



Staff Grievance Policy and Procedure

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Person Responsible	Deputy Chief Executive
Approval/review bodies	SLT/JNC/Corporate Services Committee/Corporate Board
Frequency of Review*	36 months

*** Policies will be reviewed more frequently if legal changes or good practice require**

Review History:		
Date of review	Reviewed by	Reason for review
March 2005	Corporate Secretary	New Policy
March 2010	HR Manager	Policy updating/rewritten
January 2011	Compliance & Policy Manager	Title change of person responsible, change of committee name
May 2012	Director of HR	Regular review no change
October 2014	HR Manager	Policy updating/re-written
June 2018	HR Manager	Regular review
November 2023	Head of HR	Regular Review

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Related policies/documents: Staff Code of Conduct, Dignity at Work Policy, Prevent Policy

1. Scope and Purpose

- 1.1. In any organisation, members of staff will, from time to time, have concerns regarding their work, working relationships or the working environment. Mostly such concerns are resolved informally through discussions with the department line manager. If, however, an employee considers that their concerns have not been addressed adequately they may raise a formal grievance under the following procedure.
- 1.2. The procedure aims to ensure that where problems are identified, they are dealt with promptly and consistently. This follows the ACAS Code of Practice Disciplinary and Grievance Procedures and good practice as laid down in the ACAS guide on discipline and grievances at work.
- 1.3. This procedure applies to all current employees.
- 1.4. This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. Definitions

- 2.1. In this procedure "complainant" refers to the employee with a grievance.
- 2.2. In this procedure "employees" means all people employed by the College under a contract of employment. This procedure does not apply self-employed contractors, agency workers or unpaid volunteers.

3. Application

- 3.1. The following procedure applies to grievances by employees concerning their employment. In circumstances where a grievance applies to more than one employee and where one of North Kent College's recognised trade unions is involved, it may be appropriate for the matter to be dealt with through a collective grievance raised by the union (with the consent of the staff) using this procedure.
- 3.2. This policy will be applied without any distinction as to sex or gender, age, sexual orientation, marital or parental status or other family circumstance, race, ethnic or national origin, colour, creed, disability, political belief, membership of or activities as part of a trade union, or social or economic status.
- 3.3. Complaints regarding harassment or bullying should be raised under the College policy – Dignity at Work.
- 3.4. Disclosures in the public interest should be raised through College's Public Information Disclosure Act policy.
- 3.5. If you have any queries about the operation of any North Kent College procedure or about which procedure applies in particular circumstances, please contact the HR department.

- 3.6. Written grievances will be placed on your personnel file, along with a record of any decisions taken and any notes or other documents compiled during the grievance process.

4. General Principles

4.1. Confidentiality

This procedure will be followed in the strictest confidence throughout. Grievance records will be treated as confidential and kept in accordance with the General Data Protection Regulations (GDPR).

- 4.2. All parties involved in this process will be reminded of the confidential nature of the proceedings and related College documents and will be asked not to discuss the issues, other than with their companion or in accordance with an individuals' right to seek and obtain appropriate legal advice or make a disclosure under the Public Interest Disclosure Act 1998. Any breach of confidentiality by the member of staff will be treated as a disciplinary offence.

4.3. Representation

At every formal stage of this procedure, an employee may be accompanied by a current work colleague or trade union representative of a union they are a current member.

- 4.3.1. The companion is able to address the hearing, to put and 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. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employer from explaining their case.

- 4.3.2. A request to be accompanied at a meeting must be reasonable, i.e. the companion should not be someone who may have a conflict of interest or who may prejudice the hearing. The employee should notify the panel of their chosen companion prior to a meeting.

- 4.3.3. If the complainant is invited to a formal meeting on a date when their chosen companion is not available, the complainant may request a postponement but must propose a suitable alternative date which is reasonable and which is within five working days of the original date.

4.4. Time Limits

- 4.4.1. The time limits within the procedure are designed to ensure that grievances are addressed promptly but may

be amended in exceptional circumstances by agreement of both parties. For example, a grievance submitted during a College vacation period could take longer to be considered.

4.5. Mediation

- 4.5.1. Mediation assists to clarify the issues involved in the case and explore options for resolution. The process is entirely voluntary and mediated disputes involve no obligation to accept decisions or proposed options. It can be especially beneficial in problems associated with working relationships. Mediation can be used at any stage of the grievance process; the grievance procedure will be suspended pending the outcome of the mediation and may be withdrawn if the mediation is successful.

