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| <b><u>Policy Title</u></b>               | <b>NCG Grievance Policy</b>   |
| <b><u>Policy Category</u></b>            | Compliant   |
| <b><u>Owner</u></b>                      | Director of People and Development  |
| <b><u>Group Executive Lead</u></b>       | Chief Executive Officer   |
| <b><u>Date Written</u></b>               | April 2021  |
| <b><u>Considered By</u></b>              | Executive Board   |
| <b><u>Approved By</u></b>                | Corporation Board   |
| <b><u>Date Approved</u></b>              | May 2021  |
| <b><u>Equality Impact Assessment</u></b> | The implementation of this policy is not considered to have a negative impact on protected characteristics and an assessment was carried out on 9 <sup>th</sup> April 2019<br><i>This policy is available in alternative formats, if required</i> |
| <b><u>Freedom of Information</u></b>     | This document will be publicly available through the Groups Publication Scheme.   |
| <b><u>Review Date</u></b>                | April 2023  |
| <b><u>Policy Summary</u></b>             | The purpose of this policy is to provide a framework within which any concerns relating to a colleagues employment are managed fairly, consistently and promptly.   |

| <u>Applicability of Policy</u> | <u>Consultation Undertaken</u> | <u>Applicable To</u> |
|--------------------------------|--------------------------------|----------------------|
| Carlisle College               | Yes                            | Yes                  |
| Group Services                 | Yes                            | Yes                  |
| Kidderminster College          | Yes                            | Yes                  |
| Lewisham College               | Yes                            | Yes                  |
| Newcastle College              | Yes                            | Yes                  |
| Newcastle Sixth Form College   | Yes                            | Yes                  |
| Southwark College              | Yes                            | Yes                  |
| West Lancashire College        | Yes                            | Yes                  |

| <u>Changes to Earlier Versions</u> |  |
|------------------------------------|--|
| <u>Previous Approval Date</u>      | <u>Summarise Changes Made Here</u>   |
| 25th April 2019                    | Reference to mediation (6) included  |
|                                    | Invite to formal meeting (8) includes reference to meetings being held virtually |
|                                    | Outcome of formal meetings (8) detail included re the outcome for the respondent |
|                                    | Right of appeal (13) detail included re the purpose of the appeal                |
|                                    | Grievance form (appendix A) updated  |

| <u>Linked Documents</u>     |                  |
|-----------------------------|------------------|
| <u>Document Title</u>       | <u>Relevance</u> |
| NCG Code of Conduct         |                  |
| NCG Disciplinary Policy     |                  |
| NCG Sickness Absence Policy |                  |

## **1. Scope and Purpose of Policy**

This policy does not form part of colleague's contract of employment and does not confer any contractual rights. It applies to all NCG colleagues, who are employed either on a permanent or temporary basis.

## **2. Introduction**

The purpose of this policy is to provide a framework within which any concerns relating to a colleagues employment are managed fairly, consistently and promptly. Some concerns may be managed informally in the first instance, where appropriate. Any issues raised should be specific to the colleague and be a current or recent concern, raised within a reasonable period of time from the most recent occurrence. NCG is committed to ensuring that all colleagues are treated with respect and consideration. Bullying and harassment is a serious matter. It is unacceptable in any form and will be dealt with in line with this policy.

## **3. Referral to an alternative policy / procedure**

A grievance should not be used to resolve issues that are subject to another formal policy which has the right of appeal (e.g. NCG Disciplinary Policy or NCG Performance Management Policy). The right to appeal should be exercised under the relevant policy rather than raising a grievance.

Where there are serious concerns or suspicions regarding significant wrongdoing that should be disclosed in the interests of the public, this will be managed in line with the NCG Disclosure Policy.

Where a grievance is found to be deliberately vexatious or malicious this may be treated as a serious disciplinary offence and will be managed in line with the NCG Disciplinary Policy.

## **4. Grievance**

A grievance is a concern raised verbally or in writing, about any aspect of a colleague's employment. Any potential grievance should not be raised on behalf of another colleague. A grievance must not be anonymous otherwise, it may not be pursued.

