

Staff Resolution and Grievance Policy

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This policy and procedure is subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation, Disability.

This policy and procedure will be reviewed periodically giving due consideration to any legislative changes.

Staff Resolution and Grievance Policy



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1.

Policy Statement

Aims and Objectives

The aim of the Milton Keynes College Staff Resolution and Grievance Policy is to bring complaints, conflicts or disputes to a satisfactory and constructive resolution. It is designed to be non-discriminatory, fair, consistent and to encourage resolution. It must also be applied in a timely manner and without undue delay.

Milton Keynes College Values

All policies are developed in such a way they reinforce the College values which support our commitment to transforming lives through learning; all staff are asked to consider the College values when applying this policy, in summary:

- To **inspire** - where everyone motivates, engages, challenges, and stretches each other;
- To strive for **excellence** - where everyone recognises their own potential and becomes the best they can be;
- To demonstrate **integrity** - where everyone is committed to being open in all we do and to be honest and do the right thing;
- To show **respect** - where we listen, consider the views of others and value everyone
- To **innovate** - where new ideas and thinking are generated around people, products and processes.

Introduction

This policy applies to all College employees other than “Designated Senior Post-holders” as defined in the College’s Articles of Government. “Designated Senior Post-holders” should refer to the appropriate policy on the staff intranet if they wish to raise a grievance.

What is a Grievance?

A Grievance arises when there is conflict between two parties, it could be between two individuals, or a group of individuals concerning an issue or area of concern.

Grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative will be handled in accordance with the collective grievance process as outlined within this policy.

Occasionally a collective grievance may arise where several people have the same grievance at the same time. If there is a grievance which applies to more than one person this should be resolved in accordance with the collective grievance process as outlined within this policy.

The policy aims to help employees resolve concerns fairly and as early as possible. There is an expectation that concerns are resolved informally in the first instance and before a formal grievance is raised, which should be the last resort.

The College recognises that a positive working environment and good working relationships have a positive impact on employee wellbeing. Focusing on resolution encourages a healthy and practical way forward to improve workplace concerns and better supports the employees involved. In most situations, a facilitated conversation and/or mediation, led by experienced mediators, can be arranged to aid resolution.

Managers whose responsibilities require them to participate in or hold Staff Resolution and Grievance meetings will be given appropriate support and advice to enable them to undertake their role effectively.

In the interest of ensuring that complaint matters are resolved in a timely manner, guidelines on time limits are given for appropriate stages in this procedure. If it is not practicable to adhere to these time limits, they may be amended with guidance from People Services. Due regard will be given to the personal circumstances of all parties involved in the procedure.

Those responsible for planning action under the Staff Resolution and Grievance Policy must ensure that any necessary, reasonable adjustments required by the employee or any other person attending have been addressed. This may relate to any protected characteristic under the Equality Act 2010.

The College will hear a formal grievance provided attempts have been made to resolve the issue(s) informally first. It may be appropriate to progress straight to the formal investigation stage of this policy in the event of a very serious complaint.

All managers have a responsibility for ensuring that employees are made aware of the Staff Resolution and Grievance Policy. Action taken under this policy must reflect fully the process detailed in the policy. When we refer to “manager” throughout this policy, this could include a deputy acting manager who has nominated authority.

Matters relating to or arising under the Staff Resolution and Grievance Policy must be treated as confidential, although employees may discuss the issue with their Union Representative or dedicated welfare contact. Failure to adhere to confidentiality may itself constitute grounds for initiating disciplinary proceedings.

Employees who have a complaint, or those against whom a complaint is raised, have the right to be accompanied and represented by a trade union representative or colleague, at all formal stages of the resolution and grievance process.

If the complaint is against the immediate line manager, then the person to whom the complaint should be addressed to is the line manager’s manager or direct to People Services if you don’t know who your Line Manager’s Manager is.

If the complaint is against the Principal and Chief Executive it should be sent, in the first instance, to the Head of Governance.

If there is a reasonable suspicion that a grievance is malicious or vexatious this will give rise to the possibility of an investigation and, if necessary, disciplinary proceedings.