4.6. Grievance and Disciplinary Action

- 4.6.1. Any concerns that an employee has regarding disciplinary action being taken against them should be raised in response to the disciplinary action (refer to Staff Disciplinary Policy and Procedure) and will normally be considered within that procedure.
- 4.6.2. Where a grievance has been raised prior to the date of an incident or allegation that is to be investigated under the Staff Disciplinary policy and procedure, the grievance will normally be held first. Exceptions may be where the disciplinary allegation is of a sufficiently serious nature to warrant dismissal or a risk around matters such as health and safety.
- 4.6.3. Any grievance raised by an employee who is already subject to a disciplinary process (and which does not relate to it) will normally be heard on completion of the disciplinary procedure. Where two or more grievances are raised which relate to each other, they may be dealt with together.
- 4.6.4. An employee who raises a grievance in good faith will not suffer any detriment, even if the grievance is not substantiated.
- 4.6.5. Members of staff are expected to attend meetings as requested. Where a member of staff is unable or unwilling to attend a meeting without good cause, the College may make its decision on the evidence available to it.
- 4.6.6. Where an employee raises a grievance that is frivolous or vexatious or any person involved gives deliberately

misleading statements, they may be subject to disciplinary action.

5. Informal Grievance Stage

- 5.1. In the first instance, an employee should raise a matter of concern informally with their line manager. If the individual feels it would be inappropriate to raise the matter with their immediate manager, as it is related to the behaviour of the immediate line manager, they must raise this with the Head of Department (or the next management level if the line manager is the Head of Department).
- 5.2. Both parties should make every effort to resolve the problem at this stage because this will allow it to be settled promptly, informally and locally. The employee should explain the nature of concern to their line manager or Head of Department. Normally within five working days of gaining this information, the line manager/Head of Department will consider appropriate action which may be required to address the matter. The employee will be verbally notified of the outcome, with confirmation of any agreed actions in writing.

6. Formal Grievance Stage

- 6.1. If the matter cannot be resolved informally or is deemed to be of a serious nature, the employee should raise the grievance formally in writing addressed to the HR department. The written grievance should explain the outstanding matter of concern focusing on the facts of the case. This should include why attempts to resolve it have proved unsuccessful, providing evidence where appropriate and outlining the desired outcome for the grievance.
- 6.2. The member of staff will provide further written amplification or clarification within a reasonable timescale on any aspect of the grievance if requested at any time to do so.
- 6.3. Generally, on receipt of a formal grievance a Grievance Hearing will be arranged. In some circumstances, it may be necessary for an investigation to be undertaken prior to the grievance hearing. In this event, the complainant will be advised of this decision in writing at the time the formal grievance is acknowledged. In such instances an independent investigating officer will be appointed to carry out the grievance investigation, produce a report and present their report at the grievance hearing. The Investigating Officer will be a manager from another department who has not been involved in the issues raised. The HR department will provide support to the investigating officer and if necessary HR will provide additional admin support for note taking.
- 6.4. The grievance procedure should normally be conducted within the timescales detailed in Appendix A. In exceptional circumstances, it may be necessary to extend these time limits in discussion with both parties.

7. Grievance Hearing

- 7.1. The Grievance Hearing will be chaired by one manager and supported by a qualified HR professional. The seniority of the Hearing manager will be appropriate to the complexity of the grievance that has been raised. Any objections to the appointed hearing manager should be raised immediately with the Head of HR who will consider the matter and review if appropriate.
- 7.2. A member of the HR team will take notes of the meeting which will be typed, as soon as possible, after the hearing. For complex cases, it may be necessary for an additional note taker to be present at the hearing. The typed notes will always be made available to all parties in advance of an appeal hearing.
- 7.3. At the meeting the complainant (or their companion) will be invited to state the grievance and how they would like it resolved. The Hearing manager will ask questions of the complainant.
- 7.4. It may be necessary for further enquiries/investigations to be undertaken after the hearing and before a final decision can be made (e.g. interviewing other members of staff, reviewing relevant information which was not available at the hearing). A second meeting with the complainant may also be necessary before a conclusion can be reached. In this event, the Chair of the Grievance Hearing Panel will advise the employee of their intentions and also agree when they might reasonably expect the outcome to be communicated in writing, within the timescales of this procedure.
- 7.5. After the Grievance Hearing, or follow up investigations, the member of staff will be informed in writing, normally within ten working days by the Chair of the Grievance Hearing Panel, of the decision in relation to the grievance and the reasons for that decision. Where appropriate, the member of staff will be informed of what action will be or has been taken to resolve the grievance. The member of staff will also be informed of the right of appeal.

