



## Exeter College

# Grievance procedure

### 1. Introduction

Our grievance procedure is designed to ensure that any questions and problems that arise at work and that are not resolved informally, are quickly aired and resolved as fairly and consistently as possible, and we therefore encourage its use.

This procedure is non-contractual but is designed to indicate how such matters should be dealt with within Exeter College although we reserve the right at our discretion to vary, replace or terminate the procedure at any stage. The procedure is written with the ACAS Code of Practice on Disciplinary and Grievance Procedures in mind, and all managers are reminded of the requirement to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures and to take all steps to ensure that any grievance is handled both fairly and reasonably.

### 2. Scope of this procedure

This procedure covers all non-academic employees and workers, including those who are still within their probationary periods, or on casual contracts. It does not apply to agency workers or self-employed contractors.

### 3. Aims of this procedure

This procedure aims to encourage the early resolution of any work-related issues, and to ensure that these are resolved fairly and consistently. The focus of the grievance procedure is to achieve resolution, not to apportion blame.

### 4. Legal considerations

The following pieces of legislation apply to this procedure:

- the Employment Rights Act 1996
- the Employment Relations Act 1999
- the Employment Act 2008
- the ACAS Code of Practice on Disciplinary and Grievance Procedures.

Whilst not a legal requirement, failure to follow the Code will be taken into account in any subsequent tribunal proceedings.

### 5. Definitions

Grievances are concerns, problems or complaints that are work-related. They may relate to action which has already been taken or which is contemplated in relation to an employee or worker, or may include the actions of third parties such as colleagues. They may relate to a wide range of issues including but not limited to terms and conditions of employment (or their perceived unfair or

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inconsistent application), health and safety, work relations, new working practices, working environment, organisational change, equal opportunities or bullying/harassment.

If the grievance relates to bullying/harassment, our bullying and harassment policy may be more appropriate.

## **6. Stages of the procedure**

Our grievance procedure seeks to enable any grievances to be raised and settled as quickly and as near to the point of origin as possible.

Before raising a grievance under this procedure, you are encouraged (where appropriate) to seek to resolve the matter on an informal basis. Any informal discussions which you may have with your manager or colleagues will fall outside the College's grievance procedure, and the right to be accompanied referred to below will not therefore normally apply to such discussions.

However, should an informal approach not result in the required resolution, employees should follow the procedure set out below:

### **Stage one**

An employee or worker who has a grievance, and who has not been able to resolve this informally, should set out in writing the details of the grievance, giving the full grounds for the complaint and details of the resolution being sought, and send this to the Head of Department (unless the employee is the employee's Head of Department, in which case the Bursar should be contacted).

The complaint should be dated and should state that the concern is being raised formally under our grievance procedure. We will then arrange to meet with the employee or worker to hear the grievance. If the employee or worker has not stated what outcome he/she is seeking, clarification may be sought before proceeding. At this meeting the employee or worker will be given full opportunity to state his/her case, to present any additional information and to answer questions before any decision is made. After giving full consideration to the points raised, and having undertaken any further investigation we consider to be appropriate, we will then confirm the outcome in writing. We will also confirm any action we intend to take to resolve the grievance, together with the right to appeal against this outcome. .

### **Stage two**

Failing a satisfactory solution at stage one, the employee or worker may appeal to the Bursar or, if he/she was involved previously, to any other College Officer.

The appeal should be lodged in writing if possible and should be received by the nominated person within seven calendar days of receipt of our letter. The person hearing the appeal will arrange to meet with the employee/worker as soon as is reasonably practicable to discuss the grievance and again the employee or worker will be given full opportunity to state their case, provide further information and answer questions. He or she will attempt to resolve the matter to the satisfaction of both the employee/worker and the College. Whatever decision is taken by him or her will be final and will be confirmed in writing.

Should the grievance relate to the behaviour or decisions made by the employee or worker's manager him/herself, then the matter should be raised at stage two. In this case if the person hearing the grievance is unable to resolve it, the right of appeal will be to a further senior manager if practicable.

