



**ENERGY COAST UTC**

**STAFF GRIEVANCE POLICY**

**2022-2025**

**Approved:** Full Governing Body

**Signed:** 

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4			
5			

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## 1. INTRODUCTION

The Grievance Policy and procedures apply to all employees of the Energy Coast UTC. It is intended to assist employees to resolve difficulties within the workplace and to support employees who wish to raise concerns about their work, working environment or relationships with colleagues. All grievances will be managed under this procedure and managers and employees should raise and deal with issues promptly and not unreasonably delay meetings, decisions or confirmation of those decisions. The grievance procedure will not apply to issues where other more specific procedures apply (such as whistleblowing or bullying and harassment).

The following procedure will be applied fairly in all instances where a grievance has been raised however the UTC reserves the right not to pursue grievances which repeat complaints which the employee has already brought and which have been dealt with formally and concluded.

Managers and employees should attempt to resolve grievances informally in the first instance. The employee is entitled to be accompanied by a trade union representative or work colleague at every stage.

## 2. OVERVIEW OF PROCEDURE

This section of the policy is an overview of the grievance procedure. A more detailed explanation of the process is found at Appendix 1. Each step should be taken as soon as practicable and wherever possible within the timescales set out in Appendix 1.

In the first instance, where an employee has a grievance they should discuss it informally with their manager. The manager and employee should both try to resolve the grievance informally together.

Where the grievance concerns the line manager, employees should discuss the matter with the next line of management.

If the informal approach does not resolve the concern, then the employee should raise the matter formally in writing, stating the nature of their grievance **and their preferred resolution**.

The manager will acknowledge the formal grievance and will normally appoint an independent person (with no prior involvement in the matter) to investigate the issues raised and prepare a report summarising the findings of the investigation.

Upon receipt of the report, the manager will formally meet the employee to discuss the grievance. Following the formal meeting, the manager will write to the employee advising them of the outcome of the meeting and outlining the next steps including the employee's right of appeal against the outcome.

If the employee lodges an appeal, an appeal meeting will take place.

The outcome of the appeal meeting will be formally notified to the employee in writing. The outcome of the appeal is final.

At any stage of the procedure, including the informal stage, the parties may consider whether mediation may help to resolve the issues. The process may be paused during mediation.

### 3. PURPOSE AND PRINCIPLES

The UTC has a duty to support its employees with any concerns, or grievances that they wish to raise.

This procedure will ensure that:

- Lawful, non-discriminatory and effective arrangements exist for dealing with employee concerns and grievances
- Employees are aware of their responsibilities to raise any problems
- Managers are aware of their responsibilities with the aim of resolving issues as soon as possible

### 4. KEY RESPONSIBILITIES

A grievance will initially normally be raised with the immediate line manager of the employee and progress through the chain of command as per the table below. However, sometimes this is inappropriate, as the grievance may involve the person who would be dealing with the concern. In that event, the grievance should be managed by the next level of seniority. A sensible approach must be taken to this, with the aim of ensuring that the grievance can be dealt with, at any stage of the procedure, by someone with an appropriate level of authority and without bias.

<b>Procedural Step</b>	<b>Grievance Manager</b>	<b>Grievance Manager where grievance raised by Principal</b>
Informal stage	Line Manager	Chair/Vice Chair of Governors
Formal stage	Leadership Team / Principal	Panel of 3 Governors
Appeals	Panel of 3 Governors	New Panel of 3 Governors

### 5. GENERAL GUIDANCE

- 5.1. It is recognised that many matters that may become the subject of a formal grievance stem from simple misunderstandings. It is therefore incumbent upon both the UTC and its employees, but particularly upon individual managers, always to strive to make their actions, instructions and requirements clear and to act in such a way that all employees have confidence that they will be treated reasonably. The Principal, Senior Leadership Team and Governors will always respond to questions and explain the reasons for their actions.

