



CRANBURY COLLEGE

(NAME OF POLICY)

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READING BOROUGH COUNCIL GRIEVANCE AND DISPUTES PROCEDURE FOR Schools and Colleges

CONTENTS

This document has four main sections:

Section 1: The purpose, scope and principles of the procedures

This sets out the procedures, describes who is covered by them and the principles contained within them.

Section 2: Preamble and General Principles

Section 3: Grievance Procedure

This sets out the procedure to be followed to ensure that individual grievances are heard.

Section 4: Disputes Procedure

This sets out the procedure to be followed to ensure that collective disputes are correctly recorded and resolved.

Appendix 1 Grievance Form

This model procedure has been agreed between representatives of the recognised trades unions, the Local Authority and representatives of the Head teachers Forum.

SECTION 1: PURPOSE, SCOPE AND PRINCIPLES

1.1 Purpose

- 1.1.1 To provide all employees of the College with a formal, fair and consistent way of dealing with individual grievances and collective disputes relating to and directly affecting their employment.

1.2 Scope

1.2.1 Employees covered by the procedure

1.2.2 All employees of Cranbury College are covered by this procedure whilst they remain in employment with the College.

1.2.3 An employee who has left the employment of the College will have the right to raise a grievance providing that (i) they do so within 3 months of the termination of their employment and (ii) the grievance concerns a statutory employment right. The College will not unreasonably refuse to consider grievances that fall within this category outside of this timescale, but there is an expectation that employees will raise such concerns as soon as reasonably practicable in all cases.

1.3 When the procedure does not apply

The procedure does not apply to:

1.3.1 Matters covered by other College procedures where provision for redress / appeal rights are included within those procedures (e.g. disciplinary and capability procedures; recruitment and selection procedure; harassment policy and procedure; appeals against job grading).

1.3.2 Matters over which the College has no control, e.g. national gradings, national pay awards, etc.

1.3.3 A grievance/dispute which has not been initiated within three months of the circumstances or event occurring. This three month time limit will not apply if informal attempts to resolve the grievance have been made and exhausted. The College will not unreasonably refuse to consider a grievance outside of this timescale, but there is an expectation that employees will raise such concerns as soon as reasonably practicable in all cases.

1.3.4 However, where a grievance is in connection with action taken under the College's Disciplinary Procedure and (i) there are no appeal rights and (ii) the issue is one where the employee has a statutory right which can be

enforced in an Employment Tribunal, then the employee shall have the right to address their concerns under the formal Stages of the Grievance and Disputes Procedure. (Note that this provision does not apply when appeal rights have been exhausted)

1.4 Grievance Procedure and Disciplinary/Capability Action

1.4.1 When an employee raises a grievance in the course of disciplinary/capability action in relation to an alleged act of harassment or discrimination which may have implications for the fairness of the disciplinary process, then, in the light of the initial facts presented, the College will consider (i) suspending the disciplinary procedure for a short period so that the grievance can be addressed or, (ii) consider bringing in another manager to deal with the disciplinary process.

1.4.2 In the event of the circumstances described in 4.1 arising and a grievance being heard, this will be dealt with using a 2 Stage hearing - the first Stage to address the initial grievance and the second to consider any appeal arising from the first Stage hearing.

1.4.3 It should be noted that it is the normal role of managers to carry out disciplinary investigations and hearings into the conduct, performance and capability of their staff and any variation of this principle will only take place in circumstances where there is evidence that the fairness and equity of the disciplinary process may potentially be compromised.

1.5. Principles

The following principles are encompassed in this procedure:

1.5.1 As a normal part of good management practice, managers and employees should make every effort to resolve issues without recourse to the formal grievance procedure.

1.5.2 This procedure has been agreed with the joint trade unions as the most effective means of achieving a satisfactory settlement of a grievance or collective dispute.

1.5.3 An employee is entitled at any time to take up a grievance as defined above and to discuss this with their trade union representative, work colleague or representative of their choice providing that the presence of the work colleague would not prejudice the hearing; have a potential conflict of interest or who works in a geographically remote location - all of which may interfere with the ability to effectively deal with the grievance in a timely and effective manner.

