

INDIVIDUAL GRIEVANCE PROCEDURE

1. INTRODUCTION

1.1 Purpose

1.1.1 Blackburn College is committed to the promotion of equality, diversity and a supportive environment where all staff are treated with dignity and respect. The College recognises that circumstances may arise where employees could have concerns or issues which require support to resolve. In such cases an employee may wish to bring these issues to the attention of the College in the form of a grievance.

1.1.2 This procedure sets out how to raise a grievance and the steps that will be taken to find a resolution as swiftly as possible. 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.

1.1.3 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

1.2.1 This procedure shall apply to all employees of the College other than senior post holders as defined in the College's Articles of Governance

1.2.2 This procedure should be followed where an employee has a grievance arising from their employment, except where the matter constitutes an appeal that falls within the parameters of another policy (e.g. disciplinary policy, redundancy policy) or where the College has specifically applicable procedures such as in relation to public interest disclosure (e.g. whistleblowing policy).

1.2.3 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.

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

1.3 Principles

1.3.1 The grievance procedure does not take the place of normal communications with your line manager and colleagues. You should try and resolve most issues by talking to your manager at an early stage.

1.3.2 It is the expectation that confidentiality is respected by all parties engaged under this procedure.

1.3.3 Nothing in this procedure should preclude informal meetings at any time, without prejudice to the formal stages.

1.3.4 Once a grievance has been raised no additional grievances may be raised during the procedure.

1.3.5 Grievances raised under the formal stages must be in writing using the Grievance Form at appendix 2 and be as clear and specific as is reasonably possible and include what the employee would seek as a resolution. At this stage you may be asked to give consideration to resolving the matter informally in the first instance.

1.3.6 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 undue delay.in the hearing of the grievance.

1.3.7 If a grievance is not resolved to the satisfaction of the employee they shall have the right to proceed to the next stage of the procedure.

1.3.8 A grievance that has been upheld should be remedied to the extent that it is reasonably possible.

1.3.9 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.

1.3.10 The College will provide appropriate guidance and training for managers involved in the operation of the procedure to enable grievances to be dealt with fairly and effectively.

1.3.11 An employee may, at any stage of the procedure, seek clarification and / or guidance about the grievance process from the HR Service.

1.3.12 During any stage of the procedure, managers may seek advice from the HR Service. It is recommended that a HR representative attend all formal hearings under this procedure.

1.3.13 All grievances must be raised in good faith and will be dealt with promptly and fairly. Vexatious or trivial complaints will not be considered.

2 THE PROCEDURE

2.1 Informal Resolution

2.1.1 It is in the interest of everyone involved if concerns can be resolved without moving to a formal process and it is anticipated that most grievances can be resolved in this way . Finding an informal resolution generally means that an issue is resolved more quickly and prevents it escalating and causing further distress. It also means that working relationships with colleagues or others are less likely to be affected moving forward.

2.1.2 If you have a problem or concern you should speak to your line manager as early as possible and explain the issue and what you would like to see happen to resolve it. Your line manager will talk to you about your situation and agree with you how to deal with it. If you are unable to speak with your manager, you may speak to an alternative senior manager or a member of the HR service where appropriate.

2.1.3 It may take time for your manager to look in to your concern and put in place some actions to resolve your matters. However, they will always aim to find a resolution as quickly as possible and will keep you updated with progress. Your manager will write to you summarising your discussion and the steps taken to resolve your concern.

2.1.4 If this does not resolve the grievance then the formal process set out under 2.2 should be followed.

2.2 Formal Resolution - Stage 1

2.2.1 If you haven't been able to resolve your concern informally or you feel that the issue is too serious or sensitive to follow that approach, you may raise a formal grievance. You should do this by completing the Grievance Form at appendix 2 where possible. You should explain what your concerns are, how it has affected you and how you've tried to resolve it so far.

2.2.2 You must also specify what remedy you would like to solve the difficulty you are experiencing. For example, you might want a person to stop behaving in a certain way towards you.

