

INDIVIDUAL GRIEVANCE PROCEDURE

1. INTRODUCTION

1.1 Purpose

Blackburn College is committed to the promotion of equality, diversity and a supportive environment for all staff. The College is committed to maintaining a culture of professionalism, respect and a positive working environment. However, it recognises that circumstances may arise where employees could have concerns about, for example, their work, working conditions and working relationships with colleagues. In such cases an employee may wish to bring these issues to the attention of the College in the form of a grievance.

This procedure sets out a means for any employee who has a grievance relating to his or her employment needs to have an effective means of dealing with the grievance in order to prevent problems from escalating where this can be avoided. This procedure:-

- Provides a framework where a grievance can be dealt with effectively;
- Seeks to achieve resolutions of employee grievances initially through informal means, before recourse to formal processes, where this is appropriate;
- Provides the general steps that will be followed by the College but is non-contractual.

The College reserves the right to vary any stage in this procedure as it deems necessary in order to comply with any current legal obligations and best practice.

1.2 Scope

This procedure shall apply to all employees of the College other than senior post holders as defined in the College's Articles of Government. The procedure aims to help to resolve individual grievances in a manner, which is as fair and expeditious as possible. It is anticipated that the majority of issues can be resolved at an early stage by informal discussion, ideally at the time when they arise. However, if the matter cannot be resolved informally, it may then pass to the formal stages of the procedure.

This procedure should be followed where an employee has a grievance arising from their employment, except where the matter constitutes an appeal against a disciplinary decision, or relates to a disciplinary decision, which should be taken up in accordance with the disciplinary procedures, or where the College has specifically applicable procedures such as in relation to public interest disclosure.

This procedure is applicable to individual grievances and not alleged grievances that are subject of, or appropriate to, a collective disputes procedure between the College and a recognised trade union.

Grievances in relation to bullying and harassment shall be dealt with under the College's Bullying and Harassment Procedure.

This procedure has been revised following a review, as part of the normal cycle of review set by the Policy and Procedures Committee.

1.3 Principles

- 1.1.1 It is the expectation that confidentiality is respected by all parties engaged under this procedure.
- 1.1.2 Nothing in this procedure should preclude informal meetings at any time, without prejudice to the formal stages.
- 1.1.3 It may be necessary to undertake an investigation to determine the facts and decide upon appropriate action.
- 1.1.4 Once a grievance has been stated no additional grievances may be raised during the procedure.
- 1.1.5 Grievances raised under the formal stages must be in writing and as clear and specific as is reasonably possible and include what an employee would seek as a resolution.
- 1.1.6 If a grievance is against another employee, a decision by that person not to attend any meeting to hear that grievance shall not be cause for delaying the hearing of the grievance.
- 1.1.7 If a grievance is not resolved to the satisfaction of the employee he or she shall have the right to proceed to the next stage of the procedure.
- 1.1.8 A grievance that has been upheld and therefore has been demonstrated as justified should be remedied to the extent that it is reasonably possible.
- 1.1.9 If at any stage a matter emerges that should properly be dealt with under the College's procedure for discipline or capability, then the grievance procedure may be halted until the appropriate other procedure has been exhausted.
- 1.1.10 The College will provide appropriate briefing and training for managers involved in the operation of the procedure to enable grievances to be dealt with fairly and effectively.
- 1.1.11 An employee may, at any stage of the procedure, seek clarification and / or guidance about the grievance process from the HR and OD Service.
- 1.1.12 During any stage of the procedure, managers may seek advice from the HR and OD Service. It is recommended that a HR representative attend all formal meetings under this procedure.

2 THE PROCEDURE

2.1 Informal Process

Employees are encouraged to resolve any grievances which arise in the workplace without delay through informal means, including where appropriate through mediation (section 3.2).

Most grievances can be resolved quickly and informally through discussion by the employee with the person whose actions are the subject of the grievance in an informal meeting. If the employee feels unable to speak to the person concerned he or she should speak to his / her immediate line manager. If the grievance concerns the immediate line manager, then the employee may speak informally to the manager's line manager. The aim is to avoid confrontation, clarify the grievance and resolve it if possible. If this does not resolve the grievance then the formal process set out under 3.4 should be followed.

2.2 Mediation

Mediation is a completely voluntary and confidential process, which involves an independent, impartial person helping to reach a solution that is acceptable. The mediator can talk to all parties separately or together and will not make judgements, attribute blame or determine outcomes – he / she will ask questions that will help uncover underlying problems, assist the parties to understand the issues and help them to clarify the option for resolving their conflict / issue. Mediation aims to restore and maintain the employment relationship and its focus is on working together to go forward, not determining who was right or wrong in the past.