General Principles and Scope

This policy aims to bring complaints, conflicts or disputes to a satisfactory and constructive resolution and draws on five core principles:

1. Fairness
2. Mutual respect
3. Empathy
4. Dignity
5. Dialogue

The Staff Resolution and Grievance Policy is aimed at securing constructive and lasting solutions to workplace disputes, conflicts and complaints.

The main systems for resolution available include:

Informal Stage

- Meetings between managers and employees or employee(s) and employee(s)
- Facilitated conversations
- Mediation
- If issue is not resolved during informal stage move to the formal stage

Formal Stage

- If informal stage is unsuccessful or for serious concerns
- Formal investigation to establish the facts
- Formal Resolution meeting
- Facilitated conversation
- Mediation
- Appeal

The responsibility for deciding the appropriate level of action rests with the appointed manager associated with each stage of the procedure as set out below.

Managers and employees should make every effort to attend meetings or interviews relating to the application of the policy. If an employee is unable to attend, they will need to give reasonable notice and the reasons why they are unable to attend, which could include the availability of a Union Representative. The meeting will then be rescheduled to a mutually convenient time. The rearranged meeting must take place within 10 working days of the original meeting date. However, where an employee fails to attend such meetings more than once without compelling reasons, the meeting may be held in the employee's absence. Where this measure is invoked, the employee will be informed of this in writing. If an employee is unable to attend this meeting in person, written representation may be submitted prior to the meeting for consideration or alternatively, the meeting may be held via Skype or FaceTime.

Should an employee raise a complaint under the Staff Resolution and Grievance Policy, or any other related policy, when the subject of action is also being considered under the Staff Disciplinary Policy and the complaint relates directly or indirectly to the matter under investigation, then action under the Staff Disciplinary Policy will be adjourned whilst an urgent enquiry into the complaint is carried out. If the grievance or complaint is rejected or found to have no bearing on the matter being

investigated under the Staff Disciplinary Policy, then the disciplinary proceedings will continue from the point at which they were adjourned.

The employee has the statutory right to be accompanied by a union representative or work colleague at any formal stage in the procedure. As a matter of good practice, employees should consider the practicalities of their union representative's or colleague's ability to attend when requesting their presence at a meeting. For instance, wherever possible, requesting a companion who is suitable, willing and available on site rather than a companion from a different geographical location. The employee will be asked to confirm in advance if they wish to be accompanied to allow enough time to make these arrangements and/or provide cover as appropriate. Informal meetings arranged to resolve the complaint are part of the informal procedure and therefore do not form part of the formal process and right to be represented.

Data relating to the application of this Policy and Procedure will be held and destroyed in accordance with the provisions of the General Data Protection Regulation (GDPR) introduced in 2018 and any College policy which derives from GDPR.

Equality

In accordance with the College Equality and Diversity Policy, this procedure will not discriminate, either directly or indirectly, on the grounds of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristics.

Confidentiality

It is essential that all parties involved in this process ensure that privacy and strict confidentiality are maintained throughout. No information relating to any action taken as part of this procedure should be divulged to other employees except a Union Representative if approached for advice or representation. Breach of confidentiality may have serious consequences and may result in formal proceedings being instigated.

By way of exception, considering the facts communicated, if it was thought that an individual or individuals were in immediate danger or there were potential criminal or safety implications, an appropriate member of staff /3rd party would be notified to enable the College to follow the correct reporting procedures.

Collective Grievance

The College aims to create a harmonious working environment and to maintain good working relationships. It is recognised however that there may be occasions when a group of employees feel aggrieved about the same issue. This procedure aims to resolve collective grievances informally, whenever possible to promote good working relationships.

The collective grievance should be raised through a nominated representative who will be either a member of a recognised trade union or one employee elected to raise the grievance on behalf of colleagues who do not belong to a trade union.

It is the responsibility of the employees wishing to pursue a collective grievance to nominate an individual or individuals to represent their interests throughout the process.

Nominated representatives will be responsible for representing the interests of the employees, including presenting the case at the meeting(s) and undertaking any administrative duties involved in

preparing the case for submission. In addition, they will communicate with the employees whose interests they are representing in order that those employees are kept fully informed of the progress of the case.

Keeping Written Records

A written record of formal meetings relating to the Resolution and Grievance Policy will be produced by the College.