2.2.3 You should submit your grievance to the Head of Human Resources who will determine if your grievance will be considered under this policy and if so how to proceed. This could include meeting you to discuss alternative ways of solving your concern, other than through the formal process. You will be informed if your concern will not be considered under this policy and whether it will be better dealt with under an alternative policy.

2.2.4 If the grievance relates to the conduct of another person, they will be given a copy of the grievance form as part of any investigation.

2.2.5 Dependant on the nature of the complaint, consideration will be given to any interim measures that may need to be put in place to allow the investigation to take place.

2.2.6 If you raise a grievance during your notice period we will make every effort to investigate your concern and reach a conclusion before you leave. However, if there is not sufficient time to do this we will continue to investigate your concern and provide you with a written response.

2.2.7 If it is considered an appropriate matter for the grievance to be dealt with formally, a Grievance Officer will be appointed to investigate the matter and you will be invited to a hearing. The purpose of the hearing will be for you to explain your grievance issue in more detail and how it may be resolved. Once you have raised a grievance, you must ensure you do everything possible to attend the grievance hearing. Should you fail to attend the hearing a further hearing may be organised and any further non-attendance may result in the grievance officer reaching a decision based upon the written information provided.

2.2.8 Following the hearing, the Grievance Officer will consider all of the matters raised at the hearing and, where appropriate, interview any witnesses and make further investigations as necessary. A written decision will be issued as soon as practicable. The letter will include the right to appeal against the decision if you are not satisfied with it. If the written outcome cannot be achieved within a reasonable timeframe, the Grievance Officer will write to you informing you of the reasons for any delay.

2.3 Formal Resolution - Stage 2 Appeal

2.3.1 If you are not satisfied with the outcome of stage 1, you may within 5 working days of receipt of the decision, appeal in writing to the Head of HR who will arrange for an appropriate Appeal Officer to hear the appeal.

2.3.2 The grounds for appeal should be clearly documented within this correspondence.

2.3.3 The Appeal Officer will write to you to invite you to attend a grievance appeal hearing.

2.3.4 At the appeal hearing, you will be given the opportunity to explain your grievance and the grounds of appeal and state how you think it may be resolved. The Grievance Officer will explain their decision and reasons for making the decision.

2.3.5 The Appeal Officer will review the issues and if necessary adjourn the appeal hearing to seek advice or undertake further investigation.

2.3.6 The decision of the Appeal Officer shall be either that the decision of the Grievance Officer:

- Stands;
- Is amended;
- Is not upheld

2.3.7 Following the grievance appeal hearing, the Appeal Officer's decision will normally be conveyed in writing to you. If the decision is against another employee, they will also be advised of the outcome of the grievance appeal hearing. This shall be the final stage of the grievance procedure within the College.

2.4 Mediation

Mediation may be recommended as a potential way forward in appropriate cases at any stage of the grievance process. Mediation is a voluntary and confidential process, which involves an independent, impartial person helping to reach a solution that is acceptable. Mediation can take place in different ways. The mediator can talk to all parties separately or together and will not make judgements, attribute blame or determine outcomes. 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. Where mediation is considered an appropriate mechanism for resolving a particular grievance, an individual will be sourced by the HR service.

2.5 Time Limits

The College is committed to resolving grievances within a reasonable timeframe and without undue delay. It should also be recognised that in certain circumstances it may be necessary to extend time limits in order that the grievance and any appeals are dealt with properly.

2.6 Representation

2.6.1 The employee may be accompanied at any stage of the formal procedure by a recognised trade union representative or a Blackburn College work colleague. It is the employee's responsibility to arrange their own representation. The person accompanying the employee 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.

2.6.2 The companion may address the hearing to put or sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing and confer with the employee during the hearing. 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.

3 MONITORING AND REVIEWING

This policy statement will be reviewed every three years or sooner should the relevant legislation change.

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

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.