The College and / or the employee may suggest mediation as a potential way forward in appropriate cases. If an employee wishes to have his / her issue resolved through mediation, they should contact the HR representative assisting in the grievance process. However, the College in consultation with the Trade Union Representative may decide that given the circumstances of a particular case that mediation is not an appropriate means of resolving the grievance. In these circumstances, the grievance will be progressed through the informal / formal procedure (as appropriate). Where mediation is considered an appropriate mechanism for resolving a particular grievance, an individual will be sourced by the HR and OD Service.

2.3 Failure to resolve a grievance informally

Only if the informal methods fail to resolve the issue or it is not considered appropriate to seek resolution by informal means should the employee use the formal procedure set out in section 3.4.

2.4 Formal Process

2.4.1 Formal Process - Stage 1

- I. An employee with a grievance, which has not been resolved by informal means, should set out the nature of their grievance in writing, including any relevant dates / times and where appropriate witnesses, what, if any, informal methods have been used to resolve the issues and what his or hers desired outcome / remedy is. Grievances will not be progressed without the grievance being set out in the manner indicated.
- II. The grievance should then be sent to the Director of the HR and OD Service or a HR Manager who will arrange for an appropriate member of the College Management Team or Executive to be appointed as a Suitable Grievance Officer.
- III. If the Grievance Officer, considers it is an appropriate matter for the formal grievance process, he / she will, where appropriate investigate the matter before arranging a meeting to hear the grievance. This meeting will ordinarily take place within 10 working days of the grievance being raised, unless otherwise indicated. The purpose of the meeting will be for the employee to explain their grievance issue and state how he / she thinks it may be resolved. The employee who has raised the grievance will ensure they do everything possible to attend the grievance meeting, should they fail to attend the meeting a further meeting may be organised and any further non-attendance may result in the grievance officer reaching a decision based upon the written information provided.
- IV. Following the meeting, the Grievance Officer will consider all of the matters raised at the meeting and, where appropriate, provide feedback on how the decision has been reached. A written decision will be issued as soon as practicable and normally within ten working days of the meeting unless further enquiries need to be made, in which case the employee will be notified. The letter will include the employee's right to appeal against the decision if he / she is not satisfied with it. Copies of the decision

will be sent to all parties. If the written outcome cannot be achieved within the timescales, the Grievance Officer will write to the employee informing him / her of the reasons for any delay.

2.4.2 Formal Process - Stage 2 Appeal

- I. If the employee is not satisfied with the outcome of stage 1, he or she may within 5 working days of receipt of the decision, appeal in writing to the next level of authority. Appeals should be sent to the HR and OD Service who will arrange for an appropriate Appeal Officer to hear the appeal. If it is not appropriate for the grievance procedure the employee will be directed to an appropriate alternative procedure.
- II. The grounds for appeal should be clearly documented within this correspondence.
- III. The Appeal Officer will write to the employee to invite him or her to attend a grievance appeal meeting. This will normally take place within 10 working days of receiving the appeal, unless otherwise agreed.
- IV. At the appeal meeting, the employee will be given the opportunity to explain his / her grievance and the grounds of appeal and state how he/she thinks it may be resolved.
- V. The Appeal Officer will review the issues and if necessary adjourn the appeal meeting to seek advice or undertake further investigation.
- VI. The decision of the Appeal Officer shall be either that the decision of the Grievance Officer:
 - a. Stands;
 - b. Is amended;
 - c. Is not upheld
- VII. Following the grievance appeal meeting, the Appeal Officer's decision will normally be conveyed in writing to the employee within 10 working days of the completion of the meeting. If the decision is against another employee, he / she will also be advised of the outcome of the grievance appeal meeting. This shall be the final stage of the grievance procedure within the College.

2.5 Time Limits

The indicative time limits applicable to each stage of the procedure are included in the procedure in order to ensure as far as possible that matters are dealt with promptly and without undue delay. However they shall be without prejudice to any decision by the person hearing a grievance or a grievance appeal to adjourn the appropriate meeting for enquiries to be made or for another purpose, the reason for the adjournment being stated at the time it is announced. It also should be recognised that in certain circumstances it may be necessary to extend these time limits in order that the grievance and any appeals are dealt with properly.

2.6 Representation

It is the employee's responsibility to arrange their own representation. An employee may be accompanied by a companion at any formal stage of the procedure. The person chosen by the employee as his/her companion may be a fellow worker, a trade union representative or an official employed by a trade union. The companion may not be a legal representative. It is also not normally reasonable for employees to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for an employee to be asked to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

The companion may address the hearing / meeting to put or 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 hearing / meeting. The companion does not have the right to answer

questions on the employee's behalf or address the hearing if the employee does not wish it or prevent the Grievance Officer or Appeal Officer from explaining the College's position.

An employee may request that a work colleague or an official of a Trade Union, attend any meetings or discussions with their Manager during the informal stage of this procedure. This request will usually be granted unless it is obstructive to the management of the case. For example, if it would cause unnecessary delays to the process.

