**Item 16**
**For Approval**

**Glasgow Kelvin College**

**Board of Management Meeting of 29 August 2022**

**Grievance Policy and Procedure**

**Report by the Director of People and Culture**

## 1. Introduction

Members will be aware that the College has developed, in partnership with representatives of its recognised Trade Unions, a range of employment policies and procedures for Glasgow Kelvin College. In accordance with the agreed Policy and Procedure Review Schedule, the Grievance Policy and Procedure has been revised and shared for consultation.

The purpose of this report is to apprise members of the outcome to the review of these policies and procedures and request approval from the Board of Management.

## 2. Grievance Policy and Procedure

Members will recall that, in accordance with the National Recognition and Procedures Agreement, a national policy in relation to Grievance is to be produced for the Sector. The National process to negotiate the Grievance Policy has yet to commence, however it is planned to start in the near future. A National framework Procedure for this Policy for colleges will also be developed, but the final Procedure is a matter for consultation with local Trade Union representatives.

Both Unison and EIS/FELA requested that local consultation on this document be postponed by the College pending the National process, which, as noted above, has yet to commence.

The College has taken the decision however to review the Grievance Policy and Procedure to take account of changes in its operational practice and changes in legislative requirements. The document was shared with the Trade Unions for consultation.

EIS/FELA provided feedback and a meeting has taken place to discuss the issues raised. Further amendments were made to the document considering the feedback. The revised document will be further considered by the EIS/FELA branch. Should any further material changes be required on reading the final version, the Board may be asked to consider the document again. Unison did not submit feedback. The revised document is attached as **Appendix 1** for information.

The College made a few changes to the document, these are highlighted in yellow in the document in **Appendix 1**.

The main changes relate to:

Policy

- A clearer reference to the College's Equality, Inclusion and Diversity Policy and reasonable adjustments, where appropriate, to support staff through the process where required – page 2, final bullet point.
- Clarity for staff acting as a companion in relation to time off with pay – page 3, section 5, last para.

Procedure

- Additional text to emphasise early informal resolution – page 5, section 1, first para.
- The introduction of a voluntary solution focussed process which aims to encourage staff to enter into discussion and consider early interventions where appropriate, such as additional training and development, formal or informal mediation, etc, to resolve issues prior to resorting to the formal grievance process in an attempt to resolve matters at an early stage. Staff will still have the right to choose to proceed to the formal process if they wish - page 5, section 1.
- Minor amendments to text for clarity – page 6, section 2; page 7, section 2.1.
- A flowchart depicting the Solution Focussed Process – page 19.
- Minor amendments to text on appendices 2 and 4 to incorporate the solution focussed process.

The College is currently exploring the cost of training selected staff in mediation. It is also exploring a proposal to establish a Regional Workplace Mediation model with City of Glasgow College and Glasgow Clyde College.

This model would potentially establish a regional workplace mediation team to provide mediators who do not have day-to-day involvement with the staff in the other two colleges. Each college would formally train selected staff to mediate within their own college, but they would also be available to provide this service to the other colleges should this be deemed appropriate. Having a cross section of employees (e.g. gender, job level, teaching/support) would allow flexibility in matching parties to mediators. This would also help to ensure that the mediators remain impartial since they have no prior knowledge of a case, or the individuals involved. The College will provide an update on this area at the next Board of Management meeting.

Members will recall that the paper titled Terms of Reference, Policy and Strategy was approved by the Board of Management on 13 December 2022. This paper delegated responsibility for the approval of most HR polices and strategies to be approved by the Finance and Resources Committee. By exception the Chair may submit a proposed change to the Board where that change is judged by the Committee to be material or significant.

The Grievance Policy and Procedure was identified by the Board as a document which, if amended, would be considered directly by the Board. It is recommended that, when amended in future, this document is approved by the Finance and Resources Committee and presented to the Board for information only. This would ensure consistency of approach with the Disciplinary and Appeals Procedure which is only considered by the Finance and Resources Committee.

## 3. Resource Implications

The College will fund the cost of mediation training from within existing resources.

## 4. Equality

No equality implications are identified as a consequence of this report.

## 5. Risk and Assurance

There are no risks identified as a consequence of this report.

## 6. Data Protection

There are no data protections issues as a consequence of this report.

## 7. Recommendations

Members of the Board of Management are recommended to:

i) note the content of this report and its Appendix;
ii) approve the Grievance Policy and Procedure;
iii) note that should EIS/FELA have any material changes on reading the final version, the Board may be asked to consider the Policy and Procedure again; and
iv) delegate authority to the Finance and Resources Committee to approve future amendments to the Grievance Policy and Procedure and note that the document will be presented to the Board for information only to provide consistency of approach with other HR policies.

## 8. Further Information

Further information on the content of this report can be obtained from Doreen Shiels, Director of People and Culture (dshiels@glasgowkelvin.ac.uk)

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Appendix 1

# Grievance Policy and Procedure

| Document Control Information | |
|---|---|
| Reviewed by the Strategic Management Team | August 2022 |
| Date of Next Review: | |
| Approved by the Board of Management: | |

The Board of Management (or any person/group with delegated authority from the Board) reserves the right to amend this document at any time should the need arise following consultation with employee representatives. **This Policy has been subject to an Equality Impact Assessment this can be accessed on: https://www.glasgowkelvin.ac.uk/equality-diversity/**

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# Grievance Policy

## 1. Introduction

Glasgow Kelvin College (the "College") has designed this Policy and Procedure to be used by individual employees to ensure issues that they wish to raise related to their work, working environment and/or working relationships within the College are dealt with consistently and settled fairly, efficiently and as near to the point of origin as possible. A grievance raised by two or more employees will be handled in accordance with the College's collective grievance process contained within this Grievance Policy and Procedure at section 4.

The College is keen to provide a positive and supporting working environment for all of its employees.

The Grievance Policy and Procedure has been developed taking into account the ACAS Code of Practice on Disciplinary and Grievance Procedures and it is designed to help managers, employees and their representatives' deal with and resolve grievances which arise in the workplace.

## 2. Scope

This Policy and Procedure applies to employees of the College and provides a mechanism for grievances to be dealt with promptly, fairly and consistently. The College encourages a policy of open communication and consultation when obstacles, problems or concerns arise in the workplace. Employees should try to resolve any grievance informally with their line manager, who is identified on their Statement of Particulars, or the individual(s) concerned in the first instance prior to instigation of the formal procedures outlined below.

