



Ruskin College
Oxford

GRIEVANCE PRECEDURE

Created: 2014

Approved: Senior Leadership Team and Governing Executive

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Responsibility for Review: HR and Senior Leadership Team

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GRIEVANCE POLICY AND PROCEDURE

1 SCOPE AND PURPOSE

- 1.1 All employees of the College have the right to express grievances relating to their employment and the following procedure has been adopted to deal with such grievances.
- 1.2 This procedure will be applied in accordance with the College's Articles of Government and the ACAS guidelines. This procedure applies to all employees, other than 'holders of senior posts' as defined in the College's Articles of Government and the Clerk to the Governing Executive to whom the College's grievance procedure for senior postholders will apply.
- 1.3 It is the College's policy to try to find a solution to individual grievances as early in the procedure as possible. The level at which grievances are heard under the formal procedure depends upon the position of the employee within the organisation and the level at which their grievance has already been heard.
- 1.4 The procedure aims to help to resolve individual grievances in a manner which is as fair and expeditious as possible.
- 1.5 If a member of staff raises a grievance during a disciplinary, capability or redundancy process the process may be temporarily suspended in order to deal with the grievance. If the grievance and disciplinary, capability or redundancy cases are related it is likely that the College will deal with both issues concurrently, where possible.
- 1.6 Managers are required to familiarise themselves with the grievance procedure.

2 GENERAL

- 2.1 An employee has the right to be accompanied at formal grievance meetings by a representative of a trade union or work colleague of their choice, subject to a reasonable request being made.
- 2.2 The employee's companion may:
 - present the employee's case;
 - sum up the employee's case;
 - respond on the employee's behalf to any view expressed at the hearing; but has no right to:
 - answer questions on the employee's behalf;
 - address the hearing if the employee does not wish it;
 - prevent any other party in the hearing from explaining their case.

- 2.3 If the individual who is subject to this procedure has a disability or a protected characteristic, due consideration will be given – in conjunction with them – to providing suitable support in the holding of meetings under the procedure.
- 2.4 An employee wishing to raise a grievance should do so promptly and without unreasonably delay.
- 2.5 In the interest of ensuring that grievances are resolved as speedily as possible, timelines are given for appropriate stages in this procedure. These are for guidance. If it is not practicable to adhere to these time limits, they may be amended, ideally by mutual agreement. Due regard will be given to the personal circumstances of all parties involved in the procedure.
- 2.6 If the grievance is against the Principal, it should be sent to the Clerk to the Governing Executive and will be heard by a member of the Governing Executive, and in exceptional circumstances an appropriate external consultant appointed by the Governing Executive (please refer to the Grievance Procedure for Senior Postholders).
- 2.7 Every effort will be made to resolve the grievance at the informal stage, please see section 3.
- 2.8 Any individual who has a grievance raised against them will be informed by the HR Manager of the details of that formal grievance and will be told the outcome of grievances at the formal stages.
- 2.9 It would be inappropriate for matters that are subject to an internal investigation to be investigated independently by anyone else, including the employee/s concerned with the exception of criminal investigations. This may prejudice the investigation and may be subject to disciplinary action.
- 2.10 We aim to deal with any grievance proceedings sensitively and with due respect for the privacy of the individuals involved. All employees must treat as confidential any information communicated to them in connection with a grievance regardless of the level of their involvement in the process.
- 2.11 Employees are protected from victimisation as a result of bringing a complaint of harassment or bullying. If an employee feels that he/she has been victimised following a complaint of harassment or bullying, he/she should raise a grievance under the College's Grievance Procedure. Where it is found that victimisation has occurred, this will be treated as a disciplinary offence and may be serious enough to constitute gross misconduct.
- 2.12 Unfounded allegations for malicious reasons will not be tolerated by the College. Any such cases will be investigated and dealt with under the College's Disciplinary Procedure and may be serious enough to constitute gross misconduct, which may result in summary dismissal. Where a student makes an unfounded allegation for malicious reasons, this will be dealt with under the Student Disciplinary Procedure and may result in the expulsion of that student.
Where a witness is found to have deliberately misled an investigation, the College

will treat this as a serious disciplinary offence.

3 HANDLING A GRIEVANCE – THE PROCEDURE

Stage 1 - Informal Stage

- 3.1 Where an employee has a grievance they should first attempt to resolve the matter without unreasonable delay by direct approach to the other person against whom they have the grievance, usually within 10 working days. If the employee feels this is not appropriate or the grievance is not against an individual, the employee should raise it with their own line manager. In the event that the grievance relates to the manager who would normally deal with a grievance at this stage, the grievance should be referred to the HR manager or the line manager's manager.
- 3.2 The grievance should normally be raised orally in the first instance.
- 3.3 If the complainant is dissatisfied with the outcome of informal attempts at reconciliation, he/she may progress the grievance to the formal stage within 5 working days.
- 3.4 If the matter is very serious or in other circumstances where the employee does not wish to raise the matter informally, the employee may proceed straight to the formal stage of the procedure.

