



# CCCG Grievance Policy and Procedure

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# 1. Our policy

## 1.1 Purpose

Capital City College Group (“the Group”) aim is to ensure that an employee with a grievance relating to their employment can have it properly dealt with fairly and impartially.

The Group's objective is to encourage communication so that questions and difficulties arising during employment can be brought into the open and resolved quickly, fairly, at an early stage and as close to the level of origin as possible.

It may sometimes be necessary to deviate from the procedure to give the grievance fair consideration. Where this is proposed, the reasons will be made clear to all parties.

## 1.2 Scope

This policy applies to all staff employed by Capital City College Group, except senior post holders. It also does not cover all non-employees e.g. subcontractors,

This policy does not form part of your contract of employment and may be amended at any time. This policy will be reviewed from time to time to ensure that it reflects our legal obligations and Capital City College Group's organisational and business needs.

## 1.3. Mediation

The Group recognises that a formal grievance procedure has an important role to play in the workplace. But also, that many disputes could potentially be settled without the need to pursue a formal grievance procedure. A formal procedure can often result in an adversarial process. Once the conflict has escalated and positions have become entrenched, it is very difficult to alter people's perceptions and have an open discussion. The likelihood of a mutually acceptable outcome therefore becomes more remote.

The Group therefore encourages employees to consider mediation and other 'alternative disputes resolution mechanisms', as these can be especially effective when used at the initial phase of any disagreement before conflict escalates. An early intervention can prevent both sides from becoming entrenched. If the disagreement is resolved early on, there is less chance of the working relationship

breaking down irrecoverably which improves the likelihood of maintaining good and productive working relationships in the longer term.

Mediation is held by a neutral person (a 'mediator'). The mediator is impartial. This means they do not take sides. They are there to help both parties find a solution that they can agree to. Mediation is not judging who was right or wrong in the past but looks at how to agree on working together in the future.

Not all Grievances are suitable for mediation and both parties need to agree to attempt to resolve their dispute through mediation. Mediation can be pursued at any stage of the process and the formal grievance procedure will be suspended while the mediation takes place.

### **Employee's responsibilities**

- To raise the grievance informally as soon as possible with their immediate line manager, a more senior manager or HR.
- To provide evidence for their case, for example, by keeping a log of the incidents that are causing the grievance.
- To seek trade union advice and/or representation as soon as possible if needed.

### **Manager's responsibilities**

- To listen objectively to the grievance from the employee's perspective and recognise that no grievance is trivial to the employee raising it.
- To seek to resolve the issue as soon as possible, including investigations as appropriate.
- To promote mediation and the benefits of the Employee Assistance Programme where appropriate.
- To be responsible for the application of this policy in their area.
- To make a note of discussions with employees and provide a written response as appropriate

### **HR Responsibilities**

- To provide support for both parties and advise on process as appropriate

## 2. First steps/informal process

If an employee wishes to raise a grievance, they should first try to resolve the issue informally. It is recommended that they try talking to the person whom the grievance is against as a first step. If that is not possible or too uncomfortable, they should consider talking to their line manager, another colleague or manager, or a representative from HR or their trade union (TU).

The representative will be able to help the employee with trying to resolve the issue quickly and informally. They may also help by organising a meeting with the person who has aggrieved them, along with another objective person, and by helping to find ways to remedy the situation.

If the aggrieved employee is not comfortable approaching the person directly, the manager may need to seek to refer to both parties to a trained mediator, or arrange to facilitate a conversation between both parties to try to resolve the issue. In most cases it will be possible to resolve the issue informally without having to go through a formal process.

The manager should make a note of the discussions and the outcome and confirm in writing with the individual concerned if their grievance has been resolved at this informal stage or the appropriate next steps.