NCG has a duty of care to protect all colleagues and we may decide to pursue an issue independently, if it is appropriate to do so in the circumstances, even where a colleague may not want to pursue it further.

## **5. Informal management of a grievance**

Where concerns regarding an aspect of a colleague's employment are raised with their manager, it should be managed informally in the first instance. Where a grievance is against a colleague's manager, they should speak informally to a more senior manager (e.g. Line manager's manager). Informal outcomes should be documented but may vary depending on the nature of the issue raised and what resolutions are

possible. Possible resolutions may include mediation, carried out internally or by an external provider.

## **6. Formal grievance procedure**

Where the matter has not been resolved at an informal level, a formal grievance should be put in writing and submitted to a colleague's manager (appendix A). Where a grievance is against a colleague's manager, it should be submitted to a more senior manager (e.g. line manager's manager).

The grievance should detail:

- The nature of the issue.
- Relevant facts, dates and witnesses.
- Other evidence e.g. emails/documentation.
- Evidence of attempts to resolve the issue informally.
- Desired outcomes.

In some situations, the colleague may be asked to provide further information.

Where a grievance is wholly or partly against another colleague (the respondent), they will be informed of this in writing.

## **7. Investigation**

Where a formal grievance is submitted and hasn't been resolved informally, it will be investigated by a manager in order to establish the facts. All investigations should be carried out as soon as possible after the grievance has been submitted.

As part of the investigation, meetings may take place with all relevant individuals. As these meetings are informal there is no prior notice required no right to be accompanied.

NCG reserves the right to determine whether a meeting is the best means of investigation or whether something different is more appropriate.

## **8. Invite to a formal grievance meeting**

Reasonable notice of a grievance meeting will be given in order to prepare. Normally this will be 7 calendar days, unless otherwise agreed.

Timeframes may be adjusted at the discretion of the investigation manager to allow sufficient time for the provision of alternative formats of documents to be made available.

The invite to the meeting will confirm the formal procedure is being implemented, the date, time and venue of the meeting and confirm any entitlements (i.e. the right to be accompanied). Meetings may be held face to face or virtually through relevant business software, such as, Microsoft Teams. Colleagues will be given notice of how the meeting will be conducted. If the meeting is to be held virtually, the importance of privacy will be stated and confirmed before the meeting commences.

## **9. Right to be accompanied**

At formal meetings, colleagues have the right to be accompanied by a trade union representative or an NCG colleague.

The chosen companion will be allowed to address the meeting, respond on the colleagues behalf to any view expressed and sum up the case on their behalf. However, the meeting is essentially between the colleague and the manager, and is the colleague's opportunity to provide further details, so any questions put directly to the colleague should be responded to by them and not their companion.

Colleagues should make every effort to attend. If the colleague or their companion cannot attend a meeting at the date or time arranged, they should let the manager know as soon as possible and within reason agree an alternative date and time. If a colleague fails to attend without explanation, or fails to attend a rescheduled meeting, the meeting may take place in their absence.

If a colleague has disclosed an underlying health condition, suffer from a chronic illness or disability, the manager will consider requests for a non-participating health care provider to be present during formal meetings.

## **10. Note taking & recording**

Other colleagues attending the meeting will include a note taker and may also involve a member of the HR team.

Recording equipment cannot be used at any time during meetings. Non-verbatim notes will be taken during the meeting, and colleagues will be provided with a copy of the notes from their meeting. The colleague or their representative are welcome to take their own notes.

## **11. During the formal meeting**

At the meeting, the manager will ask the colleague to explain more about the issues raised. The colleague will be given every opportunity to explain issues relating to their grievance and how they think it should be resolved.

## **12. Outcomes following the formal meeting**

Following the formal grievance meeting and subsequent investigation the outcome may be:

- The grievance is upheld.
- The grievance is partially upheld.
- The grievance is not upheld.