- 1.5.4 An employee, if they wish, may be accompanied by a trade union representative, work colleague or representative of their choice any Stage of this procedure.
- 1.5.5 Employees raising a formal grievance should make it clear exactly what the grievance is and that they wish to raise it formally. To achieve this, a pro-forma has been developed which should be used to record all formal grievances. Support should be given to an employee who may have difficulty in completing the pro-forma. This will normally be through the trade union representative.
- 5.6 Grievances should be investigated and dealt with thoroughly and within the prescribed time scales with the results confirmed in writing to the employee. Grievances or disputes about pay should be given priority.
- 5.7 A separate procedure, “Whistleblowing” exists for employees to have concerns addressed, regarding issues at work, which may not involve them directly, but which causes them concern.
- 5.8 No employee will be made to feel disadvantaged in any way because they have raised or pursued a grievance in good faith.

The contents and operation of this procedure will be reviewed through the Directorate of Education and Children’s Services Joint Colleges Forum. The first review will be undertaken two years after the formal implementation date of this version.

SECTION 2: PREAMBLE AND GENERAL PRINCIPLES

2.1 Application of this procedure to specific staff groups

2.1.1 Headteacher

If the Headteacher wishes to raise a grievance, this will be done in writing to the Chair of the Management Committee. Advice on how to proceed should be sought by the Chair of the Management Committee from the appropriate HR service provider in the first instance. As a general rule however it is anticipated that a grievance by the Head teacher will be dealt with using stages 3 and 4 set out below.

2.2 Time Limits

2.2.1 Time limits referred to in this procedure may be varied by mutual agreement. A working day is between Monday and Friday (inc.), excluding public/bank holidays. Unless there are exceptional circumstances, no member of staff shall be asked to attend a meeting under this procedure on a day when they are not contracted to work.

2.2.2 Each period will commence on the first working day after the written notification of the grievance has been received or following verbal or written confirmation of the decision at each Stage.

2.2.3 Timescales may be varied by agreement between the parties, and a request for deferment by either side will not be unreasonably refused.

2.3 Status Quo Arrangement

2.3.1 Management has the right to implement decisions within the framework of existing agreements and/or established practices that are currently being applied.

2.3.2 Where management wishes to implement a decision which would mean departing from existing agreements and/or established practices, and the employee concerned objects to that decision, the status quo will be maintained until such time as agreement is reached or the grievance procedure is exhausted. The status quo here means returning to the agreement and/or practices that existed before the dispute.

2.3.3 Questions about interpretation of the status quo arrangement will be referred to the relevant HR adviser, who will consult with all appropriate parties (management, employee and trade union representative).

2.4 Role of the HR Adviser

2.4.1 College based Managers are encouraged to seek help from their HR provider, especially in more complex grievance cases. Managers must decide whether they wish to be accompanied by an HR Adviser when they hear a grievance. Any grievance that is heard by the Appeals Panel will require an HR Adviser to be present.

2.4.2 It is important to note that the HR Adviser will attend a hearing of a grievance in an advisory capacity only. The outcome of the grievance will remain the responsibility of the manager or the panel. The HR Adviser is there to assist the manager or panel to deal with the matter in a proper manner and to advise on matters such as employment law, precedent and good HR practice.

2.5 Grievance Records

2.5.1 A record of any formal grievance and notes of any meeting should be in writing and retained separately and under confidential conditions with a copy sent to the HR Service. The record should not be included on the employee's personal file. Employees can examine their own records on request. Anonymous information will be retained by the HR Service for monitoring purposes.

SECTION 3: THE GRIEVANCE PROCEDURE

3.1 Dealing with a grievance

3.1.1 In the first instance it is in everyone's interest to resolve a grievance informally, by raising it directly with the appropriate manager (or the person concerned). This would normally be an immediate supervisor. It is only when the grievance is not settled, that it can be pursued through the formal grievance procedure.

3.1.2 If the grievance concerns an immediate supervisor and it is not appropriate for the grievance to be raised with them at Stage 1 of the procedure, then you can raise it directly at Stage 2.

3.2 The Grievance Procedure

3.2.1 Employees have the right to be accompanied by their trade union representative, work colleague or representative of their choice to all the following Stages within the procedure.

3.2.2 If the grievance changes while pursuing the grievance procedure, a new grievance which must be registered at Stage 1.