Records should include:

- the nature of the grievance and the proposed resolution,
- what was decided, and actions taken,
- the reason (s) for the actions,
- whether an appeal was lodged,
- the outcome of the appeal,
- any subsequent developments.

2.

Stage 1 – Informal Discussions

Where an employee has a complaint which involves colleagues, they should try to resolve the matter by direct approach to the member(s) of staff involved at the earliest opportunity, or, if this is not possible, in discussion with the line manager or other appropriate senior member of staff.

If an employee has a complaint relating to their employment, the matter should be raised initially with the employee's line manager. The complaint should be raised orally, in the first instance. If the complaint is related to the line manager who would normally deal with a complaint at this stage, the complaint should be referred to the line manager's manager, or People Services if you don't know who your Line Manager's Manager is.

The line manager will facilitate a resolution discussion to resolve the complaint informally using the different systems of resolution available. It is expected that most complaints will be resolved at this stage. Every effort should be made to exhaust all avenues available and as quickly as possible before consideration is given to progressing the complaint to the formal stage of the process.

Details of Approaches Available

Resolution

The informal meeting is an opportunity for the manager and/or People Services to meet with the employee to identify the most suitable route to resolution. Emphasis should be placed on early resolution and positive discussion possibly via a facilitated conversation or mediation.

It should be made clear that mediation is both voluntary and confidential. It is reasonable for an employer to expect employees to give a reasonable level of consideration to mediation. Mediation must be mutually agreed by both parties.

Consideration could include:

1. The seriousness of the issues being raised,
2. The parties' willingness to engage in a resolution meeting or a mediation process,
3. Previous attempts to resolve the situation,
4. The number or frequency of previous complaints.

Informal Meeting

The informal meeting is an early attempt to identify and resolve a disagreement, a conflict or a dispute. It provides an opportunity for managers, employees and colleagues to discuss situations in a supportive, constructive and empathetic forum. Most workplace issues can be resolved at the informal stage.

The informal meeting should be conducted without unreasonable delay. If the employee is unable to attend on the scheduled meeting date, the meeting will be rearranged within 10 working days.

If the employee is engaging with the process to resolve their grievance and has a good reason for being unable to attend a meeting, arrangements will be made to postpone the meeting to a time when the employee is able to attend, provided that the meeting takes place within a reasonable period having regard to all the circumstances. If the employee fails, without good reason, to attend a meeting they have been invited to attend and the College is aware of the employee's issue(s)/complaint(s), the meeting may take place and a decision made in the employee's absence. If the employee has not provided evidence and fails to attend the arranged meeting the College may be unable to investigate

further, and, as a result, the complaint may be considered withdrawn. The employee will receive written confirmation if the complaint is withdrawn and there will be no further action.

Facilitated Conversation

The facilitated conversation should be led by a manager, with guidance from People Services if needed. The facilitated conversation is a confidential discussion between all parties. However, it is less formal than mediation and can be used to bring parties together at an early stage of the dispute. The facilitator acts neutrally and creates the conditions for dialogue. The facilitator encourages the parties to engage in constructive dialogue and to listen actively. It is a solution process with the aim of helping the parties to reach a mutually acceptable outcome.

Depending on the circumstances surrounding the individual case and parties involved, mediation may be recommended as the next stage.

Mediation

Mediation is a non-adversarial way of resolving difficult situations and can be used as an alternative to formal or legal processes.

The mediator is an impartial third party. They help the two or more parties to have an open and honest dialogue, with the aim of identifying a mutually acceptable outcome - a win/win outcome. The mediator may be a trained line manager, an internal mediator or an external mediator.

Mediation encourages a collaborative resolution. Any agreement made during mediation comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The only records held following mediation are the details of the agreed actions.

Informal Resolution Unsuccessful

If the informal processes have been exhausted and the employee's concern remains unresolved, the employee may then follow the formal resolution procedure. The employee must complete the Formal Resolution Meeting Request form (see Appendix 1) and submit it to the next level of management. The employee must outline the concern(s) in writing and state what steps have been taken during the informal stage to attempt to resolve the issue and what outcome the employee is seeking from the formal stage. It is imperative to define the preferred outcome to effectively support the employee and guide all parties through the formal meeting.

3.