For the above outcomes, additional recommendations may also be applicable i.e. training and coaching.

The outcome will be confirmed in writing to the colleague(s) who submitted the grievance and outlining any next steps. The colleague will be notified of their legal right to appeal. Any colleague(s) who the grievance is against will receive written confirmation of the outcome and any next steps.

### **13. Right of Appeal**

Colleagues have the right to appeal against the outcome of a formal meeting. They should appeal in writing to the person identified in the outcome letter, stating the full grounds of their appeal within one calendar week of receipt of the outcome letter. . If an appeal is not made within 7 calendar days, it will be assumed that the colleague accepts the decision.

Any appeal should be exercised under the relevant policy rather than raising a separate grievance under the NCG Grievance Policy.

A manager will be appointed and a further meeting will be held to discuss the appeal. The colleague will have a right to bring a companion in line with other formal meetings.

As the appeal meeting is formal, the same principles will apply to that of other formal meetings with regards to the meeting invitation, rights, attendees, responsibilities and expectations.

Following the formal appeal meeting, the outcome may be:

- The original decision is upheld.
- The original decision is partially upheld.
- The original decision is overturned.

The outcome will be confirmed in writing, outlining any next steps, where appropriate. The appeal manager's decision is final and there is no further right of appeal.

The purpose of the appeal is to consider any of the following raised by the colleague:

- Any new evidence provided.
- Specific appeal reasons.
- Procedural matters.
- Whether the outcome of the grievance was disproportionate to the evidence.

### **14. Senior Post Holders and Senior Executive**

Senior Post Holders (SPH) are defined in the Article of Government and have been agreed within NCG as the members of Group Executive and the Principals of each of the Colleges. Whilst all of these roles are classified as SPH reporting lines do vary with the following having been agreed:

Reporting to the Chair of Corporation:

- Chief Executive Officer.
- Executive Director and Secretary to the Board.

Reporting to the Chief Executive Officer:

- All other Senior Post Holders.

Any allegations of misconduct will be investigated by an appropriate person. This will normally be as per the table below however with agreement from the CEO and Chair of Corporation this can be delegated to another appropriate manager.

| Post Holder                                 | Investigation             | Appeal                              |
|---|---------------------------|-------------------------------------|
| Chair of Corporation                        | Vice Chair of Corporation | Chair of Appraisal and Remuneration |
| CEO   | Chair of Corporation      | Vice Chair of Corporation           |
| Executive Director & Secretary to the Board | Chair of Corporation      | Vice Chair of Corporation           |
| All other Senior Post Holders               | CEO                       | Chair of Corporation                |

Where there is a recommendation to progress to a formal disciplinary, the colleague will be invited to a formal disciplinary meeting as per the process outlined in this policy and an appropriate outcome issued. They will receive a response in writing in line with the above process. Should they wish to appeal the decision the appeal should be in writing to the members of the Corporation, via the Executive Director & Secretary to the Board.

### **15. Variations to this policy / procedure**

This procedure is intended as an overview of how to manage with any issues relating to employment, however, it may need to be adapted to suit the needs of each situation. On occasions, it may not be appropriate to follow each of the stages in turn or in the timescale suggested. Regardless of the stage at which this procedure is started, support will be offered and implemented to assist colleagues throughout the process.



**APPENDIX A: Grievance form**

Please read the NCG Grievance Policy before completing this form.

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|---|--|
| <b>Colleague name</b>   |  |
| <b>College, School or Service</b>   |  |
| <b>Job Title</b>  |  |
| <p>Input nature of grievance, including:</p> <ul style="list-style-type: none"> <li>• The reason and basis for the grievance</li> <li>• Full names of any colleagues and witnesses involved</li> <li>• Relevant facts and dates</li> <li>• Other evidence e.g emails/documentation</li> <li>• Any attempts to resolve this issue informally</li> </ul> <p>Desired outcomes: Briefly describe how you would like the matter to be resolved and what would be a reasonable outcome for you.</p> |  |

**Colleague signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_