Stage 2 - Formal Stage

- 3.5 If the employee feels that the matter has not been resolved through informal discussion, or in the event that paragraph 3.4 applies, they should put their grievance in writing without unreasonable delay (within 5 working days of the outcome of the informal stage) by submitting a completed Grievance Form (see Appendix A) to the HR Manager. The individual should retain a copy of this form.
- 3.6 The HR Manager will arrange for the matter to be promptly investigated (usually within 10 working days) by an appropriate Manager or an appropriate external consultant. This investigation will include, at least, meetings with the aggrieved employee and any person being complained about.
- 3.7 Employees should make every effort to attend such a meeting.
- 3.8 The employee may be accompanied at the meeting by a trade union representative or work colleague. The employee is required to tell the HR Manager the name of their companion at least two days before the meeting. The College has the right to refuse the companion if their presence may prejudice the meeting.
- 3.9 However, if their companion is unable to attend on the date given for the investigation meeting and the individual proposes an alternative date, that new date will be used so long as it is reasonable and is no later than five working days after the original date. If the employee fails to attend that rearranged meeting for a similar reason, the grievance procedure will end.

- 3.10 The Manager's decision will be communicated in writing to the employee as soon as reasonably practicable following their investigation, usually within 5 working days of concluding the investigation.
- 3.11 The letter to the employee will outline, where appropriate, what action the College intends to take to resolve the grievance and will set out the right to appeal. Where the decision is to not uphold the grievance, the Manager will explain the reasons for this in the letter. Any other parties involved in the grievance will also be appropriately informed of the outcome.

Stage 3 - Appeal

- 3.12 If the grievance is not resolved to the satisfaction of the employee at the Formal Stage, he or she may appeal. Any such appeal must be submitted in writing, setting out the full grounds for the appeal and sent to the HR Manager within 5 working days of receipt of the decision reached at the formal stage.
- 3.13 The appeal stage provides a means of reviewing the decision made at the earlier formal stage. The complainant will not normally be given an opportunity to reiterate their original complaint again, nor to introduce at this appeal stage new information which was not considered at the formal stage.
- 3.14 The HR Manager will arrange for an appropriate manager, who has not been involved in the grievance process in question so far and, where possible, who is senior to the manager who heard the original grievance and who has not been previously involved in the earlier consideration of the matter to review the documents and outcome from the formal stage, meet the chair of the hearing at the formal stage and interview the complainant to consider the grounds of their appeal. (In exceptional circumstances, an external consultant may also be brought in to hear an appeal)
- 3.15 The employee will be invited as soon as possible to an appeal meeting. The employee will be entitled to be accompanied at the appeal meeting by a trade union representative or work colleague. By exception and with mutual agreement of both parties, an appeal may be reviewed without a formal hearing and the outcome of the decision confirmed in writing.
- 3.16 The Manager will consider the appeal and will be supplied with all of the documentation submitted in relation to the earlier stage of the procedure. If the grievance involves another employee, the Manager may meet that employee or any other employees who may be able to provide relevant information.
- 3.17 The appeal decision will be provided in writing as soon as reasonably practicable following the appeal meeting, usually within 5 working days. The decision will be final. Any other parties involved in the grievance will also be appropriately informed of the appeal decision.
- 3.18 At all stages of the formal procedure records will be kept.

Appendix A - GRIEVANCE FORM - FOR USE BY ALL EMPLOYEES

MAKE A COPY OF THIS FORM AT THE SAME TIME AS YOU FILL IT IN. KEEP ONE COPY. SEND IT TO THE HR MANAGER. YOU MAY ATTACH ADDITIONAL SHEETS OR DOCUMENTS IF YOU WISH.

NAME:

JOB TITLE:

LINE MANAGER:

WHAT IS YOUR GRIEVANCE?

WHAT ACTION HAS ALREADY BEEN TAKEN ON YOUR GRIEVANCE?
WHO HAS CONSIDERED IT?

WHAT WAS THE RESULT?

PLEASE STATE THE ACTION THAT YOU WOULD REQUIRE TO BE TAKEN ON YOUR GRIEVANCE TO RESOLVE IT TO YOUR SATISFACTION.

SIGNED: DATE

RECEIVED IN HR BYDATE