## 3. Principles

- The College will seek to resolve issues at the lowest possible level of the procedure (where appropriate) and informal action may be considered, where appropriate, to resolve matters.
- The College will make every effort to deal with and resolve grievances as quickly as possible and at the appropriate management level.
- No decisions on the outcome of a formal grievance will be made before the matter has been fully investigated.
- All employees have the right to express a grievance relating to their employment. A grievance may be raised by an individual, a couple of individuals or collectively where a group or groups of employees are affected by the same work related issue. If two or more employees have an identical grievance they can use the procedure outlined in section 4 to

raise a collective grievance. Employees using this procedure collectively cannot then raise an individual grievance on the same issue.

- Where working relationships are a factor in any grievance, additional support will be considered and, if appropriate, will be offered for example where employees wish to take part in mediation to resolve matters.

- Any matters relating to a collective dispute raised by Trade Union representatives on behalf of all staff within the staff group whom they represent, should be raised in accordance with the Recognition and Procedures Agreement (the "RPA"). The procedure within the RPA should be followed.

- At all formal stages of the grievance process, parties have the right to be accompanied by a Trade Union representative or an official employed by a Trade Union or a workplace colleague.

- If an informal grievance is raised verbally which subsequently is taken forward as a formal grievance, the details must be recorded in writing before proceeding.

- During the formal Grievance Procedure, the individual raising the grievance, and any person against whom a grievance has been submitted, will have the opportunity to state their case.

- A grievance hearing is not the same as a disciplinary hearing and is an opportunity for discussion and dialogue which may produce a satisfactory resolution to the complaint.

- At no stage in the procedure can any party record a meeting or hearing, using audio or video recording equipment, without the prior agreement of all present.

- An employee who is dissatisfied with the outcome or remedy proposed in the first instance will have a right of appeal.

- The College's Equality, Inclusion and Diversity policy will be observed in relation to all grievance related processes. If you have difficulty at any stage of the grievance procedure because of a disability or because English is not your first language, you should discuss the situation with your line manager or the HR Department as soon as possible. Reasonable adjustments will be made where appropriate.

## 4. Confidentiality

At all stages of a grievance, those involved in the grievance and/or the investigation

must bear in mind the need for confidentiality in order to preserve the integrity of the process and out of respect for those involved. However, this does not preclude employees from discussing the matter with their staff representative or with the Wellbeing Service.

## 5. Right to be accompanied

All employees, whether it is the person raising the grievance or the individual whom the grievance is against or a witness, have the right to be accompanied to meetings forming part of the formal grievance process (including investigation meetings and appeals) by either a Trade Union representative, an official employed by a Trade Union or a or workplace colleague. The companion will be permitted to address the meeting to put and sum up the employee's case, respond on behalf of the worker to any views expressed and confer with the employee during the meeting, but will not be entitled to answer questions on behalf of the person raising the grievance, address the hearing if the person raising the grievance does not wish it or prevent the person against whom the grievance is raised from explaining their case.

To exercise the statutory right to be accompanied the person raising the grievance must make a reasonable request. The person raising the grievance should provide enough time for the College to deal with the companion's attendance at the meeting and make clear in advance the name of the companion where possible and whether the individual is a Trade Union representative, an official employed by the Trade Union or a work colleague.

Those who are being interviewed as part of the investigation are also entitled to ask to be accompanied by a Trade Union representative, an official employed by a Trade Union or a workplace colleague. Any request to be accompanied should be reasonable. Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

## 6. Records

Notes of formal meetings will be taken, and it will not be a verbatim record. Copies of these notes will be given to the relevant parties present within five (5) working days of the meeting, where possible. The person raising the grievance or those providing a statement will be given the opportunity to comment on the accuracy of the notes within five (5) working days of receiving them. It is normally expected that all documentation including witness statements will be shared with relevant parties (except where the College has to withhold some information to protect a witness or due to another legal requirement). Witnesses shall be informed that any information they provide may be shared with the person raising the grievance.

Records will be treated as confidential and kept in accordance with the College's Retention Schedule and the General Data Protection Regulation and the Data

Protection Act 2018 which gives employees the right to request and have access to certain personal data.

Records will include:

- the nature of the grievance.
- what was decided and actions taken.
- the reason for the actions taken;
- whether an appeal was lodged.
- the outcome of the appeal.
- any subsequent developments.

Notes of informal meetings may also be taken where appropriate.

## 7. Malicious Grievances

The purpose of the grievance procedure is to ensure that the appropriate channels are available through which employees can raise genuine concerns.

Where, after an investigation, a grievance is found to be vexatious or malicious, or where there is a continued pattern of unfounded complaints by the same employee, the person raising the grievance may be subject to investigation under the College's Disciplinary Policy and Procedure and subject to disciplinary action, which could in some circumstances lead to dismissal, if there is sufficient evidence to support such action. Further guidance and advice can be obtained by speaking to Human Resources.

## 8. External Assistance

The College reserves the right to recruit assistance from an external source to assist with the resolution of a grievance, depending on the nature of the issue and the exigencies of the service, for example an external mediator or other suitably qualified individual or organisation. This will be with the mutual agreement of both parties where appropriate.

## 9. Overlapping Grievance and Disciplinary Proceedings

If the person raising the grievance raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. However, it may be appropriate to deal with the two concurrently if they are related, there is no obligation on the College to suspend a disciplinary process pending the outcome of a grievance process; this is merely an option open to it.

## Grievance Procedure

### 1. Informal Procedure

If an employee encounters a problem which affects them or obstructs them from doing their job, the College want to help to resolve it. The College believes that most problems can be resolved if everyone works together to find the best outcome. That is why employees are actively encouraged to resolve their grievance informally with their line manager, who is identified on their Statement of Particulars, or with the individual(s) concerned in the first instance prior to proceeding to the formal procedure.

The employee should request a meeting with the line manager, or the employee concerned as soon as possible after the issue has arisen or occurs. In circumstances where the problem is with the employee's line manager, the employee can approach their next line manager or another manager, in a similar position, in the College.

If it is not possible to resolve a grievance informally with the line manager or the individual(s) concerned the employee should contact their HR Business Partner in the first instance and, where possible, let them know:

i. What is the problem or obstacle they are facing;
ii. How is it affecting them; and
iii. How would they like it to be resolved.