8. Appeal

- 8.1. Where an employee feels that their grievance has not been satisfactorily resolved through the grievance hearing, they may submit notice of appeal to the Head of HR, in writing, within the appropriate timescale stating the grounds of appeal.
- 8.2. The Appeal will consider the grounds of the appeal; it will not be a full re-hearing of the case. The complainant must be specific about the grounds of the appeal; which may include:
 - 8.2.1. procedural flaw - a failure to follow procedure;

- 8.2.2. the decision - the evidence did not support the conclusion reached;
 - 8.2.3. any proposed action - was inappropriate given the circumstances of the case; and
 - 8.2.4. new evidence - which has genuinely come to light since the first hearing.
- 8.3. Arrangements will be made for appeals against grievance outcomes to be heard as soon as reasonably practicable. The complainant will be notified as soon as possible of the time, date and place of the appeal hearing and of the right to be accompanied.
 - 8.4. The Appeal will be heard by either the Chief Executive & Executive Principal or designate who will be supported by a professionally qualified member of the HR team. In more complex cases, it may also be necessary for an additional note taker to be present at the hearing.
 - 8.5. The decision of the Appeal is final. The decision will normally be notified to the complainant in writing by the Head of HR or HR Manager.
 - 8.6. The grievance appeal procedure should normally be conducted within the timescales in Appendix B. In exceptional circumstances, it may be necessary to extend these time limits in discussion with both parties.

9. Monitoring and Review

- 9.1. Formal grievances will be monitored by the sex, ethnic origin, age and disability status of both complainants and respondents in order to generate data (amongst others) that will enable North Kent College to examine whether certain groups may be disadvantaged by any aspects of its employment policies or practices. The results of monitoring will be shared with North Kent College's recognised Trade Unions and reported to the relevant Board meeting on an annual basis for consideration.
- 9.2. This Procedure will be reviewed 36 months following its implementation or earlier dependant on employment legislation and or good practice.

Appendix A

Process	Timeframe
Employee raises formal grievance in writing to HR.	As soon as possible and normally within ten working days of informal grievance outcome, if unresolved.
Written acknowledgement of grievance by HR and a copy of this procedure provided to the complainant.	Within five working days of receipt of formal grievance.
Depending on the nature of the complaint, if investigation is required and/or witness statements needed prior to hearing this will be done within a period specified by HR.	Confirmation of such to the complainant within five working days of receipt of formal grievance.
Hearing Manager appointed and arrangements made for grievance hearing. Complainant notified of hearing date.	Within ten working days of receipt of formal grievance.
Grievance Hearing	Normally within one month of formal grievance being raised
Follow up enquiries/interviews with relevant members of staff may be necessary after the hearing and subsequently a further meeting with the complainant may be required before the outcome can be decided. These additional investigations will be undertaken by the Hearing Manager who will be supported by a member of HR.	As soon as possible, but normally concluded within ten working days of the Hearing.
Hearing decision to HR and notification of outcome, in writing, to complainant with hearing notes and informing of right to appeal.	Within seven working days of the Hearing or completion of necessary further investigations.

Appendix B

Process	Timescale
Complainant raises appeal to HR Manager	Within 10 working days of receipt of grievance hearing outcome
Written acknowledgement of grievance appeal by HR	Within five working days of receipt of appeal letter
Grievance appeal hearing arrangements confirmed and notified to the complainant	Within ten working days of receipt of appeal letter or as soon as reasonably practicable
Appeal Hearing	Normally within one month of appeal being received
Follow up enquiries may be necessary after the appeal hearing and before an appeal decision can be reached. These additional investigations will be undertaken by the Appeal Manager who will be supported by a member of HR.	As soon as possible, but normally concluded within ten working days of the Appeal Hearing.
Head of HR/HR Manager notifies complainant of outcome of appeal hearing in writing	Within seven working days of the appeal hearing or conclusion of follow up enquires