3.3 Stage 1 - Referral to Immediate Supervisor

3.3.1 The grievance should be made in writing on the standard pro-forma to the immediate supervisor, stating clearly the nature of the grievance. It is important that the grievance is explained as clearly and concisely as possible. The supervisor's response should also be recorded and an explanation given as to why no informal resolution was possible.

3.3.2 The immediate supervisor will, within 5 working days, acknowledge receipt of the formal grievance and arrange to meet with the employee to attempt to resolve the grievance at this Stage. This meeting should be arranged to take place as soon as possible and normally no later than 10 working days following receipt of the grievance. The employee should be notified at least 5 working days in advance of the meeting. This notification will include date, time and venue of the meeting and a copy of the grievance procedure. It should also remind the employee of their right to be accompanied by their representative; a requirement for the employee to confirm at least 3 working days before the meeting that they are able to attend; any documents relevant to the meeting and any witnesses that they would like to call.

3.3.3 At the meeting the employee will have an opportunity to express his/her grievance, the manager hearing the grievance will have an opportunity to ask questions of the employee and/or any witnesses.

3.3.4 The manager will then consider the grievance and confirm their decision, in writing within 5 working days of hearing the grievance.

3.3.5 Referral to the next Stage may happen if:-

- the problem cannot be resolved to the satisfaction of the employee.

OR

- no written decision has been given under Stage 1 within 5 working days.

3.4 Stage 2 - Referral to Head Teacher

3.4.1 A grievance should be raised at Stage 2 within 5 working days of receipt of the written decision at Stage 1. This should be in writing on the standard pro-forma and addressed to the Head teacher stating clearly the nature of the grievance. It is important that the grievance is explained as clearly and concisely as possible. The supervisor's response should also be recorded and an explanation given as to why no resolution was possible at Stage 1.

3.4.2 A grievance can be registered directly at Stage 2 if the grievance concerns the employee's immediate supervisor.

3.4.3 The Head teacher will, within 5 working days, acknowledge receipt of the formal grievance and arrange to meet with the employee in an attempt to resolve the grievance. This meeting will be arranged to take place as soon as possible and normally no later than 10 working days following receipt of the referred grievance. The employee should be notified at least 5 working days in advance of the meeting. This notification will include date, time and venue of the meeting and a copy of the grievance procedure (if not already provided). It should also remind the employee of their right to be accompanied by their representative, and a requirement for the employee to confirm at least 3 working days before the meeting that they are able to attend, any documents relevant to the meeting and any witnesses that they would like to call.

3.4.4 At the meeting the Head teacher will outline the management decision at the previous Stage, explaining the reasons for it, or will call the appropriate manager to the hearing to outline the response to the grievance. The employee will have an opportunity to express their grievance, the Head teacher hearing the grievance will have an opportunity to ask questions of the employee and/or any witnesses.

3.4.5 The Head teacher will consider all submissions, the explanation of the employee and the previous decision before making their decision, advising the employee in writing of their decision and their reasons for it, within 5 working days of the meeting.

3.4.6 Referral to the next Stage may happen if:-

- The problem cannot be resolved to the satisfaction of the employee.

OR

- no written decision has been given under Stage 2 within 5 working days.

3.5 Stage 3 - Referral to Governing Body

3.5.1 A grievance should be raised at Stage 3 within 5 working days of the written decision at Stage 2. This should be in writing on the standard pro-forma and addressed to the Clerk to the Management Committee stating clearly the nature of the grievance. It is important that the grievance is explained as clearly and concisely as possible. The Head teacher's response should also be recorded and an explanation given as to why no resolution was possible at Stage 2.

3.5.2 The Clerk to the Management Committee will, within 5 working days, acknowledge receipt of the formal grievance and arrange to convene a meeting of a Panel of the Management Committee in an attempt to resolve the grievance. Ideally the membership of this panel should consist of three members of the Management Committee but the meeting can proceed with at least two members of the Management Committee present. This meeting will be arranged to take place as soon as possible and normally no later than 10 working days following receipt of the referred grievance. The employee should be notified at least 5 working days in advance of the meeting. This notification will include date, time and venue of the meeting and a copy of the grievance procedure (if not already provided). It should also remind the employee of their right to be accompanied by their representative, and a requirement for the employee to confirm at least 3 working days before the meeting that they are able to attend, any documents relevant to the meeting and any witnesses that they would like to call.