The HR Business Partner will then assess the problem and make a recommendation to the employee on which of the following two processes, Appendix 1, is most suitable:

iv. **Collaborative Resolution** - which means that the College will work with the employee to resolve the matter and they will have a role in deciding the outcome. The aim is to use this approach where possible and in the majority of cases; or

v. **Determined Resolution** (which is the formal process, where the Investigating Officer appointed will decide the outcome after following the formal procedure).

The employee, having considered the advice of the HR Business Partner will choose either Collaborative Resolution or Determined Resolution.

Either way, the process is not fixed – the College will remain flexible and the employee may decide to change processes at any time if that would lead to a better chance of resolution.

Only in exceptional circumstances will an employee be able to proceed directly to the formal procedure without having first attempted to resolve the matter informally.

## 2. Formal Procedure

Any formal grievance relating to an employee's work, working environment or working relationships should be raised with the appropriate manager in accordance with the Grievance Referral Guide, Table 1. The manager appointed will be the Investigating Officer.

A formal grievance must be set down in writing detailing the nature of the alleged grievance on a Grievance Form, appendix 2 and submitted to the Human Resources Department. The HR representative will liaise with the management level identified in Table 1 to appoint an Investigation Officer.

When submitting a formal grievance, the employee should include a concise summary of the nature of the complaint, including any relevant facts, dates, and names of individuals involved; specify the outcome they are seeking; and the steps they have taken to resolve the issue informally or an explanation as to why this was not possible.

Where employees have difficulty expressing themselves because of language or other difficulties they may seek assistance from their trade union representative, from a workplace colleague or Human Resources to submit the grievance.

Upon receipt of a formal written grievance Human Resources will organise a meeting date in liaison with the Investigating Officer to discuss the matter/take advice within five (5) working days.

In certain circumstances where a grievance raised refers to a change, for example in working practices, the status quo may be maintained until the grievance procedure is exhausted. This will exclude matters involving Health and Safety or a breach of legislation.

### 2.1 Communication

The manager who is acting as the Investigating Officer should write to the person raising the grievance without unreasonable delay to confirm the arrangements for a grievance meeting, advise them how they intend to manage the process, the stages involved and their right to be accompanied to the grievance meeting by a Trade Union representative, an official employed by a Trade Union or a workplace colleague. The grievance meeting will be held without unreasonable delay after the College has received the grievance.

All reasonable steps shall be taken to ensure that the procedure progresses as efficiently as is reasonably practicable. Any delay to the procedure will be identified and communicated as timeously as possible to concerned parties.

In the event that the person raising the grievance can identify a conflict of interest or a sufficient reason that the Investigating Officer delegated to hear the grievance should not be involved they should notify the Director of Human Resources. The Director of Human Resources shall advise within seven (7) working days as to whether this conflict of interest necessitates another manager hearing the grievance.

All parties involved should make every effort to attend the grievance meeting.

If a complainant or their Trade Union representative or official employed by a Trade Union or workplace colleague is unable to attend on a proposed date the person raising the grievance can suggest another date so long as it is reasonable and is not more than five (5) working days, beginning with the first working day after the date originally proposed by the Investigating Officer. This five (5) day time limit may be extended by mutual agreement but within a reasonable timescale. If your chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the College may ask you to choose someone else if this will lead to significant delays in the process.

The person against whom the grievance is raised, will be invited to meet with the Investigating Officer who will advise them that a grievance has been submitted. The Investigating Officer will provide the subject of the grievance with the content of the grievance relating to them to the extent that it is absolutely necessary to conduct a reasonable and comprehensive investigation into the grievance. It the written grievance needs to be shown to the subject of the grievance, it may be necessary to redact parts of the grievance.

The Investigating Officer will also outline the stages involved in the process, so that the subject of the grievance is fully informed of the grievance raised against them.

The Investigating Officer should recognise the potential distress that a formal grievance can cause for a respondent, and therefore must act with sensitivity when letting them know about the grievance raised against them.

The person against whom the grievance is raised should also be made aware of their right to seek support from their Trade Union and, where appropriate, the Wellbeing Service.

At all stages of a grievance, those involved in the investigation must bear in mind the need for confidentiality in order to preserve the integrity of the process and out of respect for any other colleagues involved. However, this does not preclude employees from discussing the matter with their representative, or with the Wellbeing Service.

## 2.2 Investigation

The Investigating Officer will invite the person raising the grievance to a meeting to hear their grievance and this will take place as soon as reasonably practicable. Once they have had heard the content of the grievance they may wish to interview others, and this will be done through separate meetings.

A Human Resources Representative shall be present at all formal meetings of the Grievance Procedure.

## 2.3 Grievance Meeting

The Investigating Officer shall open the meeting by introducing all parties present and by stating the role of the participants. In normal circumstances this will include:

i. the Investigating Officer;

ii. the employee and their Trade Union representative or official employed by a Trade Union or a workplace colleague; and

iii. a Human Resources representative – to provide advice and support to the Investigating Officer and take notes.

The Investigating Officer shall secure the agreement of the parties present that all deliberations will remain strictly confidential.

The person raising the grievance will be invited to explain their grievance and how they would like to see it resolved. In all circumstances any information must be related directly to the facts of the grievance. The Investigating Officer should sum up the main points at the conclusion of the meeting.

If the Investigating Officer reaches a stage in the meeting where they require to seek advice or feel that further investigation is necessary, the meeting should be adjourned to get advice or make further investigation. The meeting should be reconvened within an agreed timescale and as soon as reasonably practicable.

The Investigating Officer will meet with the person against whom the grievance is raised separately who will be informed of the content of the grievance and provided with the opportunity to respond. The person against whom the grievance is raised will be informed that a copy of their statement may be provided to the employee during the process. The person against whom the grievance is raised has the right to be accompanied by a Trade Union representative, an official employed by a Trade Union or a workplace colleague and should be advised accordingly. The Investigating Officer should sum up the main points at the conclusion of the meeting.

The Investigating Officer has the right to consult, individually or collectively, all concerned parties and to undertake further such discussions or investigation

deemed appropriate at his/her discretion prior to issuing a formal response to the findings of the meeting. Witnesses and concerned parties will be informed that a copy of their statement may be provided to the person raising the grievance at some stage during the investigation or process.

