



Human Resources

April 2012

GRIEVANCE POLICY & PROCEDURE

Updated February 2016

Purpose and Scope

It is the aim of the University that all staff feel able to raise concerns, problems or make complaints that relate to their employment at the University and have them heard promptly and in a safe and supportive environment.

Where concerns, problems or complaints do arise it is expected that both the staff member and their immediate manager will do their best to settle them informally at a Department or Faculty level.

The formal grievance procedure should only be instigated where an informal resolution has not been achieved or is clearly inappropriate. In some instances mediation may be appropriate and the Human Resources representative in the Faculty or for the department should be contacted for further details. Some information about mediation is contained in appendix 1.

This policy is designed to take account of the "ACAS code of practice on disciplinary and grievance procedures" and its accompanying guidance.

The grievance procedure is designed to ensure that all members of staff are treated fairly and consistently regardless of their role and that the high standards of the University are maintained.

Issues that may cause grievances include:

- Terms and conditions of employment
- Health and safety
- Work relations
- Bullying and harassment
- New working practices
- Working environment
- Organisational change
- Discrimination

As far as is reasonably practicable any member of staff who is involved in, or subject to, this procedure, and his or her representative, must ensure that they maintain confidentiality of the process and of University documents, as any breach of confidentiality may be treated as a separate disciplinary offence. This is subject to an individual's right

to seek and obtain appropriate confidential legal advice or make a disclosure under the Public Interest Disclosure Act (please see University Public Interest Disclosure Policy) or otherwise as required by law or any statutory authority. All grievance records should be treated as confidential and will be kept no longer than necessary in accordance with the data protection guidelines.

This policy and procedure applies to all members of staff. *Ordinance (11.3 Grievance Procedure)* also applies to Academic staff¹. Whilst this policy has been written to ensure that the process outlined in *Ordinance 11.3* is followed, Academic Staff should also refer to this Ordinance when raising a grievance.

Where a member of staff raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently and this shall be determined by the University and explained to the employee.

A flowchart of this policy and procedure is shown in appendix 2.

This policy and procedure does not form part of any employee's contract of employment. It may be amended from time to time with appropriate consultation with recognised trade union representatives.

1. Informal Procedure

All members of staff are normally expected to try and resolve any concerns or complaints informally with their line manager, this may be the Head of Faculty/Department or Unit. Concerns that relate to an immediate manager may in the first instance be informally discussed with the relevant Dean/Faculty Manager or Head of Department.

Staff are encouraged to express concerns in an open and honest manner and to use the Grievance Procedure only when informal approaches have not resolved the issue or they feel unable to tackle concerns on an informal basis.

¹ *Those covered by Lecturer A & B, Senior Lecturer, Reader, Professor, Teaching Fellow, Senior Teaching Fellow and Professorial Teaching Fellow Role Profiles*

2. Formal Procedure

2.1 Raising a formal grievance

A formal grievance should be put in writing and should set out the nature of the grievance, the outcome(s) sought and be sent to the line manager.

Where a grievance involves the staff member's line manager, then the grievance should be sent to the next level of management.

The grievance can be sent to the Faculty Dean or Department Director in the first instance if the complaint is about, or concerns, a Head of Department or other manager(s) in the University. Where it concerns a member of the Executive Board, it should be sent to the Vice-President Human Resources.

The employee will be invited in writing to attend a Grievance meeting and will be informed of their right to be accompanied to the meeting.

Where a formal grievance has been raised which involves a complaint against another member of staff, the member of staff concerned will be informed that an investigation is being conducted. The person against whom the complaint has been made will have the opportunity to respond to the complaint(s).

Whilst grievance procedures are under way it is expected that work shall continue normally. The circumstances which gave rise to the grievance will continue until the grievance process is concluded, unless there is, in the judgement of the University, a danger to the health, safety or welfare of any member of staff, student, or member of the public.

In exceptional cases an employee will be given the option to take leave or be redeployed to another area whilst an investigation is on-going.

2.2 The Grievance Meeting and Investigation

The Grievance meeting should take place as soon as possible after receipt of the written grievance and should not be later than 10 working days wherever possible. The grievance will normally be heard by the manager of the employee with a grievance, unless the manager is the subject of the grievance in which case the grievance will be heard by a more senior manager who may be outside of the Faculty/Department. Alternatively, in more complex cases, an alternative manager will be appointed to hear the grievance. If the employee has any concerns regarding the manager who will be hearing the grievance, they should raise these with their HR representative, who will consider the employee's concerns and may arrange for another manager to hear the grievance.

The manager will hear the employee's grievance, ask questions to clarify and expand on the issues raised, and if necessary an investigation will be conducted into the issues surrounding the grievance. The extent of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents. In some cases it may be necessary to hold a further grievance meeting with the employee after the investigation and before a decision is reached.

Employees must co-operate fully and promptly in any investigation.

Throughout the process the manager hearing the grievance will be supported by an HR representative. Human Resources will be responsible for arranging the hearing and for taking notes at each stage of the process, ensuring that these are issued to the individual and their representative.

2.3 Collective Grievances

If more than two employees have identical grievances and wish them to be addressed in the same grievance process, a request to the Vice-President Human Resources can be made to consider a collective grievance. This is not a process to be used for a trade union dispute.

Subject to the agreement of the Vice-President Human Resources to hear the grievance as a collective grievance, the employees concerned may nominate a representative to raise the grievance on behalf of the group.

