

# Staff Complaints and Grievance Procedures

October 2013

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## Version Control History

<b>Version Number</b>	<b>Date of Change</b>	<b>Summary of Revisions Made</b>
1	October 2013	Draft 3 approval at CMT, with the clarification that this is the Staff Complaints and Grievance Procedure throughout. Also approved through staff consultation forums (notified 25-Oct-13).
1.1	July 2016	Footer updated to reflect new template model Role title changed : Vice Principal, Human Resources and Communications.
1.2	December 2018	Change of role to Quality Manager and other job titles to adhere to the current structure.

# Staff Complaints and Grievance Procedures

## 1 Purpose

The procedures outlined in this document are designed to enable staff complaints or grievances to be resolved as efficiently and as quickly as possible, in order to minimise the risk of long term damage to relationships within the College.

## 2 Scope

- 2.1 The terms of the procedures apply to all members of staff.
- 2.2 A complaint or grievance must relate to a dissatisfaction arising from or related to work, for example, the application of terms and conditions, employment policies, procedures and practices, or working relationships.

## 3 Definitions

- 3.1 Complaint – A matter of dissatisfaction raised by an employee, either verbally or in writing, on an informal basis.
- 3.2 Grievance – A matter of dissatisfaction raised by an employee in writing on a formal basis.
- 3.3 Staff Companion – Another employee of Perth College UHI chosen, if desired, by the individual, to provide support during any investigatory process and to address hearings but not respond to questions on behalf of the individual.
- 3.4 Trade Union Representative – An elected representative of EIS-FELA or Unison, or other trade union organisation chosen, if desired, by the individual, to provide support during any investigatory process and to address hearings but not respond to questions on behalf of the individual.
- 3.5 Mediation – In some cases it may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance and subject to agreement by all involved parties. This involves appointment of a third-party mediator to discuss the issues raised in the grievance and seek to facilitate a resolution.

## 4 Responsibilities

- 4.1 The Chief Operating Officer shall be responsible for ensuring the proper application of the terms of this procedure.  
This shall include the provision of relevant training and guidance to those investigating staff complaints and grievances and to those conducting grievance hearings.

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- 4.2 The manager or member of staff conducting an investigation into the grievance matter shall be responsible for ensuring an adequate and timely investigation into the matter.
- 4.3 The member of staff raising the grievance has a responsibility to co-operate during any investigation and to comply with the terms of this procedure.
- 4.4 The Human Resources Department shall be responsible for the administration and co-ordination of grievance hearings and appeals hearings. The Human Resources Department shall also provide advice and support as appropriate during investigations and hearings.
- 4.5 Quality approval check of the procedure is the responsibility of the Quality Manager who will arrange for the procedure to be posted on the web.

## 5 Procedure

### 5.1 Key Points

- 5.1.1 Managers may seek advice on handling staff grievances from the Human Resources Department.
- 5.1.2 Although the procedures detailed in this document relate to an individual employee, these procedures will also apply in cases where 2 or more employees have a collective complaint or grievance.
- 5.1.3 For the purposes of this document, a complaint is defined as a dissatisfaction communicated, either verbally or in writing, on an informal basis.
- 5.1.4 For the purposes of this document, a grievance is defined as dissatisfaction communicated formally, in writing.
- 5.1.5 An employee should not raise a complaint or grievance which is not related to his/her employment.
- 5.1.6 An employee raising a complaint or grievance, or an employee who is the subject of a complaint or grievance, may invite a trade union representative or staff companion of his/her choosing to any meetings/hearings held to discuss either a complaint or a grievance.
- 5.1.7 The Principal may nominate a representative from the Human Resources Department to attend any meetings/hearings held to discuss either a complaint or grievance, to act in an advisory capacity to management.
- 5.1.8 An employee will be given the opportunity to express his/her complaint or grievance clearly, and investigations will be carried out, as necessary.

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5.1.9 If an employee wishes to submit documents for a hearing or have witnesses at a hearing, then they must submit documents to the Chair at least 2 working days before the hearing; and notify the Chair of the names of any witnesses at least 2 working days before the hearing.

5.1.10 Efforts should be made by all concerned to resolve complaints or grievances, as quickly as possible.

## 5.2 The Informal Complaints Procedure

5.2.1 If an employee has a complaint about his/her terms and conditions of employment, or his/her experiences at work, he/she should attempt to resolve the matter, informally, by approaching the member(s) of staff involved. Every effort should be made by all the individuals concerned to find an amicable solution to the problem.

5.2.2 If the employee's immediate line manager was not involved at 5.2.1, and the complaint remains unresolved, the employee may refer the matter, informally, for appropriate guidance and assistance, to his/her immediate line manager.