3 MONITORING AND REVIEWING

3.1 The policy will be monitored by the HR & OD Service every three years and reported to the Policies and Resources Committee on an annual basis.

4 RELATED POLICIES/PROCEDURES/CODES AND GUIDANCE

4.1 The Individual Grievance Procedure should be read in conjunction with:

Bullying and Harassment Procedure
Disciplinary Procedure for Staff
Capability Procedure – Managing Performance
Whistle Blowing / Public Interest Disclosure Procedure

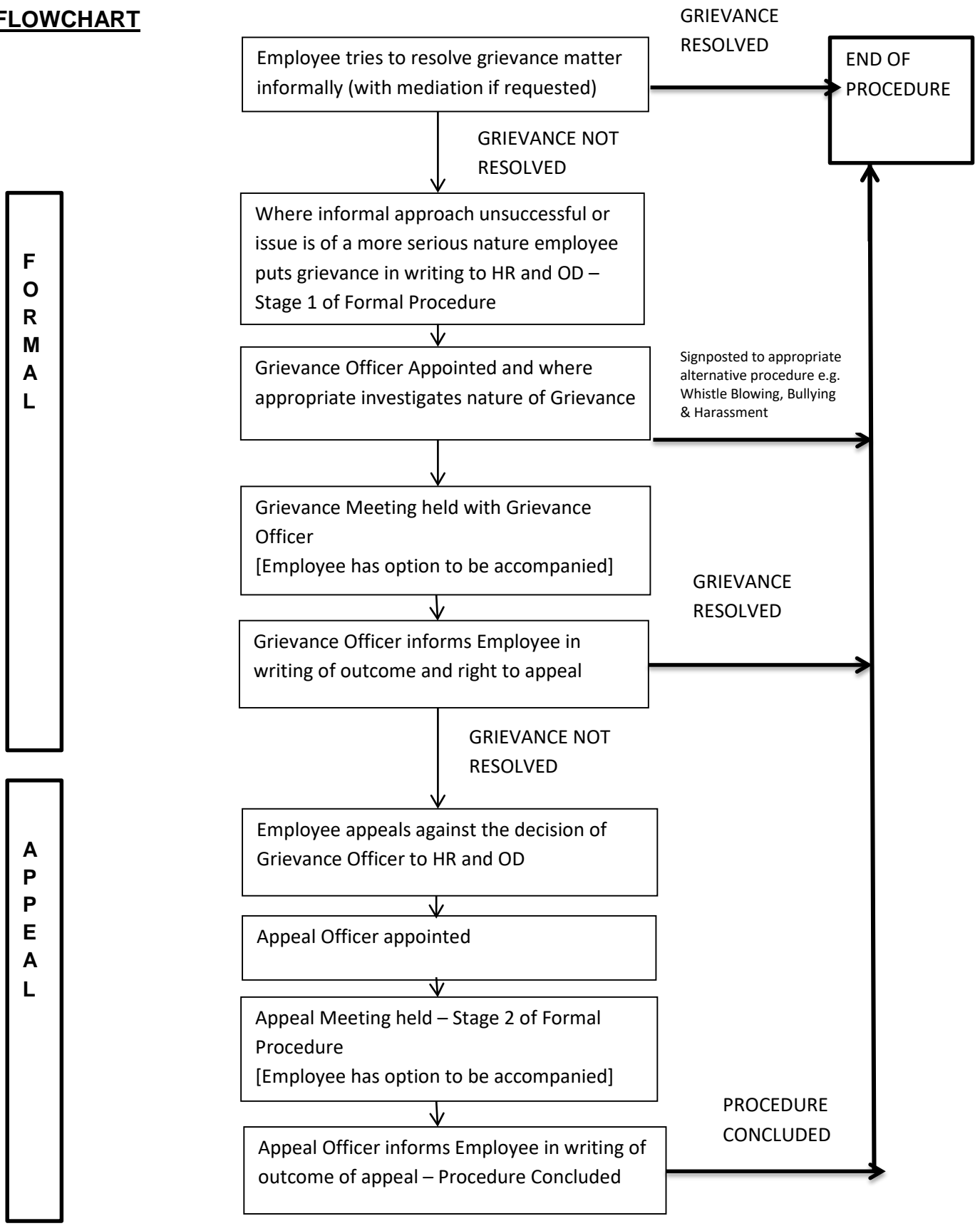
5 EQUALITY IMPACT ASSESSMENT

5.1 Blackburn College is committed to the promotion of equality, diversity and providing a supportive environment for all members of our community. Our commitment means that this policy has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) any of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation and meets our obligations under the Equality Act 2010. Therefore, this policy has no adverse impact on any of the above protected groups.

6 DISSEMINATION OF AND ACCESS TO THE PROCEDURE

This procedure will be made available electronically to all employees in a document repository on the College's intranet and a hard copy deposited in the Executive Office.

7. FLOWCHART



Author:	<i>Director Human Resources and Organisational Development</i>
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