The Investigating Officer will be required to examine the evidence and to base their decision on the evidence available. They will endeavour to establish the facts of the case as thoroughly as possible and to exercise judgement in the event of any of the facts remaining in dispute. In such circumstances any conclusions must be reached on the basis of the balance of probabilities. The Investigating Officer will produce a report detailing their findings; the basis for their decision; and any recommendations where appropriate to resolve the grievance.

The outcome of the grievance will be issued in writing along with the report as soon as reasonably practicable and if possible, within ten (10) working days of the grievance meeting. Any delay with the issuing of the grievance response will be identified and communicated as timeously as possible to all concerned parties.

### 2.4 The outcome of an Investigation

The outcome could be that:

i) the grievance is not upheld, and no further formal action will be taken;
ii) only part of the grievance is upheld, and part not upheld and any appropriate action will be taken;

iii) the grievance is upheld in full, and appropriate action will be taken.

If a grievance has been upheld and it may have an impact on working relationships the Investigating Officer should meet with the line manager/individual to confirm their decision and invite them to discuss the implications in relation to any further potential action.

Further action in these circumstances, if not already undertaken, may include for example:

i) mediation;
ii) training and/or development activities; and
iii) coaching or mentoring.

In most cases the College would expect the Investigating Officer's decision to be final and for the matter to come to a close. However, in some circumstances the person raising the grievance may remain aggrieved and they can appeal against the decision or remedy proposed by the Investigating Officer concerned.

The person raising the grievance should be advised of their right to appeal and informed of the next stage of the procedure in accordance with the Grievance Referral Guide, Table 1.

Where a grievance has not been upheld and the person raising the grievance has not appealed against the decision the Investigating Officer should ensure that all employees involved in the process are aware that it has been brought to an end.

## 3. Grievance Stage One Appeal

In the event that the person raising the grievance feels that their grievance has not been satisfactorily resolved they may appeal in writing using the Grievance Stage One Appeal Form, appendix 3. The person raising the grievance should inform the Director of Human Resources in writing of their intention to submit an appeal within five (5) working days of receiving the written decision of the grievance. The completed Grievance Stage One Appeal Form should be submitted within ten (10) working days of receipt of the written decision of the grievance. The Grievance Appeal Form should state the grounds of the appeal and should be submitted to the Director of Human Resources who will advise the appropriate senior manager as indicated in Grievance Referral Guide, Table 1 (the "appeal manager"). The appeal will be heard as soon as reasonably practicable, normally not later than three weeks after the appeal has been lodged. If necessary, this time limit may be extended through mutual agreement.

The College should write to the person raising the grievance without unreasonable delay to confirm the arrangements for an appeal hearing, including the date on which it will be heard and the place it will be heard.

Prior to any appeal meeting the employee will be reminded of their right to be accompanied by a Trade Union representative, or official employed by a Trade Union or a workplace colleague.

### 3.1 Grounds for Appeal

Grounds of appeal will normally come under one of the headings set out below although there may be other relevant grounds of appeal not mentioned which may be considered by the College.

- **Relevant new evidence not previously considered**: This is where the employee can provide relevant new evidence which was not available at the time of the original investigation.

- **Breach of procedure**: This is where the employee identifies areas of the procedure which were not followed and which could have influenced the final outcome.

- **Decision or remedy unreasonable**: This is where the employee considers that the decision or remedy is unreasonable.

### 3.2 Appointment of person hearing Appeal

A senior manager (the "appeal manager") will be appointed to hear the appeal in accordance with the Grievance Referral Guide, Table 1 and will be given access to all paperwork generated from the original grievance. Wherever possible the appeal manager will not be the Investigating Officer and will not otherwise have been involved in the grievance previously.

The person raising the grievance will be provided with copies of the evidence relied upon by the Investigating Officer prior to the appeal meeting.

The appeal manager must decide if the appeal is a rehearing of the original grievance or simply an evaluation of the evidence and the fairness of the decision taken. A rehearing may be considered appropriate for example where there has been an alleged procedural error earlier in the process.

The appeal manager may decide to carry out further investigation, if necessary, including further meetings with the parties involved, before they are able to make a decision. Witnesses and concerned parties will be informed that a copy of their statement may be provided to the person raising the grievance at some stage during the appeal process.

A member of Human Resources will provide appropriate support and advice for the appeal manager throughout the process. A member of Human Resources will attend the appeal meeting to provide advice and support to the appeal manager and to take notes.

### 3.3 Outcome of the Stage One Appeal

The outcome of the appeal meeting will be issued in writing as soon as reasonably practicable, and if possible within ten (10) working days of the appeal meeting. In addition to issuing the outcome in writing, the appeal meeting may be reconvened to explain any action which the College intends to take. The purpose of the reconvened meeting is not for the appeal manager to explain in detail why they reached the decision or put forward the proposed remedy. The reconvened meeting is to afford the employee the opportunity to discuss the decision or remedy proposed not how the decision or remedy was reached.

The possible outcomes of the appeal are as follows:

- Appeal upheld;
- Appeal partially upheld;
- Appeal not upheld.

If the person raising the grievance remains dissatisfied with the response they may intimate their continuing dissatisfaction in writing on Grievance Stage Two Appeal Form, appendix 4 within ten (10) working days of receipt of the outcome of the appeal at stage one. The Grievance Stage Two Appeal Form should be submitted to the Director of Human Resources who will inform the appropriate senior manager as indicated in the Grievance Referral Guide, Table 1 (the "second appeal manager")

The appeal process timescale will commence once the person raising the grievance has confirmed to the Director of Human Resources of that they have received the appropriate Grievance Stage Two Appeal Form.

The person raising the grievance may only submit a second appeal and proceed to Stage Two of the procedure on the basis of:

- a breach of the procedure during Stage One;
- relevant new evidence being submitted which was not available to the appeal manager in the course of Stage One of the appeal procedure; and/or
  - the employee feels that the decision of the Stage One appeal is perverse or unreasonable.

### 3.4 Grievance Stage Two Appeal

Upon receipt of the Grievance Stage Two Appeal Form a meeting shall be arranged by the appropriate manager (but not necessarily take place) within five (5) working days. The person raising the grievance shall be informed in advance of the date, time and place of the meeting.