- 5.2. Anyone working for the UTC may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with their manager. They will want the grievance to be addressed, and if possible, resolved as soon as possible. It is also clearly in the college's interests to resolve problems before they can develop into major difficulties for all concerned.
- 5.3. Grievances may occur at all levels and this policy applies equally to senior managers and all other staff. Employees might raise matters not entirely within the control of the college, such as relating to external relationships. The UTC will take grievances involving third parties seriously and such action as is reasonably possible will be taken to support the employee.
- 5.4. Employees who raise grievances will be treated fairly at all times throughout this procedure. However, if a grievance is found to be malicious or to have been made in bad faith, the employee may be subject to the disciplinary procedures.
- 5.5. The UTC will aim to resolve grievances as quickly as possible to the satisfaction of the individual(s) concerned. Where this is not possible every effort will be made to explain the reasons for decisions and where employees are not satisfied with the outcome they have the right to pursue their grievance to the next stage of the procedure.
- 5.6. The time limits specified in the procedure may be modified by mutual agreement and every effort will be made to deal with grievances as speedily as possible. If the time limits in the informal stage are unreasonably exceeded, the employee is entitled to request that it proceeds to the formal stage of the grievance procedure.
- 5.7. When thinking about what action to take managers should consider if they need any further advice from their senior manager.
- 5.8. Where necessary, the UTC will seek expert guidance.
- 5.9. The UTC will seek to engage with Trade Union colleagues wherever possible.
- 5.10. Further advice on the application of the grievance procedure itself can also be obtained from the Principal.

## **6. FORMER EMPLOYEES**

Whilst there is no recognised procedure for dealing with grievances for staff who have left the employment of the college, grievances received from former employees may be considered on a case by case basis and investigated if, and as, appropriate. In most circumstances a written response will be provided to the individual who has raised the grievance.

## **7. INVESTIGATION**

The UTC is committed to ensuring that grievances are fully investigated. This may entail carrying out interviews with the employee concerned and third parties such as witnesses, colleagues and managers, as well as analysing written records and information. The investigation report will usually be made available to the complainant and the “respondent” at the discretion of the manager responsible for hearing the grievance, but not to witnesses. Sometimes (where circumstances are such that full disclosure would damage relations or give access to otherwise confidential information) the entire report and / or any appendices will not be made available but the complainant will receive a summary of findings.

## **8. RECORDS**

Detailed notes will be taken of all issues raised at grievance meetings and appeals. Records must be kept on the individual’s personal file of the nature of any grievance raised, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records are to be kept confidential and retained in accordance with this procedure and the latest GDPR requirements.

## **9. MEDIATION/FACILITATED DISCUSSION**

9.1. In some cases it can be helpful to involve an independent third party or mediator, to help resolve problems by way of mediation; sometimes referred to as a facilitated discussion. Mediation is a voluntary process where an impartial third party helps two or more people in dispute to attempt to reach an agreement. Mediation cannot be imposed on anyone and does not prevent an employee from pursuing the formal route. The UTC will encourage all parties to participate in some form of mediation/facilitated discussion. Mediators may be formally trained and accredited or may carry out this role in addition to their day jobs. The mediator is in charge of the process of seeking to resolve the problem but not the outcome. Whilst there is no formal right to be accompanied during mediation, and both parties are generally unaccompanied, an employee may wish to be accompanied by a trade union representative or co-worker.

9.2. Mediation distinguishes itself from other approaches to conflict resolution as it is:

- Less formal
- Flexible
- Voluntary
- Voluntarily binding, but normally has no legal status
- (generally) unaccompanied
- Owned by the parties

