



University Technical College Warrington (UTCW)

Grievance Policy

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1 SCOPE AND PURPOSE

- 1.1 It is the policy of University Technical College Warrington (“UTCW”) to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. UTCW aim to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.
- 1.2 This procedure **cannot** be used to:
 - 1.2.1 complain about the use of any other procedure or process (e.g. disciplinary, capability, restructuring etc) in relation to you whilst that procedure is being followed;
 - 1.2.2 appeal against any formal or informal disciplinary sanction;
 - 1.2.3 appeal against any decision to terminate your employment whether on grounds of ill-health, incapacity, redundancy, poor performance or other grounds;
 - 1.2.4 appeal against selection for redundancy;
 - 1.2.5 complain about any matter that forms a collective grievance where the appropriate mechanism is for representations to be made by the appropriate trade union representatives;
 - 1.2.6 complain about any matter which is properly the subject of a statutory consultation process;
 - 1.2.7 complain about matters which have been or should have been brought under UTCW’s Whistleblowing Policy or
 - 1.2.8 complain about matters which are more than three months old (though this shall not prevent you referring to matters more than three months old in relation to a grievance which is otherwise live).
- 1.3 This procedure may be used to appeal against any decision taken under pay policy although such step would be dealt with at Stage 2 of this policy.
- 1.4 The Governors delegate their authority in the manner set out in this procedure.
- 1.5 The primary purpose of this procedure is to resolve current grievances.

- 1.6 The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievances).
- 1.7 UTCW's focus is on the remedial steps required to resolve a grievance.
- 1.8 UTCW shall not normally seek to resolve grievances raised after an employee has ceased to be an employee, under this procedure.

2 WHO IS RESPONSIBLE FOR THE POLICY?

- 2.1 The Trust Board has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust Board has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Principal.
- 2.2 The Senior Leadership Team has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

3 WHO IS COVERED BY THIS POLICY?

- 3.1 This policy covers all employees at all levels and grades, including senior managers, officers, employees, trainees, part-time and fixed-term employees (collectively referred to as **employees** or **you** in this policy).
- 3.2 It does not apply to agency staff and self-employed contractors.

4 DEFINITIONS

- 4.1 In this policy **working day** means any day on which you would ordinarily work if you were a full time employee. In other words it will be different for teaching and non-teaching staff but will not be different on the basis of whether an employee is full-time or part-time.

5 INFORMAL RESOLUTION

- 5.1 Before raising a formal grievance under this procedure, you should try to resolve the matter informally either through your line manager or, where possible, with the other party. If this does not resolve the issue, you should follow the formal procedure below.

6 GRIEVANCE MANAGERS

The Grievance Manager where possible should be someone not personally involved in the matter which is the subject of the grievance and will be appointed as follows on the basis of the subject matter of the grievance:

Your grievance relates to	Stage 1 Grievance Manager	Stage 2 Grievance Manager
Pupils, parents or staff (other than the Principal)	Vice Principal or Business Manager	The Principal
The Principal	The Chair of Governors	Governor' Appeal Panel appointed by the Chair of Governors
A Governor (other than the Chair of Governors)	The Chair of Governors	Governor Appeal Panel appointed by the Chair of Governors
The Chair of Governors (or a group of Governors including the Chair of Governors)	The Vice Chair of Governors or another non-staff Governor (other than the Chair of Governors) nominated by the Clerk to Governors	Governors' Appeal Panel appointed by the Vice-Chair of Governors (or the Clerk to Governors if the matter relates to the Vice-Chair of Governors)
The whole body of Governors	A panel of Governors	Governor Appeal Panel

This may be subject to change depending on the circumstances of the case.

7 FORMAL GRIEVANCE

7.1 Stage 1

7.1.1 If you have not been able to resolve a problem through informal discussions, you should submit a formal grievance to your line manager or the Principal, who should inform the Business Manager.

7.1.2 A Grievance Manager should be appointed, as per the table above.

7.1.3 The Grievance Manager will arrange to meet with you as soon as possible but normally within 10 days to discuss your grievance and the steps

needed to investigate your concerns. Some investigation may have already been carried out by the Grievance Manager at the time of the Grievance Meeting.

7.1.4 After this meeting, the Grievance Manager will confirm a response in writing.

7.2 **Stage 2**

7.2.1 If you are not satisfied with the Stage 1 Grievance Manager's response, you can appeal by sending a letter of appeal to the Principal within ten working days of the response being sent to you.