## 3. Formal grievances

If it has not been possible to resolve the grievance informally, employees have the right to lodge a formal grievance. They should complete the Grievance Form. Employees are encouraged to take advice from HR or a trade union representative, manager or colleague as they will be able to help complete the form and can advise on the likelihood of the proposed remedy being achievable. Depending on the nature of the grievance, HR or a trade union representative may advise it would be more appropriate to use the CCCG – Dignity at work Policy.

The grievance form should be submitted to HR in the first instance. A grievance may be brought by either an individual or a Group of people. However, issues which are the subject of collective negotiation and/or consultation between the Group and its recognised trade unions will not be considered under the grievance policy unless, it relates to a failure to engage in collective negotiation or consultation.

The employee will need to provide evidence to support their case. In most cases it is helpful to keep a log of incidents if the grievance relates to behaviour that has been

on-going. It is important for someone to be clear about what the issues are that are concerning them and how they would like them resolved (the remedy).

A proposed remedy cannot suggest that someone be subject to a formal process, lose their job, or that you be financially compensated, so people should think carefully about what will resolve the situation and what is achievable.

The relevant HR Adviser will check that all possibilities for resolving the grievance informally have been exhausted, and may speak to the line manager (or their line manager if the grievance is against the employee's line manager) as part of that process.

The relevant HR Adviser will also check whether raising a grievance is the appropriate process to resolve the issues (for example, if someone is not happy with a recent disciplinary sanction, they must use the relevant appeal process), and they will check that the suggested remedy is feasible.

The relevant HR Advisor will notify the employee if the grievance is not accepted and the reasons why and they will explain why other processes may be more appropriate and will advise on what to do instead.

### **3.1 Process for managers handling a grievance**

If a grievance is accepted as requiring further action, HR will forward it to the appropriate manager to deal with, usually the line manager, unless that it was deemed inappropriate and another manager has been nominated to hear this grievance.

They will advise the employee when this has happened, and who the manager is. The manager will be given a named HR contact, who will have an initial meeting with them to advise on possible courses of action to resolve the issue as quickly as possible. The manager should investigate the facts of the situation. This will often involve speaking to the person who raised the grievance, and the person that they have raised the grievance against and if appropriate any witnesses. When they are satisfied that they have enough information, they will take action to attempt to resolve the grievance. It is important grievances are resolved as quickly as possible.

At a formal grievance meeting, the employee should be advised that they can be accompanied by a trade union representative or workplace colleague. The employee will be given the opportunity to explain their grievance and how they think it can be resolved. If the grievance can be resolved at this meeting, the manager will confirm the outcome in writing with the right to appeal within 10 working days.

The meeting can be adjourned if further information or an investigation is required. In some cases, the manager may need to discuss with HR whether the investigation should be a grievance or disciplinary investigation, and this should be confirmed with the employees involved

If the employee's grievance is a counter claim against someone who has raised a grievance against them, or a reaction to another policy being applied to them (e.g. Improving Performance, Disciplinary, or Supporting Attendance) then the two may be dealt with together if appropriate. Any such counter claims will not normally be allowed to stop the original proceedings.

### **3.2 Investigations**

If the facts of the grievance are not clear, the manager will need to obtain further information or conduct or commission an impartial investigation. The investigation may include speaking to witnesses as appropriate

The manager must confirm in writing to the employee who is responsible for this investigation if they have commissioned someone else to do the investigation. They need to keep all parties informed of what is happening, update them regularly, and tell them the reason for any delays.

### **3.3 Grievance outcome**

When the fact-finding or investigation is complete, the complainant will be invited to a reconvened meeting with the manager. They will discuss the findings of the investigation with the employee, and whether, it is possible to resolve the issue with the remedy suggested.

Conclusions will be based on the balance of probabilities. If the remedy cannot be delivered in full, the manager should explain the reasons and may tell them what alternative remedy they suggest. The manager must give the employee an opportunity to respond. A mutually agreeable outcome is preferable although will not always be achievable in practice.

After the meeting, the manager must confirm in writing whether the grievance was upheld or rejected, and if it was upheld, what the remedy is and when this will happen. The employee will be reminded of their right to appeal.