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## 7. Guidelines

- Grievances should be raised and the above procedure followed without unreasonable delay at any stage.
- At all formal stages of this procedure, the person hearing a grievance is advised to be accompanied by a suitable employee of Exeter College who will act as a witness and take full notes of everything that is said. Where no internal person of sufficient seniority or confidential status is available, or where preferred, an external party may be invited to attend in this capacity.
- At all formal stages of this procedure the individual raising the grievance may choose to be accompanied by either a fellow worker, a trade union representative (who must be certified in writing by the union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings) or an official employed by a trade union. The employee or worker raising the grievance should tell the person conducting the hearing in advance whom he/she has chosen as a companion. If the employee does not wish to be accompanied this should be noted.
- The companion is there to act as a witness to what is said, to provide moral support and to assist and advise the person in presenting his/her case. He or she may address the meeting (provided the person wishes this), ask questions on his/her behalf and confer with the individual raising the grievance, but not answer questions on his/her behalf. The companion is also not permitted to prevent us from explaining our case. Fellow workers may not be compelled to attend as a companion.
- The individual raising the grievance should make every effort to attend the meeting. If however he/she or his/her chosen companion is unable to attend any meeting under this procedure for a reason which was not foreseeable at the time the meeting was arranged, we will attempt to rearrange the meeting for a date within five days of the original scheduled date.
- The timing and location of meetings will be reasonable and we will aim to ensure that the procedure is followed without unreasonable delay. Meetings will be confidential, and wherever possible will be held in a private location and without interruptions.
- At the grievance meeting, the individual raising the grievance will be invited to re-state the grievance and explain how they would like it to be resolved. They will be given full opportunity to present any information, and answer questions before any decision is made.
- The Head of Department or College Officer conducting the meeting may adjourn the meeting at any stage in order to calm a tense situation, to investigate further or take advice. We will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and may treat any such behaviour as misconduct under the disciplinary procedure.
- Reasonable adjustments will be made to ensure that any disabled individual is not disadvantaged in any way at the meeting. He/she should inform us of any particular requirements (e.g. for a signer or other support) where necessary. Arrangements may also be made to assist any person who does not have English as his or her first language and who may need an interpreter.

To ensure that any issue raised is resolved effectively, all parties should (as far as is practicable):

- focus on the facts, and ignore rumours or hearsay;

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- limit the issue to those involved, and show discretion at all times;
- work only to resolve the issue, and actively pursue a positive outcome;
- be honest about their own role and involvement;
- demonstrate understanding, empathy and flexibility to ensure that the other person's perspective is accommodated; and
- strengthen relationships once the outcome is known, and positively apply any learning points for the future.

When considering a suitable resolution, the person hearing the grievance will consider whether similar grievances have been raised before, how they have been resolved, and any follow-up action that was taken.

## **8. Records**

Notes will be made of all formal meetings held under the grievance procedure, with one copy being given to the person raising the grievance and one being kept on file. Such documents will be regarded as confidential.

## **9. Discrimination and disciplinary offences**

An employee or worker who believes that he/she is subject to conduct or capability-related disciplinary action which is unlawfully discriminatory, or who feels that the action is being taken for reasons other than conduct or capability, should use our grievance procedure rather than appealing within the disciplinary procedure. In such cases, the disciplinary process will normally be suspended whilst the grievance is investigated and resolved.

## **10. Absence during grievance proceedings**

We recognise that grievances can be stressful for both the employee raising the grievance and also any other employees against whom a complaint is made. However, we believe that in most cases this stress is best alleviated, and working relationships maintained, by completing the grievance procedure quickly.

Where an employee or worker is unfit for work, this does not necessarily mean he/she is unfit to attend an investigatory meeting or a grievance hearing and employees must make every effort to co-operate with us in completing the grievance process.

If an employee is absent due to illness or other reasons such as maternity/ adoption/ paternity/ shared parental or other leave, we will consider, in consultation with the employee (and/or his GP in the case of illness), whether there are any reasonable adjustments that can be made to enable the case to be progressed (eg by allowing the employee to make further written submissions, by conference call or by holding the meeting at a different venue).

If, after an attempt to contact the employee or worker, we reasonably believe that he/she is unlikely to attend a meeting in the near future or to provide any further information, we may decide the matter without the employee or worker's further input, based on the evidence and information available to us. Unless the employee has already been informed of this, we will normally write to inform the employee of our intentions to proceed in his/her absence before taking any decisions.

## **11. Mediation**

Mediation may be considered as an appropriate alternative method of resolving any differences between employers and workers. Where mediation is introduced before or during the grievance

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process, all parties will be asked to confirm in writing that they agree to the grievance process being adjourned whilst mediation is being undertaken.

Should mediation prove unsuccessful, the grievance process will be resumed; where it is successful, the grievance will be regarded as resolved.

## **12. Former employees**

Former employees may also raise grievances at any time up to three months after their employment has ended. In such cases, we would normally ask that they set out the details of their grievance in writing and should date the letter and state that they are raising a formal grievance. We will then respond in writing without the need for a grievance meeting and without a further right of appeal.

If the complaint relates to dissatisfaction with a dismissal decision, an appeal should be made against that decision in accordance with the appeal process set out in our disciplinary procedure, rather than invoking the grievance procedure.

## **13. Monitoring and review of this procedure**

The Governing Body of the College has overall responsibility for implementing and monitoring this procedure, which will be reviewed on a regular basis following its implementation and may be changed from time to time.

Any queries or comments about this procedure should be addressed to the HR Officer.

## **14. Related policies**

We also have the following related policies:

- Disciplinary policy
- Equal Opportunities policy
- Bullying and Harassment policy
- Whistleblowing policy

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