If a stage two appeal is to be heard by an ad hoc Committee (as detailed in Table 1) of the Board of Management the employee should still submit the Grievance Stage Two Appeal Form to the Director of Human Resources. A meeting of the ad hoc committee shall normally be arranged (but not necessarily take place) within ten (10) working days. The meeting shall take place within a reasonable time scale however this will be dependent upon the availability of Board Members. The person raising the grievance shall be informed in advance of the date, time and place of the meeting.

An ad hoc Committee of the Board of Management shall comprise of three members, to include a Chair or Vice Chair of a standing committee. The Chair of the Board, the Principal, Staff Representatives and Student Representatives shall be excluded from such a Committee.

The person raising the grievance will be required to provide the second appeal manager or ad hoc Committee hearing the stage two grievance appeal, in addition to

the Grievance Stage Two Appeal Form, copies of all forms and correspondence connected with the grievance to which they have access. The appeal manager will provide details of what steps have been taken or proposed to resolve the issue.

The appeal process timescale will commence upon once the person raising the grievance has confirmed to Human Resources that they have received the appropriate Grievance Stage Two Appeal Form.

The appeal meeting will be conducted in line with section 2.3. The person raising the grievance will be reminded of their right to be accompanied by a Trade Union representative, an official employed by a Trade Union or workplace colleague.
At the conclusion of Stage Two there is no further right of appeal and the decision made at this stage is final.

## 4. Collective Grievance

A collective grievance is defined as a grievance held in common by two (2) or more members of staff who are not members of a recognised Trade Union. Staff using this procedure must be aware that they cannot then use the Individual Grievance Procedure for raising the same issue.

Any matters relating to a collective dispute raised by Trade Union representatives on behalf of all staff with the staff group whom they represent should be raised in accordance with the Recognition and Procedures Agreement (the "RPA"). For the purposes of the RPA, a collective grievance is defined as a grievance held in common by two (2) or more members of staff represented by a recognised Trade Union and supported by a College Branch Office Bearer. Where such a collective grievance arises relating to terms and conditions of employment, the procedure within the RPA should be followed.

### 4.1 Definitions

Issues that may cause a collective grievance could include problems concerning terms and conditions of employment or working practices, health and safety, working relationships, bullying and harassment and/or discrimination.

This list is not exhaustive or exclusive.

### 4.2 Procedure

#### 4.2.1 Informal – Collective Stage

A collective grievance should, in the first instance, be raised with the immediate supervisor/manager who should discuss the issue and make appropriate arrangements to investigate. As a general rule, a response will be provided within

seven (7) working days. If the grievance involves the line manager it should be raised with the line manager's manager in accordance with the Grievance Referral Guide, Table 1. One representative from the group of staff raising the grievance should raise it with the manager on behalf of those involved.

### 4.2.2 Formal – Collective Grievance

If the grievance is not resolved informally to the satisfaction of the staff members concerned and they wish to take it further, then they must put their issue in writing using the Collective Grievance Form, appendix 5, to Human Resources who will advise the appropriate senior manager as indicated in the Grievance Referral Guide, Table 1. The matter may be presented to Human Resources by two representatives of the group of staff involved accompanied by their Trade Union representative or by two members of the Trade Union on behalf of that staff group.

The written submission must cover the following points:

- The specific cause of the grievance;
- The specific staff involved in the grievance (not necessarily by name but in enough detail, i.e. job titles, locations etc. for it to be quite clear who is affected and who is not); and
- The name(s) of the representative(s) nominated or elected by the staff to act as their spokesperson/s. A meeting will be arranged as soon as possible, or at least within ten working days, when the staff representative(s) and management will meet to discuss what can be done to settle the grievance. The staff representatives will be informed in advance of the meeting of the date, time and place of the meeting.
- The meeting will be conducted in line with section 2.3.

### 4.2.3 Collective Grievance Appeal Stage One

If still unresolved, the employees may appeal in writing using the Collective Grievance Stage One Appeal Form, appendix 6. The employees should inform the Strategic Management Team in writing of their intention to submit an appeal within five (5) working days of receiving the written decision of the collective grievance. The completed Collective Grievance Stage One Appeal Form should be submitted within ten (10) working days of receipt of the written decision of the collective grievance.

Grounds of appeal will normally come under one of the headings set out below although there may be other relevant grounds of appeal not mentioned which may be considered by the College.

- **Relevant new evidence not previously considered**: This is where the employees can provide relevant new evidence which was not available at the time of the original investigation.

- **Breach of procedure**: This is where the employees identify areas of the procedure which were not followed and which could have influenced the final outcome.

- **Decision or remedy unreasonable**: This is where the employees consider that the decision or remedy is unreasonable.

A written record of the meeting held according to section 4.2.2 should be agreed and sent to the Strategic Management Team who will arrange an appeal. The

appeal panel will consist of a member of the Strategic Management Team and two members of the Operational Management Team (OMT).

The appeal meeting will take place as soon as possible following the process in section 4.2.2 and no later than two weeks after receipt of the written outcome of the formal stage. The staff and staff representatives will be informed in writing in advance of the appeal meeting of the date, time and place of the meeting.

The purpose of this panel will not be to rehear the original grievance, unless this will remedy any earlier procedural deficiencies or there is another compelling reason to do so, but to consider any new facts or information which could change the previous decision on the grievance.

The appeal meeting will be carried out in accordance with section 2.3.

Following the appeal meeting the decision will be notified in writing to the staff concerned and their representative(s).

If management and the staff members concerned are unable to resolve the dispute through stage one of the appeal procedure, staff members may submit a second appeal and proceed to the Collective Grievance Appeal Stage Two of the procedure on the basis only of the following:

- a breach of the procedure during the Collective Stage One Appeal;

- relevant new evidence being submitted which was not available to the appeal panel in the course of Collective Grievance - Stage One of the procedure; and/or

- the staff members feel that the decision of the appeal panel is perverse or unreasonable.

### 4.2.4 Collective Grievance Appeal Stage Two

Upon receipt of the Collective Grievance Stage Two Appeal Form, appendix 7 a meeting shall be arranged (but not necessarily take place) within five (5) working days. The staff and their representatives shall be informed of the date, time and place of the meeting.