Following this, the manager will see the person against whom the grievance was raised, to tell them the outcome and next steps. The manager must communicate to

them any actions that they need to take to resolve the issue. This will be confirmed in writing to them within 10 working days

If become apparent during or is an outcome of the investigation that disciplinary action against the alleged perpetrator is appropriate, then managers should follow the Disciplinary Policy. They can tell the person who raised the grievance that they will now be taking formal action under the disciplinary policy, but they cannot give any further detail (e.g. the level of sanction), which is confidential.

This can be a stressful process and if at any time during the process the employee feels stressed or upset, they can contact the Employee Assistance Programme, who can help to manage these feelings on and offer free, confidential telephone counselling service for additional support. The service can be accessed 24 hours a day, seven days a week by calling 0800 1691920. More information can be found at this link [LifeWorks \(sharepoint.com\)](https://sharepoint.com).

Managers dealing with grievances should consider talking to either party individually about how they are feeling following this process if they think it may be of benefit to anyone struggling with the process. Grievances can be very stressful for both parties; managers need to recognise this and be ready to offer support to help them recover from the situation.

This could include:

- Thinking about what the rest of the team(s) needs to know and communicating this sensitively.
- Looking at preventing further issues – do they need to change the way the team(s) works together?
- Commissioning team conflict resolution, mediation or coaching interventions as appropriate
- Making both employees aware of the Employee Assistance Programme, who can offer help and support to them in many ways, from suggesting ways to cope with stress, to offering counselling.
- Acknowledging that they may find work difficult for a few weeks, so being prepared for a slight temporary dip in performance, and a need for patience, help and support to get them back up to speed

### **3.4 Appeals**

If the employee wishes to appeal against the outcome of their grievance, they must do so within ten working days of receiving their outcome letter. An appeal meeting is



not a rehearing of the original grievance. The employee should write to HR setting out their grounds of appeal, for example:

Why they think the outcome was wrong or unfair (for example, they felt the person investigating the case did not get enough evidence) and what they would like to happen next (for example, another investigation or to look at any new evidence)

The appeal meeting will be chaired by an appropriate senior manager, who has not been involved in the grievance process previously. The employee will be entitled to be accompanied at the appeal meeting by a trade union representative or work colleague

The senior manager will consider the appeal. The appeal decision will be provided in writing within ten working days of the appeal meeting.

Any other parties involved in the grievance will also be appropriately informed of the appeal decision. Such decision will be final.

## Guidance on the recording of meetings

If an employee requests that a meeting is recorded, they must provide their reasons for doing so for consideration. In some limited circumstances it may be appropriate to agree a request or consider alternatives such as provision of a specialist note-taker or allowing additional time for notetaking, particularly if the request is connected with a medical condition or disability

Broadly the audio recording of meetings will not normally be permitted. Recording can make running effective meetings more difficult if participants feel uncomfortable and therefore less willing to contribute. Knowledge that a meeting is being recorded could also lead to a more formal and adversarial approach than would be appropriate or necessary.

At the beginning of a meeting the manager should remind the employee that the recording of it is not permitted and ask them to confirm that they are not recording the meeting. The recording of a meeting without the consent of all those involved would be grounds for disciplinary action and this should be made clear.

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## Sickness Absence and Grievances

If an employee is absent due to sickness while their grievance is being dealt with, they must follow the normal sickness absence reporting procedures. The manager will stay in touch with an employee if they are going to be absent for a long time. It is important for employees to understand that sickness absence will be dealt with in the usual way, and that it will not stop the grievance from being progressed. It is in everyone's interests to resolve it as quickly as possible.

## Guidance on frivolous, vexatious, or malicious Grievances

Where there is evidence that a grievance is not justified, and it is considered frivolous, vexatious, or malicious, this could lead to disciplinary action against the employee who raised it.

# CCCG Grievance Process