Stage 2 – Formal Procedure

Where the matter has not been resolved through informal options and the employee has submitted in writing a formal grievance using the Formal Resolution Meeting Request form (see Appendix 1), the formal stage of the policy now applies.

The manager will acknowledge the formal grievance within 5 working days and arrange a **formal resolution meeting** as soon as is practicably possible. If the employee's grievance concerns or involves the manager, a different manager will handle the formal stage of the process. If the grievance involves another member of staff the manager will require the employee to provide relevant information as detailed on the Formal Resolution Meeting Request form. If the employee is unable to attend on the scheduled meeting date, the meeting will be rearranged as soon as possible and within 10 working days of the original meeting date. If the employee fails, without good reason, to attend a meeting that the College has invited them to attend, the meeting may take place, and a decision made in their absence. If the employee is unable to attend the meeting in person, they may make a written submission 3 working days prior to the meeting date, for consideration during the meeting, or the meeting may be held via Skype or FaceTime. Written submissions that are received late could cause a delay in the outcome of the meeting while the new information is considered. However, the evidence will be considered if the employee provides a good reason for the delay and it is relevant to the grievance.

Formal Resolution Meeting

The employee will receive a written invitation to attend the formal resolution meeting. The meeting is an opportunity for the employee to meet with the manager, with support from People Services, to identify a suitable resolution to the disagreement or the issues raised. The meeting should be run with the same principles as early resolution meetings and the meeting should be chaired by the manager (see Appendix 1 for the meeting request template form). The employee is entitled to bring a union representative or a work colleague with them to the formal resolution meeting.

At the meeting, the employee will be given the opportunity to expand on the nature of the grievance, the outcome required for resolution, any written documentation submitted prior to the meeting in support of the grievance and, if appropriate, call relevant witnesses.

The manager chairing the formal resolution meeting will consider all the matters raised and undertake a reasonable investigation into the grievance to establish an outcome.

Investigation

The key purpose of the investigation is to discover all the relevant facts and information in a fair, reasonable and objective manner.

The manager may contact the employee who has raised the grievance during the investigation if a new matter in the case has been discovered or if further information is found to be required.

Recognising that even the best run investigation can be challenging and stressful, mediation could be made available throughout the investigation process.

Once the manager has concluded their investigation, they may reconvene the formal resolution meeting to deliver the outcome of their investigation. Alternatively, if a further meeting is not required, the manager's decision will be communicated to the employee in writing, ideally within **10 working days**. If a decision cannot be reached within this period, the manager will write to the employee with an explanation for the delay and an indication of when the written decision can be expected. The formal resolution meeting manager will appropriately inform any other parties involved in the resolution and grievance process of the outcome.

Upon receipt of the written decision, the employee may progress to Stage 3, the Appeal Stage, of the Staff Resolution and Grievance Policy.

Serious Grievance

It may be appropriate to progress straight to the formal investigation stage of this policy in the event of a very serious

The nature of a very serious complaint may require the College to secure a safe and suitable working environment to conduct an independent investigation. In these exceptional circumstances it may be necessary to separate the individuals involved. If this action is considered necessary, guidance should be sought from People Services to ensure the action is balanced and proportionate. It does not imply guilt or blame but could be vital to ensure the appropriate investigation can take place.

For cases concerning bullying and harassment refer to the College Bullying and Harassment Policy.

4.

Stage 3 – Appeal

The employee has the right of appeal to the outcome at Stage 2, the formal resolution meeting in the event of new evidence coming to light previously not available at the hearing or to raise concerns regarding the process. The employee must clearly state the grounds for the appeal. An appeal must be submitted, in writing, to People Services, or the person specified in the Formal Resolution Outcome letter, within 10 working days of receipt of the Stage 2 decision. Appeals will be acknowledged wherever possible within 5 working days of receipt of the notice of appeal.

During the appeal meeting, the specific points raised within the grounds of the appeal will be addressed. An appeal meeting will not be heard until the employee has specified the grounds for appeal. If the grounds of appeal are not received within 10 working days, the appeal will not be heard unless there are exceptional circumstances for agreeing an extension, for example if a reasonable adjustment is required due to a protected characteristic under the Equality Act 2010.

