievance is against may need to be considered while the investigation is carried out. Suspension should be with pay. Alternatively, the College may consider temporarily relocating either party during the investigation; the College should only relocate the complainant with his/her agreement.
- 28) The Investigating Officer must, as soon as possible, invite the complainant to a grievance hearing to investigate his/her complaint. The complainant has the right to be accompanied at this meeting by a work colleague or trade union representative. At the meeting the complainant will have the opportunity to fully explain what has happened and the Investigating Officer will have the opportunity to ask any questions and discuss any points that require further discussion.
- 29) The Investigating Officer should also invite the employee who the grievance is against to an investigation meeting where he/she will have the opportunity to respond to the grievance and the allegations against him/her. Prior to this meeting the employee should be provided with a copy of the written grievance and any evidence raised, e.g. witness statements taken including dates; times; places; the name of the person involved; what actually happened; how the person felt at the time; the names of any witnesses; action taken at the time and whether the incident was reported to management. The employee should be given the opportunity to be accompanied at this meeting by a work colleague or trade union representative. Reasonable notice of this meeting should be given.
- 30) The Investigating Officer should meet with any witnesses cited by either the complainant or the employee who the grievance is against. Notes of these meetings should be taken and the Investigating Officer may take statements from the individuals.
- 31) Where there is conflicting evidence the Investigating Officer may wish to meet with any of the parties again to clarify and complete the investigation.

- 32) The Investigating Officer should assess the evidence and write a report summarising the findings of the investigation. The Investigating Officer's decision in relation to the grievance should be communicated in writing to the complainant and the employee who the grievance is against without undue delay, giving an explanation of the outcome of the grievance and the reasons. The letter to the complainant will also inform him / her of the right to appeal.
- 33) The report will state whether any unacceptable behaviour occurred and will outline any recommendations for action. For example:
- a) Unacceptable behaviour did not occur – no or limited action required. In such circumstances the Investigating Officer may, if necessary, recommend steps to improve the working relationship between the parties following the complaint.
 - b) Unacceptable behaviour did occur – recommendations for action short of disciplinary action. It may be concluded in light of the facts that disciplinary action is unnecessary. In such circumstances the Investigating Officer may recommend other appropriate action to address the behaviour, such as:
 - i. training/coaching/mentoring;
 - ii. re-arrangement of working conditions;
 - iii. redeployment of one or both parties on a temporary or permanent basis on terms and conditions that are no less favourable than existing terms and conditions of employment; and/or
 - iv. monitoring of the situation.
 - c) Unacceptable behaviour did occur – disciplinary action required. In such circumstances the employee who the grievance is against will be asked to attend a disciplinary hearing (refer to the College staff disciplinary policy and procedure). All evidence that was collected in order to address the grievance will be used for the disciplinary process. A further investigation is not required.

Stage 3 - Appeal by the complainant

- 34) If the grievance is not resolved to the satisfaction of the employee at Stage 2, he or she may appeal. Any such appeal must be submitted in writing, setting out the full grounds for the appeal, and sent to the HR Manager within ten working days of receipt of the decision reached at Stage 2.

- 35) The College will, as soon as possible and in any event, within ten working days of receipt of the written appeal, invite the employee to an appeal meeting, which will be chaired by an appropriate senior manager, who has not been involved in the grievance process in question so far and who is senior to the manager who heard the original grievance. The employee will be entitled to be accompanied at the appeal meeting by a trade union representative or work colleague. (Please see Appendix 1 for guidance on the role of the companion).
- 36) The senior manager will consider the appeal and may be supplied with all of the documentation submitted in relation to the earlier stages of the procedure. If the grievance involves another employee, the senior manager may require the attendance of that employee at the appeal meeting, or any other employees who may be able to provide relevant information.
- 37) The appeal decision will be provided in writing within ten working days of the appeal meeting. Any other parties involved in the grievance will also be appropriately informed of the appeal decision. Such decision will be final.