Author:	<i>Head of Human Resources</i>
Owner:	<i>Head of Human Resources</i>
Date last approved:	<i>15 January 2020</i>
Date of review:	<i>September 2023</i>
Consulted with:	<i>JCC, Policies and Procedures Committee</i>
Consultation date/s	<i>December 2023, February 2024</i>
Date of approval:	<i>21 February 2024</i>
Approved by:	<i>Policies and Procedures Committee</i>
Next Review date:	<i>February 2027</i>

Appendix 1

If You Have Been Complained About

1. Introduction

Blackburn College recognises that being involved in a grievance process can be distressing for all parties including the person being complained about (the respondent). This section explains what they can expect if someone raises a grievance about them.

2. The Grievance

The person raising a grievance (complainant) will outline their concern on a grievance form. This will include what resolution they are looking for. The respondent will be contacted if someone raises a grievance about them, normally by their manager or the HR Service . If the grievance relates to the conduct of another person, they will be given a copy of the grievance form.

3. The Investigation

A manager will be appointed as the Investigating Officer to look into the issue raised in the grievance. The Investigating Officer will be the complainant's manager or other manager, depending on the nature of the grievance. There may however be times when someone external to Blackburn College will be appointed to undertake this role.

The Investigating Officer will send the respondent a copy of the complainant's grievance form. The Investigating Officer will start their investigation by interviewing the complainant. The respondent will also be interviewed so that they can put forward their point of view. The Investigation Officer will usually be supported by a representative from the HR Service. The respondent may arrange to have a Blackburn College work colleague or recognised trade union representative with them at the interview if they wish. Sometimes witnesses may also be interviewed.

A note of your interview will be sent to you after the hearing so that you can confirm it accurately reflects what you said. The note will be a summary, i.e. it will not be a verbatim note of everything discussed in the hearing.

At the end of the investigation the Investigating Officer will review all of the information available to them and conclude their findings. This outcome will be shared with the complainant and the person who the grievance was about .

4. Support During the Grievance Process

We recognise that it is important to have someone for support or to seek advice from if you are the respondent in a grievance case. The respondent may arrange to have a trade union representative or Blackburn College colleague (who is not a witness to the issues raised) with them at their investigation interview.

Employees also wish to access services provided by the College's Employee Assistance Programme. Please speak to a member of the HR service for contact details for the EAP.

Grievance Form



Please refer to the Grievance Policy before completing this form.

Do not complete this form if your concern:-

- Relates to another Blackburn College policy which has a built-in appeals process.
- Is trivial or vexatious (i.e. it is unreasonable, groundless or untrue).

If either of the above apply it is unlikely your concerns will be taken forward.

Section 1 – Your Personal Details

Employee Full Name:			
Job Title:		Department:	
Staff ID:		Contact Number:	

Section 2 – Your Grievance
 Please provide a concise description of your grievance and be as specific as possible. Please bear in mind that if your grievance relates to the conduct of another person, they will be given a copy of this form.

When did the issue/incident first occur? In a series of events please provide dates.	
Have you tried to resolve the matter informally?	Yes/No

Section 3a - Complete this section if your grievance relates to the conduct of another person.

Who is your complaint about and what is their relationship to you? (e.g. Line Manager, colleague).	
Briefly describe the key issues of your grievance.	

Section 3b – Complete this section if your grievance relates to a breach of College policy, procedure or your terms and conditions of employment.

Which policy, procedure or terms and conditions of your employment do you believe have been breached?	
Briefly describe the key issues of your grievance.	

Section 4 – Personal Impact

Please briefly describe the personal detriment /impact the issues raised have had on you.

Section 5 – Steps taken to resolve your concerns.

If you have not already tried to resolve your concerns on an informal basis, you may be asked to consider this as an alternative to proceeding with a formal grievance

If you have already tried to resolve your concerns on an informal basis what was the outcome?

Why has the informal approach not resolved matters for you?

If you have not tried to resolve your concerns on an informal basis, briefly explain why not.

Section 6 – Proposed Resolution

Please consider carefully the outcome you are looking for (i.e. what would resolve your concern).

Section 7 – Additional Documentation

If relevant please list any additional documents you are submitting with this grievance form.

Section 8 – Declaration and Signature

I confirm that the information I have provided is true and accurate

PRINT NAME:

SIGNATURE:

DATE

You must submit this form to The Head of Human Resources.