If the Stage Two Appeal is to be heard by an ad hoc Committee (as detailed in Table 1) of the Board of Management the staff members should still submit the Collective Grievance Appeal Stage Two form to the Director of Human Resources. A meeting of the ad hoc committee shall normally be arranged (but not necessarily take place) within ten (10) working days. The meeting shall take place within a reasonable time scale however this will be dependent upon the availability of Board Members. The staff and their representatives the appeal shall be informed in advance of the date, time and place of the meeting.

An ad hoc Committee of the Board of Management shall comprise of three members, to include a Chair or Vice Chair of a standing committee. The Chair of the Board, the Principal, Staff Representatives and Student Representatives shall be excluded from such Committee

The staff members will be required to present the grievance to the panel at the hearing and any evidence. Any written documentation must be submitted in advance of the hearing to the Director of Human Resources no later than 3 days prior to the hearing. Management will provide any ad hoc Committee hearing the grievance, in addition to the Collective Grievance Appeal Form Two copies of all forms and correspondence connected with the grievance. The appeal panel will provide details of what steps have been taken or proposed to resolve the issue.

The appeal process timescale will commence once the employees or their representatives have confirmed to Human Resources that they have received the appropriate Collective Grievance Appeal Stage Two form.

The appeal meeting will be conducted in line with section 2.3.

Following the collective stage two appeal meeting the decision will be notified in writing to the staff concerned and their representative(s).

If the parties are unable to resolve the issue(s) through the Collective Stage Two appeal then the parties may agree to seek conciliation or arbitration through a mutually agreed independent third party. Failure to reach agreement on selection of

a third party will result in referral to the Advisory, Conciliation and Arbitration Service (ACAS).

All parties to any dispute should, wherever possible, reach agreement on interim arrangements to allow work to continue while the procedure is being followed.

In certain circumstances where a collective grievance raised refers to a change, for example in working practices, the status quo may be maintained until the grievance procedure is exhausted. This will exclude matters involving Health and Safety or a breach of legislation.

**Table 1 - Grievance Referral Guide**

| Aggrieved Employee | Informal Stage | Formal Stage | Stage 1 - Appeal | Stage 2 - Appeal |
|---|---|---|---|---|
| Principal | Chair of Board of Management | Ad hoc Committee of the Finance and Resources Committee | Ad hoc Committee of the Board of Management | Executive Committee |
| Vice Principal | Identified in the employees Statement of Particulars | Ad hoc Committee of the Finance and Resources Committee | Ad hoc Committee of the Board of Management | Executive Committee |
| Director | Identified in the employees Statement of Particulars | Director, Vice Principal or Principal | Vice Principal or Principal | Vice Principal or Principal |
| Senior Curriculum Manager or Head of Department | Identified in the employees Statement of Particulars | Head of Department, Director or Vice Principal | Head of Department, Director, or Vice Principal | Vice Principal or Principal |
| Curriculum Manager or Line Manager | Identified in the employees Statement of Particulars | Senior Curriculum Manager, Head of Department or Director | Head of Department, Director or Vice Principal | Head of Department, Director or Vice Principal |
| Lecturers or Support Staff | Identified in the employees Statement of Particulars | Curriculum Manager, Senior Curriculum Manager, Head of Department or Director | Head of Department or Director | Head of Department, Director or Vice Principal |
| All Staff - Collective | Identified in the employees Statement of Particulars | Director – panel consisting of two members | Director – panel consisting of two members | Vice Principal or Principal |

**Note** An ad hoc Committee of the Board of Management shall comprise of three members, to include a Chair or Vice Chair of a standing committee. The Chair of the Board, the Principal, Staff Representatives and Student Representatives shall be excluded from such Committee. It may be agreed by all parties to deviate from the above structure under certain circumstances. Managers involved at one stage of the process will not be involved in the next stage of the process. Managers involved in the investigation process will receive adequate training in the grievance procedure and will be fully supported by Human Resource Management.