7.2.2 The Principal will formally appoint a different Grievance Manager, following (wherever possible) the guidance in Paragraph 3 above.

7.2.3 The Stage 2 Grievance Manager will arrange for a meeting with you as soon as possible, but normally within ten working days.

7.2.4 After this Grievance Meeting, the Stage 2 Grievance Manager will confirm a response in writing. The decision of the Stage 2 Grievance Manager is final and there will be no further right of appeal.

7.2.5 Information which is recorded and retained is compliant with Data Protection and GDPR legislation.

8 **GOVERNOR'S APPEAL PANEL**

8.1 The Governor's Appeal Panel shall comprise two or three non-staff Governor not previously involved in the matter.

8.2 In the event that there are insufficient numbers of Governors available to participate in the Panel, the Chair of Governors or Vice-Chair as appropriate may appoint associate members.

9 **RIGHT TO BE ACCOMPANIED**

9.1 If you are an employee and have presented a grievance, you can be accompanied at any meetings under this procedure by a companion who must be either a willing work colleague not involved in the subject matter of your grievance and or an accredited trade union representative of a union recognised by UTCW.

9.2 You must let the Grievance Manager know who your companion will be at least one working day before the relevant meeting.

- 9.3 If you have any particular need, for example, a disability which causes you a substantial disadvantage, adjustments may be made to the procedure to allow you to participate and in limited circumstances this may include allowing you be accompanied by someone else other than is listed in clause 6.1.
- 9.4 Your companion can address the meeting in order to:
- 9.4.1 put your case
 - 9.4.2 sum up your case
 - 9.4.3 respond on your behalf to any view expressed at the meeting.
- 9.5 Your companion can also confer with you during the meeting.
- 9.6 Your companion has no right to answer questions on your behalf, or to address the meeting if you do not wish it, or to prevent you from explaining your case.
- 9.7 Where you have identified your companion to the Grievance Manager and your companion has confirmed in writing to the Grievance Manager that they cannot attend the date or time set for the meeting, the Grievance Manager will postpone the meeting for no more than five working days from the date set by UTCW to a date or time agreed with your companion provided that it is reasonable.

10 **CONFIDENTIALITY AND TRANSPARENCY**

- 10.1 Proceedings and records of any grievance will be kept as confidential as possible but you must appreciate that circumstances can mean that grievances cannot always be dealt with on an entirely confidential basis.
- 10.2 A grievance you raise could result in the instigation of disciplinary action in respect of another employee and to protect the confidentiality of that process, UTCW may not be able to inform you of the fact of the disciplinary process or of the disciplinary action which has been taken as a result of your grievance.
- 10.3 You should not disclose the fact of or content of any grievance to any employee or third party without the express consent of the Grievance Manager (except that you are allowed to approach a prospective companion or your trade union representative).
- 10.4 At the conclusion of your grievance and after any related disciplinary or other processes have been completed, a report will be presented to the non-staff Governors as a confidential item. This report will not identify you but will identify

the content of your complaint so that Governors are aware of any concerns that are being raised by staff and are assured that processes to resolve concerns are operating effectively.

11 TIMING OF MEETINGS

11.1 Meetings under this procedure may:

11.1.1 need to be held when you were timetabled to teach.

11.1.2 exceptionally be held during planning preparation and administration time if this does not impact on lesson preparation.

11.1.3 may be held after the end of the school day.

11.1.4 may not be held on days on which would not ordinarily work.

11.2 Meetings may take place in the absence of an employee in the event they are not able to attend a scheduled meeting and it is considered appropriate by the Trust to do so in the relevant circumstances.

12 VENUE FOR MEETINGS

12.1 If your complaint raises sensitive issues, the Grievance Manager may hold the meeting off UTCW site.

13 INDEPENDENT MEDIATION

13.1 As part of a resolution of a grievance, a Grievance Manager may propose independent mediation particularly in situations where there are personality clashes between employees.

14 FALSE, VEXATIOUS OR MALICIOUS GRIEVANCES

14.1 Making a false, vexatious or malicious grievance under this procedure is a serious disciplinary offence which could result in dismissal for gross misconduct.

15 PUBLIC INTEREST DISCLOSURES/WHISTLEBLOWING

15.1 You should be aware that a grievance may, in certain cases, amount to a protected disclosure under the Employment Rights Act (please see the UTCW's Whistleblowing Policy for further details). You will not be allowed to raise the same matter under both procedures.