Stage 3 – Appeal by the employee who the grievance is against

- 38) An employee who wishes to appeal against a formal oral warning, a written warning or a final written warning or a disciplinary suspension should inform the Clerk to the Corporation in writing. An employee cannot appeal before a formal disciplinary has taken place, (e.g. an employee cannot appeal at the investigation stage). The appeal must be received in writing within ten working days of the date of the decision that forms the subject of the appeal. The appeal will be heard by one of the following depending on the characteristics of the appeal:
- i. A Vice Principal;
 - ii. The Principal; or
 - iii. A special Committee of the Governing Body.
- 39) The Vice Principal, Principal or disciplinary panel, will conduct an appeal hearing as soon as possible after the notice to appeal has been received. At the hearing of the appeal, the employee will be given an opportunity to state his or her case and will be entitled to be accompanied and represented by the trade union representative or work place colleague.
- 40) However, if the employee's representative is unavailable on the date of the initial Appeal, the employee may delay the date of the Appeal once by up to ten working days to enable the chosen representative to attend.

Records of complaints

41)The College will keep a confidential record of complaints and investigations, which will include the names of the people involved, dates, the nature of the incident(s), the action taken, and any follow-up and monitoring information. The College will keep such records for up to 6 years from the end of employment. Where a complaint was unsubstantiated, this will be clearly stated in the College's record. All sensitive information will be treated confidentially and in compliance with the requirements of the Data Protection Act 2003.

ROLES AND RESPONSIBILITIES

42)The College Principal/Chief Executive and management are responsible for ensuring that:

- a) They are familiar with the grievance procedure, and that it is followed correctly;
- b) They are aware of the College's legal responsibilities as an employer in relation to grievances.

43) The HR Manager is responsible for ensuring that:

- a) Monitoring of the procedure is carried out and the procedure is reviewed accordingly;
- b) Any grievance received will be reported to Principalship on a monthly basis; and
- c) Appropriate training and development is provided to support managers' and employees' understanding of the grievance procedure.

44)Employees are responsible for ensuring that:

- a) They familiarise themselves with the grievance procedure.

STANDARDS/KEY PERFORMANCE INDICATORS

45)Responsibility for monitoring and reviewing this procedure lies with the HR Manager. The procedure will be reviewed as part of an annual employment policies and procedures review. The review will include consultation with recognised trade union representatives specifically on this procedure at least every three years.

EQUALITY STATEMENT

46)This procedure will be implemented in line with the principles of the College's commitment to equality and diversity which is: Cleveland College of Art and Design is committed to the principles of equality and

diversity and aims to ensure that all employees and College users are treated fairly and equally regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

DOCUMENT CONTROL INCLUDING ARCHIVING ARRANGEMENTS

Register/Library of Procedural Documents

47)The Academic Registrar is responsible for maintaining an index of policies and procedures in use and will act as archivist. A single library of College policies and procedures will be maintained. Any policies or procedures that are replaced or are no longer active will be archived.

48)All 'live' policies and procedures will be accessible to staff in hard copy via policy or procedure files, and will be published on the intranet site. Policies and Procedures will also be published on Cleveland College of Art and Design's external website.

RELATED DOCUMENTATION

49)Staff disciplinary policy and procedure

50)Harassment and bullying policy and procedure

51)Special Committee procedure

52)Appendix 1 – Guidance on the role of the companion

APPENDIX 1

Guidance on the role of the companion

- 1) Employees have the statutory right to be accompanied by a fellow worker or trade union representative, where they are invited by the employer to attend a grievance meeting and when they make a reasonable request to be so accompanied.
- 2) The trade union representative can be an officer employed by a trade union, or a lay trade union officer, so long as (in the latter case) they have been reasonably certified in writing by their union as having experience of, or as having received training in, acting as an employee's companion at grievance meetings.
- 3) An employee may ask an official from any trade union to accompany them at a grievance meeting, regardless of whether or not he or she is a member or the union is recognised by the College.
- 4) A fellow worker or trade union representative who is to accompany the employee at the grievance meeting should be permitted to take a reasonable amount of paid time off to fulfil this. This should cover the grievance meeting and it is also good practice to allow time for the companion to familiarise themselves with the case and confer with the employee before and after the meeting.
- 5) To exercise the statutory right to be accompanied, an employee must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for an employee to insist on being accompanied by a companion whose presence would prejudice the meeting nor would it be reasonable for an employee to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.
- 6) The companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employer from explaining their case.