



Ruskin College Oxford

GRIEVANCE PROCEDURE FOR SENIOR POSTHOLDERS

Created: May 2009

Approved: Governing Executive

Last Reviewed: May 2015

Responsibility for Review: Governing Executive

Date of Next Review: May 2018

GRIEVANCE PROCEDURE FOR SENIOR POSTHOLDERS

1 SCOPE AND PURPOSE

- 1.1 This procedure applies to the Principal and the Vice-Principal at present (referred to in this document as senior postholders). This procedure would be incorporated into their contracts of employment. References to section numbers are to the numbered sections of this document.
- 1.2 The purpose of this procedure is to:
- Enable senior postholders who consider that they have a grievance or complaint arising from their employment to have it dealt with at the appropriate level as expediently as possible.
 - To promote fairness and consistency in the process by which grievances or complaints arising from a senior postholder's employment is considered.

2 GENERAL PRINCIPLES

- 2.1 These rules and procedures will be reviewed regularly and applied in accordance with the College's Articles of Association and taking into account developments in employment legislation and good practice and current guidance provided by the Advisory, Conciliation and Arbitration Service.
- 2.2 It is anticipated that the majority of senior postholders' grievances can be resolved directly with the person or persons concerned. This procedure sets out the process for grievances to be considered where this is not possible or the grievance is unresolved.
- 2.3 The Governing Executive is committed to resolving each stage of the procedure as soon as reasonably possible, taking into account the need to investigate any grievance fairly and adequately and any constraints imposed by staff availability. Any grievance should be raised as soon as possible and in any event within three months of the activity from which the grievance arose.
- 2.4 A senior postholder (and any other member of staff asked to attend) has the right to be accompanied at any grievance hearing at any stage of the formal procedure by a representative of a trade union or a workplace colleague.
- 2.5 In circumstances where a grievance hearing has been arranged but the trade union representative or workplace colleague is unable to attend the proposed hearing, the hearing may be postponed if the senior postholder (or member of staff affected) can offer an alternative date and time which is reasonable and falls within 5 working days after the day on which the original hearing was proposed.
- 2.6 A workplace colleague chosen to accompany a senior postholder (or any other member of staff attending) at a grievance hearing will be permitted to take paid time off during working hours to attend the hearing.
- 2.7 At least 5 working days in advance, a senior postholder (and any other member of staff attending) must alert the person or committee who is considering his or her grievance to the identity of any person which the senior postholder (and other member of staff) proposes to accompany him or her at a grievance hearing.

- 2.8 Matters investigated as part of a grievance may, in appropriate circumstances, lead to and be used as part of disciplinary proceedings under the College's disciplinary procedure.
- 2.9 The fact that a senior postholder has invoked the grievance procedure will not (in the absence of exceptional circumstances) preclude the College from instituting, continuing with or concluding disciplinary proceedings, whether they involve the senior postholder or other members of staff.
- 2.10 All reasonable steps will be taken to maintain confidentiality and written records of any grievance proceedings shall be kept and maintained by the College in accordance with the Data Protection Act 1998.

3 Mediation

- 3.1 At any stage in this procedure, the parties to the grievance may request that the matter be referred for mediation. Mediation is likely to be most appropriate in cases involving interpersonal relationships. There may, however, be circumstances in which alternative non-adversarial discussions may be undertaken with the aim of promoting a speedy resolution.
- 3.2 Mediation is voluntary and will take place only if all parties agree. It is, however, hoped that employees will recognise the benefits of seeking to resolve issues via mediation and will be amenable to and cooperate with this approach.

4 PROCEDURE

Informal Procedure

- 4.1 A senior postholder who has a grievance should first raise it informally with the Principal or, if the grievance is against the Principal or the Principal has a grievance, it should be raised with the Chair of the Governing Executive, or in his or her absence the Vice-Chair of the Governing Executive.
- 4.2 The grievance should be raised orally at this informal stage.
- 4.3 The person considering the grievance will take such steps he or she considers necessary to resolve the grievance as quickly as possible, on an informal basis.
- 4.4 If the matter is very serious or in other circumstances where the senior postholder does not wish to raise the matter informally, the senior postholder may proceed straight to the formal stage of the procedure.

Formal Procedure

- 4.5 If the grievance cannot be resolved under the informal procedure, or in the event that paragraph 4.4 applies, a senior postholder must prepare a written statement of his or her grievance.
- 4.6 The written statement should be sent to the Clerk to the Governors for the grievance to be considered at this stage by the Vice-Chair of the Governing Executive. If the Vice-Chair of the Governing Executive is absent or has already considered the grievance at the informal stage, the grievance will be considered by the Chair of the Governing Executive and references in sections 4.7 to 4.9 below to the Chair will include the Vice-Chair (as appropriate).

- 4.7 The Chair (or, as appropriate, the Vice-Chair) shall undertake all reasonable investigations as soon as reasonably possible. Where a grievance is against another member of staff, this will include seeking comments regarding the grievance from such member of staff.
- 4.8 The Chair (or, as appropriate, the Vice-Chair) shall convene a grievance hearing with the senior postholder to take place within 10 working days of the Clerk receiving the written statement, or as soon after that as reasonably possible. The senior postholder will be given as much notice as reasonably possible of the grievance hearing and the conduct of the hearing will be at the Chair's discretion. If the grievance involves another member of staff, the Chair may require the attendance of such a member of staff or any other members of staff who may be able to provide relevant information. If any documentation is to be considered at the hearing, it will be circulated at least 5 working days in advance of the hearing.
- 4.9 The Chair's decision will be confirmed in writing to the senior postholder by the Clerk to the Governors within 10 working days of the hearing. If it is not possible for a decision to be reached within this period, the Clerk will write to the senior postholder on behalf of the Chair with an explanation for the delay and when the written decision can be expected. The decision will include a reminder that the senior postholder has a right to appeal against the decision if he or she is not satisfied with it.

Appeal

- 4.10 If a senior postholder is dissatisfied with the decision at the conclusion of the formal procedure, he or she may appeal. The appeal must be made in a written statement setting out the grounds for the appeal. The statement must be sent to the Clerk to the Governors within 5 working days of receipt by the senior postholder of the written decision.
- 4.11 The Governing Executive will appoint a committee of the Governing Executive ("the Appeal Committee") as soon as reasonably possible once in receipt of the appeal and certainly no later than 5 working days.
- 4.12 The Appeal Committee shall undertake any further investigations which it considers necessary as soon as reasonably possible.
- 4.13 The Appeal Committee shall convene an appeal hearing with the senior postholder to take place within 10 working days of its appointment or receipt by the Clerk of the appeal (whichever is the later). The conduct of the hearing will be at the Appeal Committee's discretion, save that the senior postholder has a right to be accompanied as detailed in section 2.5. If the grievance involves another member of staff, the Appeal Committee may require the attendance of such member of staff and/or any other members of staff who may be able to provide relevant information. If any documentation is to be considered at the hearing, it will be circulated at least 5 working days in advance of the hearing.
- 4.14 The Appeal Committee's decision will be provided in writing by the Clerk to the Governors to the senior postholder within 15 working days of the appeal hearing. If it is not possible for a decision to be reached within this period, the Clerk will write to the senior postholder on behalf of the Appeal Committee with an explanation for the delay and when the written decision can be expected.
- 4.15 The Appeal Committee's decision shall be final.