An appropriate representative is either:

- An official of a recognised trade union; or
- An employee with a grievance nominated from within the group, to act on the groups behalf.

The nominated representative will be responsible for representing the interests of all employees in the collective grievance, including presenting the case at any meetings. Only the appropriate representatives will be invited to any meeting with the University regarding the collective grievance unless the University requests to speak to the employees with a grievance.

The procedure outlined for individual grievances will also apply to collective grievances. In this way if any individual grievance becomes a collective grievance it will not be necessary to revert to the beginning of the grievance procedure.

2.4 Grievance outcome

The manager will decide whether to:

- i) Uphold the grievance
- ii) Partially uphold the grievance
- iii) Not uphold the grievance

They will provide a written decision to the individual, representative or spokesperson normally within 10 working days of completing the investigation. The written decision will also inform the employee who raised the grievance of their right to appeal the decision. In cases where the grievance is against another member of staff the outcome will be communicated to that individual within the same time frame.

Where the complaint is upheld or partially upheld consideration should be given to the outcomes sought by the employee with the

grievance, and, where similar grievances have been raised before, how they have been resolved to allow for consistency.

If the grievance highlights any issues concerning policies, procedures or conduct they should be addressed as soon as possible.

Where the employee feels that their grievance has not been satisfactorily resolved they have the right to appeal.

3. Appeal Process

If the employee wishes to exercise the right to appeal the Grievance decision, he/she should notify the Vice-President Human Resources in writing, clearly setting out the grounds of their appeal within 10 working days of any decision.

An Appeal Hearing may or may not be a re-hearing of the case, depending on the circumstances of the case. The employee must be specific about the grounds of appeal, which will effectively form the agenda for the hearing.

Appeals may be raised on one or more of the following grounds:

- **Procedure** – a failure to follow procedure had a material effect on the decision;
- **Decision** – the evidence did not support the conclusion reached or is inconsistent with other decisions within the University.
- **New evidence** – which has genuinely come to light since the first hearing. Where new evidence is raised, further investigations may need to be carried out which may require the Appeal Hearing to be delayed pending the outcome of these investigations and to give the employee an opportunity to consider any new information obtained.

The Vice-President Human Resources, or their delegate, will arrange a meeting of the Grievance Appeals Committee at the earliest convenient date. This should normally be within one month after the matter has been formally raised with the Vice-President Human Resources.

The Vice-President Human Resources, or nominated deputy, will establish the Grievance Appeals Committee which should comprise:

- As Chair, a senior manager independent from the case;
- One other senior manager independent from the case.
- An HR Representative

Senior managers are defined as staff at Grade 6 level or above.

The individual raising the Grievance appeal will be informed of the composition of the Grievance Appeal Committee. Should they have any concerns these should be raised with the Vice-President Human Resources who will consider the employee's concerns and may reconstitute an agreed panel.

The Grievance Appeals Committee will invite the employee in writing to attend an appeal meeting, informing the employee of the entitlement to be accompanied by a colleague or trade union representative.

The decision of the Grievance Appeals Committee shall:

- confirm the original decision; or
- revoke the original decision and reach a different decision.

The decision of the Appeal committee shall be final and there shall be no further right of appeal.

4. Rearranging Hearings

If an employee or their representative cannot attend at the time specified for a hearing, the employee must inform the manager hearing the grievance or appeal and/or HR immediately. An alternative date can be suggested so long as it is reasonable and it is not more than five working days after the original date. If the employee fails to attend without good reason, or is persistently unable to attend, the hearing may be heard in their absence on the available evidence, or the employee may be invited to provide a written statement.

5. Right to be Accompanied

An employee who raises a grievance has the right to be accompanied at all formal stages of the grievance procedure. This representative may be a recognised trade union official, a lay trade union officer or a fellow employee. The employee must inform the manager hearing the grievance or appeal of who will be accompanying the employee at least 2 days before the meeting date. The employee may be required to choose an alternative if the chosen representative is unavailable for the scheduled hearing and will not be available for more than five working days after the scheduled date of the hearing.

The companion may make representations, and sum up the employee's case but is not allowed to answer questions on the employee's behalf.

An employee who has not raised the grievance, but is either involved in the investigation or has had the grievance raised against them, does not normally have the right to bring a representative to an investigation meeting. However, the University will normally accommodate any such requests to be accompanied, provided that the timescales as outlined in section 5 are met.

The University will allow an employee to bring a companion if it helps them to overcome any disability, or any difficulty in understanding English.

6. Grievances after Termination of Employment

An employee wishing to raise a grievance after leaving the employment of the University should do so in writing within one month of leaving the University's employment, subject to any terms agreed by a settlement agreement.

Appendix 1: Mediation

An independent third party or mediator can sometimes help resolve issues. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. It is not the role of the mediator to judge who is right or to tell those involved in the mediation what they should do.

Mediation may be appropriate in cases such as:

- For conflict involving colleagues of a similar job or level or between a line manager and their staff;
- At any stage in the grievance, formal procedure will be put in abeyance whilst mediation takes place;
- To rebuild relationships after a formal dispute has been resolved;
- To address a range of issues, including relationship breakdown, personality clashes, communication problems, bullying and harassment.

Mediation is not appropriate if:

- Used as a first resort – employees should be encouraged to talk to each other and their manager before seeking resolution through mediation;
- It is used by a manager to avoid their managerial responsibilities;
- The individual bringing a discrimination or harassment case wants it to be investigated;
- One side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.

Access to mediation should be discussed with the local HR representative.

Grievance Policy Flowchart