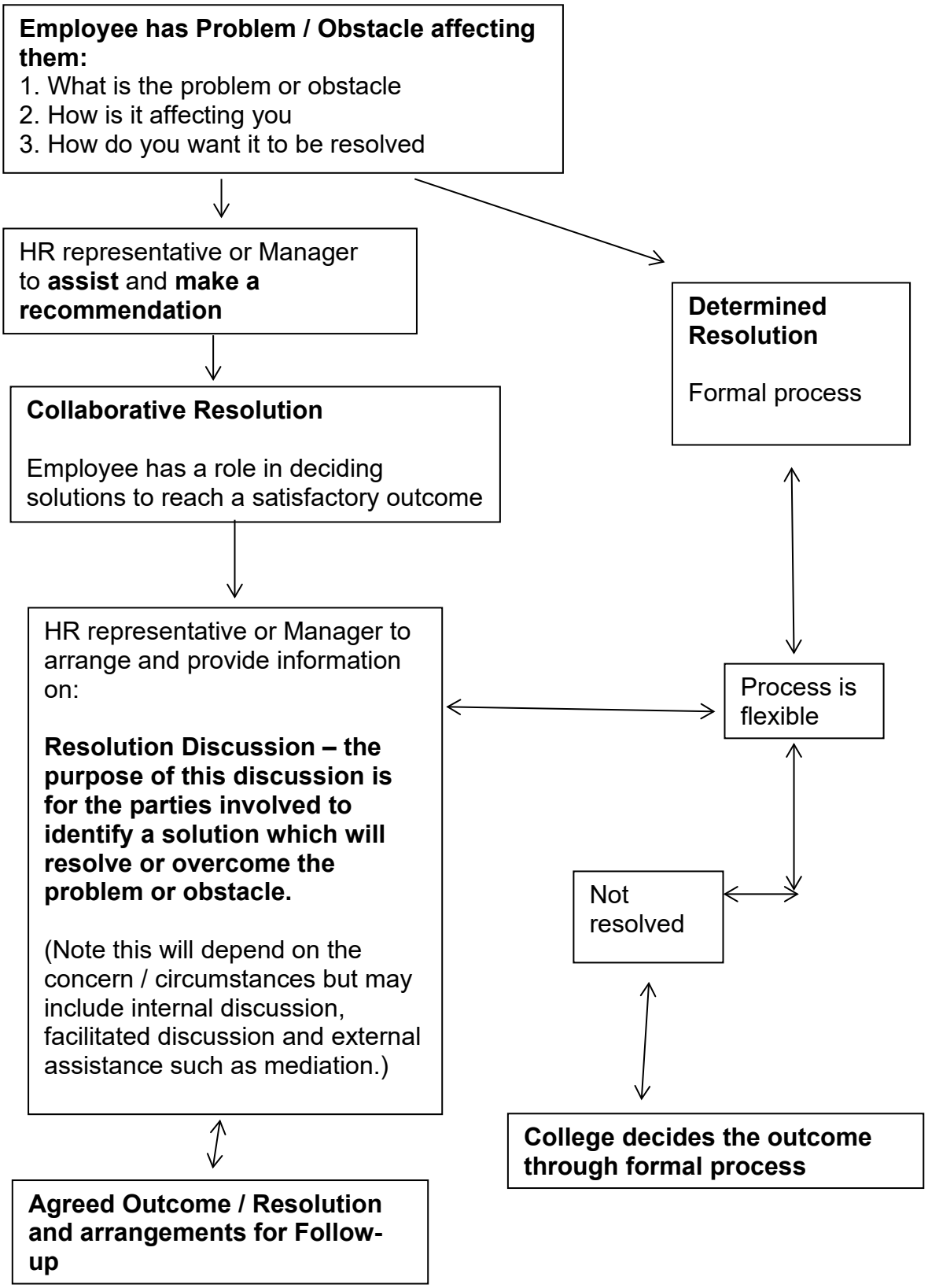
**Table 2 – Grievance Raised Against**

| Grievance Raised Against | Informal Stage | Stage 1 | Stage 1 - Appeal | Stage 2 - Appeal |
|---|---|---|---|---|
| Principal | Principal | Ad hoc committee of Finance and Resources Committee | Ad hoc Committee of Board of Management | Executive Committee |
| Vice Principal | Vice Principal | Principal | Ad hoc committee of Finance and Resources Committee | Ad hoc Committee of Board of Management |
| Director or Vice Principal | Director or Vice Principal | Director, Vice Principal or Principal | Principal or Ad hoc committee of Finance and Resources Committee | Ad hoc committee of Finance and Resources Committee or Ad hoc Committee of Board of Management |
| Head of Department or Director | Head of Department or Director | Head of Department, Director or Vice Principal | Vice Principal | Principal |
| Line Manager, Curriculum Manager or Senior Curriculum Manager | Line Manager, Curriculum Manager or Senior Curriculum Manager | Senior Curriculum Manager, Head of Department or Director | Senior Curriculum Manager, Head of Department, Director or Vice Principal | Head of Department, Director or Vice Principal |
| Lecturer<br>Support Staff | Lecturer<br>Support Staff | Line Manager, Curriculum Manager or Senior Curriculum Manager | Curriculum Manager, Senior Curriculum Manager, Head of Department or Director | Senior Curriculum Manager, or Director |

**Note**
An ad hoc Committee of the Board of Management shall comprise of three members, to include a Chair or Vice Chair of a standing committee. The Chair of the Board, the Principal, Staff Representatives and Student Representatives shall be excluded from such Committee. Managers involved at one stage of the process will not be involved in the next stage of the process.

**Appendix 1**

**Solution Focused Process – Flowchart**



**Appendix 2**

## Grievance Form

Application for Consideration of Grievance.

**You should in the first instance aim to resolve a grievance:**
**1. Informally with your line manager or as near the point of origin as possible.**
**2. Through the Solution Focused Process**

Employee Name: _____

Job Title: _____

Section/Faculty: _____

Trade Union (where applicable): _____

Nature of Grievance:

Full details - you must set out the nature of the complaint including any relevant facts, date(s), time(s) and the name(s) of any individual(s) involved. This should include references to incidents, documents and evidence where possible. Continue on a separate sheet if necessary.

_____

_____

_____

_____

_____

_____

**Prior to invoking the formal procedure, you should first have tried to resolve the matter informally.**

What steps did you take to attempt to resolve the grievance informally and what was the result of any discussions held with your line manager or the individual(s) concerned in this connection?

_____

_____

_____

_____

_____

Manager/Individual's Name:_____Date of any meeting(s):_____

Did you consider the Solution Focused Process: Yes/No

If yes, what possible solutions were considered?

_____

_____

_____

_____

_____

_____

Why were the proposed solutions not acceptable?

_____

_____

_____

_____

Specify the outcome you are seeking which would assist reach a resolution:

_____

_____

_____

**Evidence**

Documentation in support of grievance attached Yes/No

If not, why not?

_____

_____

List documents and purpose:

| **Document title** | **Purpose** |
|---|---|
| | |
| | |
| | |

**Name of Witness(es) to be interviewed, if any.**

## Witness 1

Name:

Relevance of evidence (brief outline):Title:

Name: Title:

Relevance of evidence (brief outline):

## Witness 2

Name: Title:

Relevance of evidence (brief outline):

## Witness 3

Name: Title:

Relevance of evidence (brief outline):

I apply for my grievance to be formally investigated under Stage 1 of Glasgow Kelvin College's Grievance Procedure.

My representative will be: _____

Employee's signature: _____

Date: _____

**Appendix 3**

## Grievance Stage One Appeal

**Application for Consideration of Grievance at Stage One Appeal.**

You have the right to appeal and to proceed to Stage One Appeal of the Grievance Procedure on the following grounds:

- you can demonstrate a breach of the procedure during the Formal Grievance process;
- you have relevant new evidence which was not available during the course of the formal grievance procedure; and/or
- you feel that the decision or remedy is perverse or unreasonable.

There may be other grounds of appeal which the College would consider.

You should submit your appeal within ten working days of receipt of the grievance decision or proposed remedy.

Employee Name: _____

Job Title: _____

Department/Faculty: _____

Trade Union (Where applicable):_____

**Nature of Appeal**

**I wish to progress my grievance to Stage One Appeal of the grievance procedure on the following grounds.**

I am dissatisfied with the decision or proposed remedy stated in form Grievance Form and appeal against the decision or remedy on the following grounds (continue on a separate sheet if necessary):

_____

_____

_____

_____

_____

_____

_____

_____

I will submit in writing by (date) …….:

- any questions for the investigating officer or witnesses; and
- any documentation relevant to my case.

I apply for my grievance to be considered under Stage One – Appeal

My representative will be: _____

Employee's signature: _____

Date: _____

The Grievance Form Stage 1 or a copy of your original letter stating the grounds for your grievance must be attached along with any other or documentation.