5.2.3 If the Principal was not involved at 5.2.1 or 5.2.2 and the matter remains unresolved, the employee may refer the issue, informally, to the Principal, who will give the employee appropriate guidance and assistance, or may nominate a representative from the Senior or College Management Team for this purpose.

## 5.3 The Formal Grievance Procedure

5.3.1 In cases where the Formal Procedure is being invoked, the employee must make this fact clear by communicating that a formal grievance has been raised, and the details of the grievance, in writing, to the appropriate manager, indicated below, in paragraph 5.4.1.

5.3.2 Management may extend the time limits for responding to grievances, referred to in the paragraphs below, in exceptional circumstances, due to, for example, the need to carry out lengthy investigations. Similarly, an employee, on request, may be granted permission to extend the time limits for his/her responses, referred to in the paragraphs below, if management consider such requests to be reasonable.

5.3.3 In the event of a formal grievance being declared between management and a group of employees, as a result of a grievance being raised, the status quo, prior to the grievance, with respect to the terms and conditions of the employees involved, will be maintained until the procedures detailed below in paragraphs 5.4.1 to 5.5.2 inclusive have been followed and exhausted. Also, agreement should be reached between the parties involved in the grievance to permit work to continue while the Formal Procedure is being followed.

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- 5.3.4 A trade union, whose members are involved in a formal grievance, will not participate, or advise its members to take part in any form of industrial action, until, the procedures detailed below in paragraphs 5.4.1 to 5.5.2 inclusive have been followed and exhausted.
- 5.3.5 If a formal grievance is raised by an employee who is subject to the disciplinary procedure, the manager who is conducting the procedure will consider the implications of the grievance (with advice from the Human Resources Department) and will take the appropriate steps. It should be noted that a formal grievance will not necessarily take priority over the disciplinary process and may be set aside until the disciplinary process has concluded.

#### **5.4 The Formal Procedures to be Followed**

- 5.4.1 If a complaint remains unresolved, under the Informal Complaints Procedure, or the employee believes that the matter is serious enough to warrant the dissatisfaction being communicated formally, the employee should forward the grievance, along with any supporting documents, in writing, to the employee's immediate line manager.
- 5.4.2 If the grievance is against the immediate line manager, the employee should formally communicate the grievance to the immediate line manager's manager to be dealt with under these procedures.
- 5.4.3 The manager on receipt of a grievance, will arrange a hearing to discuss the matter with the employee and, if applicable, the employee's representative, normally at a time within 5 to 10 working days from the receipt of the grievance. A note of the hearing will be taken and kept. Every effort will be made to resolve the problem at this stage, and the manager will respond to the aggrieved employee and, if applicable, his/her representative, in writing, normally within 5 working days from the date of the hearing.

#### **Appeals to the Principal**

- 5.4.4 If the matter remains unresolved after 5.4.3 the employee may, within 5 working days from the receipt of the manager's response, appeal in writing to the Principal, stating the grounds for the appeal, along with any supporting documents.
- 5.4.5 On receipt of an appeal, the Principal will arrange for a hearing to take place, normally within 10 working days from the receipt of the appeal, to allow the employee and or, if applicable, the employee's representative to present the employee's case to the Principal. A note of the hearing will be taken and kept.

The Principal's decision will be forwarded to the employee and, if applicable, his/her representative, in writing, normally within 5 working days from the date of the hearing. The relevant correspondence will also detail the employee's right to appeal against the decision, and how this right can be exercised.

5.4.6 If the grievance is against the Principal, the employee should forward the grievance, along with any supporting documents, in writing to the Clerk to the Board of Management, who will arrange a Sub-Committee of the Board of Management to hear the employee's grievance using this procedure. A separate Appeals Sub-Committee of the Board of Management would hear any subsequent appeal.

## 5.5 Appeals to the Board of Management

5.5.1 An employee who wishes to appeal against the Principal's decision at 5.4.5 may appeal, in writing, to the Appeals Sub-Committee of the Board of Management, normally within 10 working days from the receipt of the Principal's decision, by lodging the appeal in writing to the Clerk to the Board of Management, and stating the grounds for appeal.

5.5.2 The Appeals Sub-Committee of the Board of Management will arrange to hear the employee's appeal and or, if applicable, his/her representative present the employee's case, during an Appeal hearing, at a time normally within 10 working days from the receipt of the appeal. The employee and, if applicable, his/her representative will be informed of the Committee's decision, normally within 10 working days from the date of the Appeal hearing. The decision of the Appeals Sub-Committee of the Board of Management will be the final stage of the Formal Grievance Procedure.

## 6 Linked Policies/Related Documents

ACAS Code of Practice on Disciplinary and Grievance Procedures  
Recognition Procedure Agreement (RPA)  
Staff Disciplinary Procedure  
Capability Procedure