## **10. THE USE OF THE GRIEVANCE PROCEDURE – GENERAL PRINCIPLES**

10.1. If the informal approach does not resolve the concern, the employee may raise the issue formally.

- 10.2. If a grievance contains allegations which may amount to misconduct against a named employee, the matter will be referred to the Principal (or Chair of Governors if involving the Principal) to decide if the matter is to be investigated under the disciplinary procedure or continue under the grievance procedure.
- 10.3. An individual grievance should not be used to challenge a general policy of the college. However a grievance may relate to the application of the policy to an individual, or a small group of individuals.
- 10.4. It is fundamental to any grievance procedure agreement that normal working should be maintained until all stages of the procedure have been exhausted. Where the grievance under discussion is concerned with proposed changes in working hours or other customary arrangements, the status quo should continue whilst the matter is under consideration. This shall be on the understanding that the parties involved in the grievance procedure and their representatives make themselves available to meet the timescales within the procedure.
- 10.5. A grievance procedure is intended to provide a speedy method of resolving grievances and, so far as is practicable, the prescribed time limits should be observed. For the purposes of this procedure, it is suggested that a working day shall be a day that the UTC is open to students. However, there may arise on either side substantial reasons (e.g. a school holiday, sickness), why exceptionally it would be desirable to extend the time limits. Any such extension will be mutually agreed by all parties.
- 10.6. In cases where the person or panel hearing the grievance needs to obtain further information, or to enquire about policy or other issues, it is open to them to defer the matter for a period of time agreed with the member of staff and their representative to enable such enquiries to be made. The advice of the College's Human Resources Advisers may be requested to assist in the resolution of all grievances and it is recommended that all cases are notified to them.
- 10.7. The time limits specified in the procedure may be modified by mutual agreement and every effort will be made to deal with grievances as speedily as possible. If the time limits in the informal stage are unreasonably exceeded, the employee is entitled to request that it proceeds to the formal stage of the grievance procedure.
- 10.8. Meetings should take place during an employee's normal working hours wherever possible.
- 10.9. The aggrieved employee shall be entitled to be accompanied or represented by a workplace colleague or trade union official at any meeting relating to their grievance. Any other employee attending such meetings may be accompanied, but not represented, by a workplace colleague or trade union official.

## **11. ASSOCIATED PROCEDURES**

- 11.1. Where a grievance concerns more than one employee the same procedure will apply and the matter can be dealt with as a collective grievance. Alternatively or in addition, the appropriate trade union can raise the matter as a Collective Dispute between the union and the employer (for example, in circumstances where industrial action may be appropriate).

- 11.2. If the complaint concerns alleged wrongdoing or criminal offence by persons within the UTC it should be raised immediately under the Whistleblowing Procedure.
- 11.3. Any complaint or incident involving financial irregularity must be immediately notified to the Principal and the Business Director (or Chair of Governors if the complaint involves the Principal or Business Director) before proceeding with any disciplinary procedure or action. Serious cases may also need to be reported to the police who might then conduct a criminal investigation.
- 11.4. Any complaint involving suspected sexual, physical or emotional abuse against children and/or vulnerable adults must be investigated using the college's Safeguarding Procedures and dealing with allegations of abuse against staff policy. This may involve a joint approach with the Police.
- 11.5. The appropriate manager should inform the Local Authority Designated Officer (LADO) of any complaints involving suspected child protection cases or any case where any harm may come to a child. The Designated Adult Safeguarding Manager (DASM) should be informed of any complaints involving vulnerable adults. These referrals should be done within 24 hours of the grievance being raised.
- 11.6. Complaints concerning discrimination, bullying or harassment should be raised in accordance with the Bullying and Harassment Policy.
- 11.7. Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

## **12. EQUALITY**

- 12.1. Reasonable adjustment may be needed for a worker with a disability (and possibly for their companion if they are disabled) e.g. the provision of a support worker or advocate with knowledge of the disability and its effects.
- 12.2. Managers and members of the Governing Body involved in this procedure should also consider providing more flexibility in arranging the date and venue of a meeting or appeal, rearranging dates due to ill health and providing an interpreter for these employees if required. They should also be aware of their personal responsibility in ensuring that discrimination in any form does not feature in any aspect of their handling of a grievance.

## **13. REVIEW**

This policy will be reviewed every three years.

## **APPENDIX 1 – GRIEVANCE PROCEDURE**

### **INFORMAL STAGE**

Employees should aim to settle most grievances informally with their line manager. This will normally be done by way of a meeting between the employee and their line manager within 5 working days of the issue being raised.

The UTC encourages open communication between managers and employees. Many problems can be settled quickly during the course of everyday working relationships.

A record should be kept of the meeting and the outcome of the informal discussion.

The appropriate manager shall seek to resolve the problem personally or by mutual agreement, in consultation with other member(s) of staff.

If the informal approach does not resolve the concern, the employee may raise the issue formally.

### **FORMAL STAGE**

#### **Step 1: Statement of Grievance**

Where the grievance has not been resolved under the informal procedures described above the employee may raise a formal grievance by setting out the grievance in writing as fully as possible to the next level of senior management as appropriate.

The employee should clearly state:

- why they are raising a formal grievance
- the nature of the grievance; and
- the outcome/resolution they are seeking.

#### **Step 2: Formal meeting**

The Grievance Manager receiving the formal grievance shall immediately write to acknowledge receipt of the grievance and decide how the matter is to progress i.e. to appoint an appropriate and suitably trained investigating officer or refer the matter for consideration under a different procedure such as the disciplinary or anti-harassment procedure.