**Appendix 4**

## Grievance Stage Two Appeal

**Application for Consideration of Grievance at Stage Two - Appeal.**

You have the right to appeal and to proceed to Stage Two Appeal of the Grievance Procedure on the following grounds:

- you can demonstrate a breach of the procedure during the Appeal Stage One;
- you have relevant new evidence which was not available during the course of the Appeal Stage One of the procedure; and/or
- you feel that the decision of the appeal panel is perverse or unreasonable.

You should submit your appeal within ten working days of receipt of the appeal, stage one decision or proposed remedy.

Employee Name: _____

Job Title: _____

Department/Faculty: _____

Trade Union (Where applicable):_____

**Nature of Appeal**

**I wish to progress my grievance to Stage Two - Appeal of the grievance procedure on the following grounds.**

I am dissatisfied with the decision or proposed remedy and appeal against the decision or remedy on the following grounds (continue on a separate sheet if necessary):

_____

_____

_____

_____

_____

_____

_____

_____

I will submit in writing by (date) …….:

- any questions for the investigating officer, stage one appeal manager or witnesses; and
- any documentation relevant to my case.

I apply for my grievance to be considered under Appeal Stage Two

My representative will be: _____

Employee's signature: _____

Date: _____

The Grievance Form and the outcome of the Appeal Stage One or a copy of your original letter stating the grounds for your grievance must be attached along with any other documentation.

I understand and accept that at the conclusion of the Appeal Stage Two there is no further right of appeal and the decision made at this stage is final.

Employee's signature: _____

Date: _____

**Appendix 5**

## Collective Grievance

Application for Consideration of Grievance.

**Employees should in the first instance aim to resolve a grievance informally with their line manager or as near the point of origin as possible.**

| | |
|---|---|
| Employee Names: | |
| Job Title(s): | |
| Section/Faculty: | |
| Trade Union (where applicable): | |

**Nature of Grievance:**

Full details - you must set out the nature of the complaint including any relevant facts, date(s), time(s) and the name(s) of any individual(s) involved. This should include references to incidents, documents and evidence where possible. Continue on a separate sheet if necessary.

_____

_____

_____

_____

_____

**Prior to invoking the formal procedure you should first have tried to resolve the matter informally.**

What steps did you take to attempt to resolve the grievance informally and what was the result of any discussions held with your line manager or the individual(s) concerned in this connection?

_____

_____

Manager/Individual's Name:_Date of any meeting(s):_____

Did you consider the Solution Focused Process: Yes/No

If yes, what possible solutions were considered?

_____

_____

_____

_____

_____

_____

Why were the proposed solutions not acceptable?

_____

_____

_____

_____

Specify the outcome you are seeking which would assist reach a resolution:

_____

_____

_____

**Evidence**

Documentation in support of grievance attached Yes/No If not, why not?

_____

_____

List documents and purpose:

| **Document title** | **Purpose** |
|---|---|
| | |
| | |
| | |

**Name of Witness(es) to be interviewed, if any.**

## Witness 1

Name:

Relevance of evidence (brief outline):Title:

Name: Title:

Relevance of evidence (brief outline):

## Witness 2

Name: Title:

Relevance of evidence (brief outline):

## Witness 3

Name: Title:

Relevance of evidence (brief outline):

We apply for our grievance to be formally investigated under the Collective Grievance Procedure of Glasgow Kelvin College.

Name: Date
Signature:

Name: Date
Signature:

Name: Date
Signature

Our representative will be: _____

Employees' signature:

Date: _____

**Appendix 6**

## Collective Grievance Stage One Appeal

**Application for Consideration of Grievance at Stage One Appeal.**

You have the right appeal and to proceed to Stage One Appeal of the Grievance Procedure on the following grounds:

- you can demonstrate a breach of the procedure during the Grievance process;
- you have relevant new evidence being which was not available to the Chair in the course of the grievance procedure; and/or
- you feel that the decision or remedy is perverse or unreasonable.

You should submit your appeal within ten working days of receipt of this decision or proposed remedy.

| | |
|---|---|
| Employee Names: | |
| Job Title(s): | |
| Section/Faculty: | |
| Trade Union (where applicable): | |

**Nature of Appeal**

**We wish to progress our collective grievance to Stage One Appeal of the collective grievance procedure on the following grounds.**

We are dissatisfied with the decision or proposed remedy stated in the response and appeal against the decision or remedy on the following grounds (continue on a separate sheet if necessary):

_____

_____

_____

_____

_____

_____

_____

We will submit in writing by (date) ……:

- any questions for the investigating officer or witnesses; and
- any documentation relevant to our case.

We apply for our collective grievance to be considered under Grievance Appeal Stage One

Our representative will be: _____

Employees' signature:

Date: _____

The Collective Grievance Form or a copy of your original letter stating the grounds for your grievance must be attached along with any other or documentation, including the outcome response issued to you by management.

**Appendix 7**

## Collective Grievance Stage Two Appeal

### Application for Consideration of Grievance at Stage Two Appeal

You have the right appeal and to proceed to Stage Two Appeal of the Grievance Procedure on the following grounds:

- you can demonstrate a breach of the procedure during the Collective Stage One Appeal;
- you have relevant new evidence being submitted which was not available to the appeal panel in the course of Collective Grievance – Stage one of the procedure; and/or
- you feel that the decision of the appeal panel is perverse or unreasonable.

You should submit your appeal within ten working days of receipt of this decision or proposed remedy.

| | |
|---|---|
| Employee Names: | |
| Job Title(s): | |
| Section/Faculty: | |
| Trade Union (where applicable): | |

### Nature of Appeal

**We wish to progress our collective grievance to Stage Two Appeal of the collective grievance procedure on the following grounds.**

We are dissatisfied with the decision or proposed remedy stated in the response and appeal against the decision or remedy on the following grounds (continue on a separate sheet if necessary):

_____

_____

_____

_____

_____

_____

_____

We will submit in writing by (date) ……:

- any questions for the investigating officer or witnesses; and
- any documentation relevant to our case.

We apply for our collective grievance to be considered under Stage Two Appeal

Our representative will be: _____

Employees' signature:

Date: _____

The Collective Grievance Form or a copy of your original letter stating the grounds for your grievance must be attached along with any other or documentation, including the outcome response issued to you by management to your Collective Grievance and the outcome of the Grievance Appeal Stage One.