

# **CANTERBURY COLLEGE POLICY**

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Corporation Member's Grievance Procedure for Senior Postholders

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**EFFECTIVE DATE: March 2011**

**LAST REVIEWED: December 2008**

**REVIEWED BY: Clerk to the Corporation**

**NEXT REVIEW: March 2014**

**POLICY LEAD: Clerk to the Corporation**

# Grievance procedure for senior post-holders

## 1 Scope and purpose

- 1.1 This procedure applies to the Principal and senior post-holders as defined in the College's Articles of Government. References to section numbers are to the numbered sections of this document.
- 1.2 Where the Clerk to the Corporation is also a member of staff at the institution, the Clerk is to be treated as a senior post-holder. In such circumstances the Corporation shall appoint an appropriate person to fulfil the tasks of the Clerk to the Corporation under these sections when the Clerk is the Senior Post-holder involved in the grievance procedure.
- 1.3 The procedure will be applied in accordance with the Articles of Government of the Corporation and in accordance with the Advisory, Conciliation and Arbitration Services (ACAS) Code of Practice, 'Disciplinary and Grievance Procedures', dated April 2009.
- 1.4 The purpose of this procedure is to:
  - Enable senior post-holders who consider that they have a grievance or complaint arising from their employment to have it dealt with at the appropriate level as expediently as possible.
  - To promote fairness and consistency in the process by which grievances or complaints arising from a senior post-holder's employment is considered.
- 1.5 This procedure will not apply to any grievances concerning complaints or disputes which are covered by separate procedures or arrangements of the Corporation.

## 2 General principles

- 2.1 A senior post-holder has the right to be accompanied at formal grievance meetings by a representative of a trade union or work placed colleague of their choice, subject to a reasonable request being made. (*Please refer to Appendix 1 for guidance on the role of the companion*).
- 2.2 The Corporation will ensure that its members are familiar with the provisions in this procedure.
- 2.3 Every effort will be made to resolve the grievance at the informal stage.
- 2.4 In the interest of ensuring that grievances are resolved as speedily as possible, time limits are given for appropriate stages in this procedure. These are for

guidance. If it is not practicable to adhere to these time limits, they may be amended, ideally by mutual agreement. Due regard will be given to the personal circumstances of all parties involved in the procedure.

### **3 Stage 1 - Informal Procedure**

- 3.1 If a senior post-holder has a grievance relating to his/her employment, all effort should be made to resolve the grievance informally.
- 3.2 The person considering the grievance will take appropriate steps to resolve the grievance as quickly as possible on an informal basis. He/she shall enquire into the grievance and will discuss it with the senior post-holder. A written record of the discussion and the outcome will be provided within 5 working days after the complaint is received. It is anticipated that most grievances will be resolved at this stage.
- 3.3 If the matter is very serious or in other circumstances where the senior post-holder does not wish to raise the matter informally, the employee may proceed straight to the formal stage of the procedure.

### **4 Stage 2 - Formal Procedure**

- 4.1 If the senior post-holder feels that the matter has not been resolved through informal discussion, or in the event that paragraph 3.3 applies, the grievance should be put in writing.
- 4.2 The grievance should provide full details of the complaint and should be addressed to the Clerk to the Corporation (or the Deputy Clerk if the grievance is against the Clerk) to be considered at this stage by a member of the Corporation who did not hear the grievance at the informal stage.
- 4.3 The Corporation will, as soon as possible, ideally within five working days, but no longer than ten of receipt of the written grievance, arrange a grievance meeting.
- 4.4 The senior post-holder may be accompanied at the meeting by a trade union representative or work colleague (*Please refer to Appendix 1 for guidance on the role of the companion*). The Corporation should remind the senior post-holder of the right to be accompanied prior to a grievance meeting. Before the meeting, the senior post-holder should inform the Clerk to the Corporation (or the Deputy Clerk if the grievance is against the Clerk) who he or she has chosen to be a companion.
- 4.5 If the grievance involves another employee, the Corporation may require the attendance of that employee or any other employees who may be able to provide relevant information. If the senior post-holder wishes to call relevant witnesses to the meeting, he or she should advise the Clerk to the Corporation (or the Deputy Clerk if the grievance is against the Clerk) of this

at least 3 days in advance of the meeting. The senior post-holder will be informed at least 3 days prior to the meeting if the Corporation intends to call relevant witnesses.

