



Warrington Collegiate

## QUALITY ASSURANCE

### Grievance Procedure

Policy Ref: S/4/13

This procedure relates to above policy.

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## INTRODUCTION

The aims of this procedure are:

- to provide individuals with a course of action should they have complaint (which they are unable to resolve informally through regular communication with their line manager);
- to resolve issues of concern;

### 1 SCOPE

- 1.1 This Grievance Procedure applies to all staff employed within Warrington Collegiate College.

### 2 PURPOSE

- 2.1 The College recognises that from time to time employees may wish to seek redress for grievances relating to their employment.

**In this respect the College encourages open communication between employees and their managers to ensure concerns arising during the course of employment can be aired and resolved quickly, to the satisfaction of all concerned.**

- 2.2 The procedure should be adopted where an employee has a grievance arising from their employment which they have tried unsuccessfully to resolve without recourse to these procedures. These procedures should not be invoked where the matter constitutes; a defence to disciplinary or capability allegations, an appeal against a disciplinary decision, or other matters which should be progressed through Warrington Collegiate College's Disciplinary and Appeals Procedure.

- 2.3 The procedure only relates to individual employee grievances. Where grievances are of a collective nature or where an individual complaint becomes a collective issue affecting other employees, the matter(s) should be dealt with under the College's Resolution of Disputes Procedure. For reasons of confidentiality it might not be possible or appropriate to disclose details of the disciplinary investigation or outcome to the aggrieved employee. The aggrieved employee shall then assume the status of a witness in the disciplinary procedures. The aggrieved employee should normally be notified that the matter has been referred to the Human Resources Director to consider and that, if appropriate disciplinary proceedings will be pursued. It may be determined that such action is the conclusion of any grievance or the consideration of the grievance can be postponed until the conclusion of the disciplinary proceedings. The aggrieved employee is not entitled to challenge the process or the findings of the disciplinary process or the decision of the College regarding: whether or not to proceed to a disciplinary hearing, the sanction imposed, or the decision not to impose any sanction.
- 2.4 The procedure is in line with ACAS good practice guidance.
- 2.5 The College will treat all grievances seriously and without discrimination. However, where an investigation concludes there are reasonable grounds to believe that the grievance is frivolous, vexatious or motivated by malice, appropriate action will be taken against the employee raising the grievance. The Collegiate reserves the right not to investigate where ongoing grievances are made and grounds for grievance have previously not been found.

### **3 INFORMAL PROCEDURE**

**If an employee has a grievance, he/she should attempt to resolve the matter with his/her manager in the first instance by a direct approach to the member of staff involved. The approach should normally be made verbally. If the grievance is made in writing, it will normally be presumed to be informal, unless stated otherwise.**

A response to the grievance should be given within 5 working days where possible.

If a response is not in the aggrieved's view satisfactory, or is not received, the grievance may be progressed through the formal stages of the procedure.

### **4 FORMAL PROCEDURE**

#### **4.1 General**

If the matter has not been resolved informally or through mediation, a formal grievance can be lodged in writing to the individual's line manager, with a copy to Human Resources. The grievance must normally be to the individual's line manager, even where the line

manager has been involved on an informal basis or is in some way implicated in the grievance.

There may be occasions when grievances do not commence with their immediate line manager. This may be because the grievance may be raised about an issue which originated at a higher organisation tier and over which the immediate line manager has no control. The Human Resources Department can offer guidance/advice in respect of the above. The decision on the appropriate person to hear the grievance shall be the Human Resource Director.

A grievance hearing will be conducted in line with Appendix 1 (attached).

**Please note the informal procedure should be exhausted prior to commencing the Formal Procedure.**

#### 4.2 Formal Grievance

A grievance must be in writing, normally to your immediate line manager and, in any event, must be copied to Human Resources and must contain sufficient detail to identify the nature of the employee's concerns.

- The employee should ensure that any relevant documents are made available before the grievance hearing.
- The line manager may undertake his or her own investigation into the grievance.
- Evidence will be exchanged before the hearing.
- Witnesses will be informed that their statements will be shown to both parties unless there are exceptional grounds for confidentiality and the Human Resource Department will advise on this aspect.

The Human Resources Department will record details of the grievance. The employee will be invited to a hearing, normally within 5 working days of receipt of the grievance. However in complicated grievances this timeframe might be extended with the agreement of all parties. In normal circumstances, only one postponement will be permitted due to the unavailability of the chosen representative and a second date will be arranged which should be within 5 working days of the original date, if possible.

Employees may wish to involve a Trade Union Representative or workplace colleague to assist with the progression of their grievance. A Trade Union Representative or workplace colleague can make representations on an individual's behalf.

Prior to attending the Grievance Hearing, the employee and their Trade Union Representative/workplace colleague shall make available to the manager hearing the grievance, in advance of the meeting, the

following information:

- details of the grievance;
- supplementary information in respect of the grievance;
- an explanation as to why any previous responses to the grievance were unsatisfactory;
- identification of the preferred resolution to the grievance.
- supporting documentation

The grievance hearing shall ensure that the aggrieved employee has a fair hearing. This will involve the production of statements, documentary evidence and, exceptionally, the calling of witnesses. The line manager hearing the grievance may decide to adjourn the hearing to obtain additional evidence, before reaching a decision. A decision in writing shall be given, even where the decision has already been notified verbally. The letter will include the employee's right of appeal.

Should the employee be dissatisfied with the decision, the employee may appeal within 5 working days of the decision. Appeals will normally be heard by the line manager of the manager who heard the grievance.

#### **4.3 Appeal**

The manager concerned will obtain the details of the employee's grievance, the previous manager's record of the grievance and will note any additional information in order to reconsider the matter. The procedure on appeal will be substantially the same as for the original grievance hearing. The decision of the appeal will be confirmed in writing and be final and binding.

## **GUIDANCE TO MANAGERS**

### **PROCEDURE FOR FORMAL GRIEVANCE HEARINGS AND APPEALS HEARINGS:**

- a) The employee or their representative shall make a brief opening statement identifying for the manager hearing the grievance the matters upon which the grievance has been lodged.
- b) Where appropriate a Management Representative (or Investigating Officer) shall make a similar brief opening statement where one has been involved.
- c) The employee or their representative shall state his/her case and call and question any witnesses.
- d) The Management Representative and/or manager hearing the grievance shall be entitled to question the employee and any witnesses called.
- e) The Management Representative or where appropriate, the manager hearing the grievance shall respond to the grievance and call any witnesses.
- f) The employee or their representative shall be entitled to question the Management Representative and/or the manager hearing the case and any witnesses called.
- g) The manager hearing the grievance shall be entitled to question the Management Representative, if appropriate, and any witnesses called by him/her.
- h) The employee or their representative shall be entitled to summarise his/her case. In the summing up, no new matter may be introduced.
- i) The Management Representative, if appropriate, shall be entitled to summarise his/her case. In the summing up, no new matter may be introduced.
- j) If the manager hearing the grievance considers it necessary, the hearing can be adjourned to a later date to collect or consider additional evidence and/or give the decision.
- k) Any Management Representative, the employee and his/her representative and any witnesses shall withdraw.
- l) The manager hearing the grievance shall consider the matter with the assistance of a Human Resources Representative.
- m) The manager may recall both parties to clear up points of uncertainty.

- n) The outcome of the hearing, under normal circumstances, will be communicated verbally at the hearing and will in any event, be confirmed in writing to all parties.