Upon receipt of an appeal, in which the grounds of appeal are clearly expressed, the employee will be informed in writing of the date, time and place of the appeal meeting with a minimum of 5 working days' notice. Wherever possible, the appeal meeting will be convened within 15 working days of receipt of the appeal.

An appropriate senior manager, who has not been involved in any previous stage of the resolution and grievance procedure, will chair the appeal meeting.

If the employee is unable to attend on the scheduled meeting date, they will need to give reasonable notice and the reasons why they are unable to attend, which could include the availability of a Union Representative. The hearing will then be rearranged as soon as possible and within 10 working days of the scheduled meeting date. If the employee fails to attend a meeting that the College has invited them to, without an acceptable reason, the meeting may take place and a decision made in their absence. If the employee is unable to attend the meeting in person, they may make a written submission 3 working days prior to the meeting date, for consideration during the meeting, or the meeting may be held via Skype or FaceTime. Written submissions that are received late could cause a delay in the outcome of the meeting while the new information is considered. However, the evidence will be considered if the employee provides a good reason for the delay and it is relevant to the grievance.

Where additional information comes to light, there may be a need for further investigation and appropriate meetings to be held.

The decision of the appeal hearing is final and will be notified to the employee ideally within 10 working days of the meeting. If it is not possible for a decision to be reached within this period, the senior manager will write to the employee with an explanation for the delay and an indication of when the written decision can be expected.

An employee has the right to contact and discuss any issues with a member of People Services at any time.

5.

Employee Absence During the Resolution and Grievance Process

If the employee is engaging with the process for resolving their grievance and has a good reason for being unable to attend a meeting, arrangements will be made to postpone the meeting to a time when the employee is able to attend, provided that the meeting takes place within a reasonable period having regard to all the circumstances. If the employee fails, without good reason, to attend a meeting they have been invited to attend and the College is aware of the employee's issue(s)/complaint(s), the meeting may take place and a decision made in the employee's absence. If the employee has not provided evidence and fails to attend the arranged meeting the College may be unable to investigate further, and, as a result, the complaint may be considered withdrawn. The employee will receive written confirmation if the complaint is withdrawn and there will be no further action.

As set out above, the employee will usually be given the opportunity to attend any resolution and grievance meeting and appeal meetings to give the College the opportunity to hear the employee's complaint. The normal position is that the employee will be given a further opportunity to attend but where the circumstances dictate that this is not appropriate, or the employee has been given a further opportunity to attend but has failed to do so, the College may proceed in the employee's absence.

Furthermore, in these circumstances the College may request confirmation from the employee's GP or Occupational Health as to whether the employee is fit to participate in the Resolution and Grievance process. If the employee refuses to engage with obtaining medical advice, without good reason, the College reserves the right to progress the matter in the employee's absence.

The College understands that raising a grievance can be a difficult step to take and treats all grievances that it receives seriously. However, employees should be aware that if they raise a grievance and then fail to attend meetings or to engage with the process without good reason, that the College reserves the right to reflect upon the employee's conduct, which may give rise to the possibility of an investigation and, if necessary, disciplinary proceedings.

6.

Authorities and Responsibilities

People Services are responsible for administering this policy and will provide guidance to all parties concerning the application of this policy.

If you have any questions relating to anything you have read in this document or any other concerns relating to this policy, please do not hesitate to contact a member of People Services.

FORMAL RESOLUTION MEETING REQUEST FORM

Note: Employees should carefully read the Staff Resolution and Grievance Policy before completing this form

| | |
|---|--|
| NAME OF EMPLOYEE | |
| DATE OF JOINING | |
| PLACE OF WORK | |
| JOB TITLE | |
| WHAT IS YOUR CONCERN , AND WHERE APPLICABLE, WHO IS IT AGAINST? (PLEASE USE A CONTINUATION SHEET IF NEEDED) | |

WHAT WAS THE OUTCOME OF THE INFORMAL STAGE OF THE RESOLUTION POLICY?

ARE THERE ANY WITNESSES? IF YES, PLEASE PROVIDE DETAILS:

WHAT EVIDENCE CAN YOU PROVIDE IN SUPPORT OF YOUR CONCERNS?

WHAT IS YOUR DESIRED OUTCOME TO RESOLVE THE CONCERN?

Signature of Employee: _____

Date: _____

Received by People Services: _____

Date: _____