- 4.6 At the meeting the senior post-holder or his or her companion will be given the opportunity to explain the nature of the grievance, submit verbal and/or written evidence and call appropriate witnesses.
- 4.7 The Corporation member hearing the grievance will consider all of the matters raised at the meeting and undertake all reasonable investigations into the grievance.
- 4.8 The Corporation member's decision will be communicated in writing to the senior post-holder as soon as reasonably practicable following the meeting; ideally within five working days, and normally within ten, of the meeting. The letter to the senior post-holder will outline, where appropriate, what action the member of the Corporation intends to take to resolve the grievance, and will also inform him or her of the right to appeal. Where the decision is to not uphold the grievance, the Corporation member will explain the reasons for this in the letter. Any other parties involved in the grievance will also be appropriately informed of the outcome.
- 4.9 If it is not possible for a decision to be reached within ten working days, the Clerk (or the Deputy Clerk if the grievance is against the Clerk) will write to the senior post-holder with an explanation for the delay and when the written decision can be expected.

## **5 Stage 3 - Appeal**

- 5.1 If the grievance is not resolved to the satisfaction of the senior post-holder at Stage 2, he or she may appeal. Any such appeal must be submitted in writing, setting out the full grounds for the appeal, and sent to the Clerk to the Corporation (or the Deputy Clerk if the grievance is against the Clerk) within ten working days of receipt of the decision reached at Stage 2.
- 5.2 The Corporation will, as soon as possible and in any event, within ten working days of receipt of the written appeal, appoint a committee of the Corporation ("the appeal committee"). The appeal committee will not include any member of the Corporation who has been involved with the grievance process in question so far, nor any staff or student member (*Please refer to Appendix 1 for guidance on the make-up of the appeal committee*). The appeal committee will invite the senior post-holder to an appeal meeting.
- 5.3 The senior post-holder will be entitled to be accompanied at the appeal meeting by a trade union representative or work colleague (*Please refer to Appendix 1 for guidance on the role of the companion*).

- 5.4 The appeal committee will consider the appeal and may be supplied with all of the documentation submitted in relation to the earlier stages of the procedure. If the grievance involves another employee, the appeal committee may require the attendance of that employee at the appeal meeting, or any other employees who may be able to provide relevant information.
- 5.5 The appeal decision will be provided in writing by the Clerk to the Corporation (or the Deputy Clerk if the grievance is against the Clerk) within ten working days of the appeal meeting. Any other parties involved in the grievance will also be appropriately informed of the appeal decision. If it is not possible for a decision to be reached within this period, the Clerk (or the Deputy Clerk if the grievance is against the Clerk) will write to the senior post-holder on behalf of the appeal committee with an explanation for the delay and when the written decision can be expected.
- 5.6 The appeal committee's decision shall be final.

# Appendix one

## Notes relating to the model grievance procedure

### Section 3 – the right to be accompanied

Employees have the statutory right to be accompanied by a work placed colleague or trade union representative, where they are invited by the employer to attend a grievance meeting and when they make a reasonable request to be so accompanied.

The trade union representative can be an officer employed by a trade union, or a lay trade union officer, so long as (in the latter case) they have been reasonably certified in writing by their union as having experience of, or as having received training in, acting as an employee's companion at grievance meetings.

An employee may ask an official from any trade union to accompany them at a grievance meeting, regardless of whether or not he or she is a member or the union is recognised by the College.

A work placed colleague or trade union representative who is to accompany the employee at the grievance meeting should be permitted to take a reasonable amount of paid time off to fulfil this. This should cover the grievance meeting and it is also good practice to allow time for the companion to familiarise themselves with the case and confer with the employee before and after the meeting.

To exercise the statutory right to be accompanied, an employee must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for an employee to insist on being accompanied by a companion whose presence would prejudice the meeting nor would it be reasonable for an employee to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

The companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employer from explaining their case.

### Section 5 - appeal

Ideally the appeal committee will include the Chair and/or Vice-Chair of the Corporation, as long as they have not been involved so far in the grievance in question. The intention is that the appeal committee includes people who are senior to person who heard the original grievance.