3.5.3 At the meeting the Head teacher will outline the management decision at the previous Stage, explaining the reasons for it, or will call the

appropriate manager to the hearing to outline the response to the grievance. The employee will have an opportunity to express their grievance, the Panel of the Management Committee hearing the grievance will have an opportunity to ask questions of the employee and/or any witnesses. The head teacher and the employee with the grievance will have an opportunity to ask questions of each other as part of this process.

- 3.5.4 The Panel of the Management Committee will consider all submissions, the explanation of the employee and the previous decision before making their decision, advising the employee in writing of their decision and their reasons for it, within 5 working days of the meeting.

It is expected that a grievance would be resolved at this Stage. In the event that it has not, the following applies:

3.6 Stage 4 - Referral to Appeal Panel

- 3.6.1 An employee should write to the Clerk to the Management Committee asking for the grievance to be heard by an Appeal Panel of members of the Governing Body. This Panel should comprise of no less than 2 members not involved at stage 3 of this process. This request should be submitted within 5 working days of receipt of the decision at Stage 3, and should be recorded on the standard pro-forma.

- 3.6.2 The Panel shall meet in accordance with the timescales and procedures set out in Stage 3. It will be for the Head teacher and the Chair of the previous panel to agree who will present the management case at this hearing. The panel will be advised by the Head of HR or nominated HR adviser. Its decision will be made and the employee informed within 5 working days of the Appeal Panel meeting.

- 3.6.3 The decision of the Appeal Panel will be final.

SECTION 4: DISPUTES PROCEDURE

4.1 Introduction

- 4.1.1 If you have a dispute as a group relating to your employment, then you have the right to express it.
- 4.1.2 A dispute applies when an employee raises an issue that affects a number of employees across the College. This may be a matter of controversy that requires a solution. The principles within the Grievance Procedure should be followed in as much as the employees and management should try and resolve the matter. Where appropriate the HR Service will be available to provide advice to try and resolve the dispute. If the dispute is unresolved then the dispute procedure should be followed.
- 4.1.3 All complaints and disputes will be dealt with as quickly as possible. In order to ensure this, there may be a need for other nominated officers to deal with the dispute, in accordance with the principles set out above.

4.2 Time Limits

- 4.2.1 Time limits referred to in this procedure may be varied by mutual agreement. A working day is between Monday and Friday (inc), excluding public/bank holidays. Unless there are exceptional circumstances no member of staff shall be expected to attend a meeting under this procedure on a day when they are not contracted to work.
- 4.2.2 Each period will commence on the first working day after the written notification of the dispute has been received or following verbal or written confirmation of the decision at each Stage.

4.3 Status Quo Arrangement

- 4.3.1 Management has the right to implement decisions within the framework of existing agreements and/or established practices that are currently being applied.
- 4.3.2 Where management wishes to implement a decision which would mean departing from existing agreements and/or established practices, and the employees concerned object to that decision, the status quo will be maintained until such time as agreement is reached or the dispute

procedure is exhausted. The status quo here means returning to the agreement and/or practices that existed before the dispute.

- 4.3.3 Questions about interpretation of the status quo arrangement will be referred to the Head of HR, Reading Borough Council who will consult with all appropriate parties (management and trades unions).

4.4 Dealing with a Dispute - The Disputes Procedure

- 4.4.1. For practical purposes Stages 1-2 (inc) of the Grievance procedure should be followed in order to seek resolution of the dispute. It is expected that the matter will be settled by Stage 2. In the event that it is still unresolved, the following procedure should be followed:-
- 4.4.2 The appropriate trade union representative of the employees should register a dispute with the College, via the Clerk to the Management Committee within 5 working days of the written confirmation of the decision from the Head teacher. This notification shall be in writing and set out the full grounds for why the dispute has been registered.
- 4.4.3 The Head of HR (or a nominated representative) will arrange for the parties to the dispute to agree a brief written statement supported by any relevant documents, which will identify the extent and nature of the issue(s) in dispute. The Head of HR will consult with the parties, and will try to assist the parties in resolving their dispute.
- 4.4.4 If the dispute remains unresolved then the matter will be referred to the Appeals panel of the Management Committee as described in the Grievance Procedure above. The parties in the dispute should prepare and exchange more detailed written statements of their respective cases. These statements will be given to the Appeals Panel.