If necessary, where the case is not straightforward or where there is a lot of evidence to consider, the Grievance Manager will appoint an Investigation Officer who is considered by all parties to be 'independent' to formally investigate the grievance. The investigation will start with an interview with the aggrieved party within 5 working days unless otherwise agreed with the aggrieved party. Any such investigations should aim to be completed within 10 working days of receipt of the formal grievance, where possible. In complex

cases the timescale may need to be extended to allow for full investigation and witness interviews. In which case, the aggrieved employee will be notified by the Grievance Manager of the estimated revised timescale.

On receipt of the Investigation Officer's report, the Grievance Manager will make arrangements for a formal meeting to discuss the grievance. All parties shall have a responsibility to agree the earliest date appropriate, taking account of the availability of all those involved. This meeting shall normally take place within 15 working days of the receipt of the investigation officer's report.

The procedure to be followed is set out in Appendix 2. All relevant documents shall be submitted to the Grievance Manager and the relevant parties concerned at least three working days in advance of the meeting.

It is not normally expected that witnesses will be called to grievance meetings. The grievance meeting provides a vehicle for an employee and their manager to resolve issues of concern to the employee where informal means have not been sufficient to do so. It is a meeting not a "hearing" and should be kept as simple as possible whilst ensuring that all relevant issues are fully explored.

Where the employee fails to attend the meeting, a second written invitation will be made for the meeting to be held within 5 working days of the day after the original scheduled meeting. Should the employee fail to attend the second meeting without good reason, the grievance will normally be considered closed and the procedure will cease at this point.

Within 5 working days of the meeting the Grievance Manager will inform the employee in writing of their decision in response to the grievance, notifying the employee of their right of appeal against the decision if they are not satisfied with it.

### **Step 3: Right of Appeal**

There shall be a right of appeal against the decision of the Grievance Manager on the part of the aggrieved employee only. If the employee wishes to appeal, they must do so in writing within 10 working days of receiving written notification of the Grievance Manager's decision. The notice of appeal must be submitted to the Chair of Governors via the Clerk to the Governors and must state fully the ground(s) for appeal and what outcome/resolution is sought. The appeal shall not be a full reconsideration of all issues but shall focus on the grounds for the appeal.

The Clerk will write to the employee, inviting the employee to attend an appeal meeting which will be held on a convenient date that is within 15 working days of receipt of the written grounds of appeal by the Clerk, or as soon as reasonably practicable thereafter.

All relevant documents shall be submitted at least seven working days in advance of the hearing to the Clerk and circulated by the to all parties concerned within 2 working days of receipt. All parties shall have the right to be accompanied by a trade union representative or a workplace colleague.

The decision of the Appeals Committee shall be notified to the parties concerned in writing by the Clerk within five working days of the appeal meeting and no further right of appeal shall exist.

## **APPENDIX 2 - AGENDA FOR A GRIEVANCE MEETING**

1. The Grievance Manager/Appeal Chair (referred to as the Chair from now on) will confirm that all evidence and investigation information has been read and considered.
2. The employee and their representative have a further opportunity to put forward any submissions they wish to make in addition to any Investigation Report/Witness Information. No new evidence should be presented at this stage. If it is critical to the employee's case the Chair may accept new information and agree an adjournment to consider the relevance of the information and if they wish to receive it at the Grievance or Appeal Meeting.
3. The employee and their representative may challenge or seek clarification of the Grievance Manager who took the decision at the previous stage and/or investigation findings from the Investigation Officer.
4. The Chair may ask questions of the Grievance Manager who took the decision at the previous stage the Investigation Officer or employee and their representative.
5. The Chair is entitled to ask any witness to attend the meeting (including the employee against whom the grievance is raised) in order to respond to any questions that require clarification.
6. The employee will be asked to sum up their case/make any final points including how they wish the matter to be resolved.
7. All parties will withdraw apart from the panel and any Adviser to the panel and note taker.
8. The Chair will confirm the decision and communicate this to the employee within 5 days of the meeting.
9. In the case of a Grievance meeting the outcome will include notifying the employee of their right to appeal to the next stage of the procedure. In the case of an appeal the employee will be notified that this is the final stage and there is no further right of appeal.