

## NEWBATTLE ABBEY COLLEGE

### GREVANCE POLICY AND PROCEDURE

#### 1 Policy

Every member of staff has the right to seek redress for grievances relating to their employment.

Whilst recognising the need for a formal procedure, it is accepted as a general principle that grievances are best resolved informally and as close to the point of origin as possible. In accordance with this principle, it is agreed that the formal process should not normally be used until attempts at informal grievance resolution have been exhausted.

It is recognised that on occasions employees will wish to raise concerns relating to their employment on an individual or collective basis. Grievances may arise in relation to issues including: terms and conditions of employment; health & safety; relationships at work; new working practices or equal opportunities. There is a need to provide a mechanism for raising such concerns with a view to resolving them, whenever possible, through discussion and agreement and as speedily as possible. The aim of this procedure, therefore, is to provide such a mechanism.

Employees have a right to be accompanied, unless they choose otherwise, at all formal stages of the procedure by either a trade union representative or work colleague. An employee will be reminded at the outset of any formal proceedings about this right.

#### 2 Procedure

##### 2.1. Informal

If you have a grievance all reasonable steps should be taken and every effort made to resolve it informally at the lowest possible level. Both parties may find it helpful to keep a brief note of what is discussed in an informal meeting and any agreement reached. Such meetings may be between the individuals involved in the issue under discussion or may be between the employee and his/her Line Manager. If, following these discussions, the employee is not satisfied with the outcome, or if no response has been made within a reasonable time, the formal procedure should be initiated.

## 2.2. Formal

### **Stage One**

The employee should submit a formal, written statement of the grievance (Appendix B) to their line manager. If the grievance relates to the line manager it should be made to the next senior manager. A meeting will normally take place within five working days of the request being received. If more than one meeting is required to expedite Stage One, each subsequent meeting will if practicable take place within five working days of the previous meeting.

The employee and their companion will be notified in writing of the Stage One decision as soon as possible and no later than five working days after the meeting. If agreement is not reached the employee will be advised of their right to appeal the decision in terms of Stage Two of this Policy and Procedure.

### **Stage Two**

If the grievance remains unresolved at Stage One, the employee should submit a written appeal to the Principal within ten working days of receipt of the outcome of Stage One.

A meeting with the Principal or his/her nominee will normally be arranged within ten working days of him/her receiving the appeal. The outcome of the appeal will be notified in writing to all parties no later than five working days after the meeting.

The decision of the Principal or his/her nominee will be final.

### **Grievance against the Principal**

Where the grievance is directly against the Principal from the outset, the grievance should be addressed to the Chair of the Planning and Resource Committee who will make arrangements for the grievance to be heard by a panel of external members of the Board of Directors. The meeting of the panel of the Board of Directors will normally be held within fifteen working days. A written decision will be given by the Board of Directors panel within ten working days.

### **Grievance against the Principal - Appeal stage**

If the employee remains aggrieved following the decision regarding the grievance against the Principal, a written appeal should be made to the Chair of the Board of Directors within ten working days of receipt of the outcome.

An appeal meeting with other external members of the Board of Directors not otherwise involved in the grievance will be

arranged normally within fifteen working days. The decision of the Board of Directors panel will be notified, in writing, within ten working days of the appeal.

The decision of the Board of Directors will be final.

### **3 General**

The trade union representative/work colleague (the *companion*) has no statutory right to answer questions on behalf of the employee. The trade union representative/work colleague is entitled to reasonable time to confer privately with the employee.

Where the employee or the trade union representative/work colleague is not available to attend on the date proposed for the hearing, the employee can offer an alternative time and date, so long as it is reasonable and falls before the end of ten working days beginning with the day after the day originally proposed by the College. Where the employee does not do so, the grievance will be treated as having been withdrawn.

Special allowance should be made for individuals whose first language is not English, or who have a visual impairment or some other disability. There should be no barriers to the equal treatment of staff.

The names of witnesses to be called and copies of any statements or documents to be used by all parties, at any stage in the procedure, must be forwarded to the Administration Manager at least three working days prior to the Hearing. The Administration Manager will forward this information to all parties.

A record will be taken at each stage of the formal grievance procedure.

*N.B. During vacation periods the time limits shall not apply but each stage of the process shall be effected timeously wherever possible upon a return to work.*

### **4 Grievances after Employment has ended**

If an employee has a grievance that is outstanding on the last day of his/her employment with the College or which arises after their employment has terminated, he/she should follow this Policy and Procedure unless both parties agree that a modified procedure should apply.

In the latter event, the employee's written grievance shall be considered by the College and a written decision given normally within twenty working days of receipt of the individual's agreement to the matter being dealt with under the modified procedure.

## **5      Collective Grievances**

Where a grievance is raised on behalf of two or more employees by a workplace representative in relation to contractual terms and conditions of employment the status quo shall prevail during the process. There will be no change of contractual conditions until all stages of the grievance procedure have been exhausted.

## **6      Overlapping Grievance and Disciplinary Cases**

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.

## **7      Whistleblowing**

The College has in place a specific Policy to protect the rights of employees who identify incidents of malpractice or wrongdoing including fraud, dangers and cover-ups. Details are available from the Administration Manager.

## **8.     False and/or Malicious Grievances**

If an employee is found to have fabricated or falsified a grievance they will be subject to disciplinary action.

## **Appendix A**

### **Format for Conducting a Formal Grievance Hearing**

1. The Manager, Principal/Chief Executive or external member of the Board of Directors in their capacity as Chair (“the Chair”) shall introduce everyone present.
2. If the employee who has invoked the Grievance Procedure is not accompanied by a colleague or a trade union representative, the Chair shall explain that the employee has the right to be accompanied. If the employee requests a reasonable postponement to arrange a suitable companion the request should be granted.
3. If the employee, having been reminded of his/her right to be accompanied, wishes to proceed unaccompanied, this fact should be recorded in the minutes of the hearing.
4. The Chair will provide to those present the written details of the employee’s grievance and clarify with the employee or his or her companion (if in attendance) any further details of the grievance and which documents (if any) he or she wishes to be considered and details of any witnesses to be called.
5. The Chair will then invite the employee to present the details of the grievance, supporting evidence and witnesses.
6. The Chair may question the employee or any witnesses throughout the hearing. Where the grievance is against the Principal, the members of the Board of Directors sitting with the Chair may also ask questions.
7. The Chair may call any witnesses or consider such evidence throughout the hearing as he/she considers necessary.
8. The employee may question any other witnesses who may be called.
9. The Chair may adjourn the hearing at any stage if further investigation is required. The investigation will be carried out as speedily as possible by the Chair or a manager appointed by the Chair for that purpose and the hearing shall be reconvened at the earliest opportunity to consider such further information as may be obtained. The findings of such investigation shall be made available to the employee sufficiently in advance of such continued hearing as to afford the employee time to consider its importance.
10. The employee will be given the opportunity to summarise his or her grievance and state the remedy he or she seeks.
11. The Chair may clarify any points arising from the summary and in connection with the remedies sought.

12. The hearing will be concluded pending a decision and the employee will be advised of the timescale within which the outcome will be notified to him or her in accordance with the Procedure.

Newbattle Abbey College is committed to the active pursuit of challenging discrimination, advancing equality and celebrating diversity

<b>Newbattle Abbey College</b>	
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## **Appendix B**

### **Written Statement of Grievance**

**Name:**

**Post:**

**Details of Grievance:**

**Signed:**

**Date:**