

Grievance procedure

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Contents

1. Management summary for dealing with grievances
2. The purpose of the procedure
3. When to use this procedure
4. Seeking an informal resolution to a complaint
5. General guidance on the grievance procedure for both managers and staff
6. Steps for raising a formal grievance and for managers responding
7. Making an appeal against the outcome of a grievance hearing
8. Proceedings at grievance and appeal meetings
9. Outstanding grievances at the termination of employment

Grievance procedure

1. Management summary for dealing with grievances

1.1 This grievance procedure explains:

- the purpose of the procedure;
- when to use the procedure and when other procedures may be more appropriate;
- means of seeking an informal resolution to a complaint including through the mediation service;
- general guidance on using the procedure for staff and for managers; and
- a guide on the steps to take to raise a formal grievance, as well as what managers need to consider when responding to them.

1.2 Failure to deal with complaints from staff quickly and efficiently can be disruptive to the work environment. While it is not always possible to provide the outcome required by the complainant, a speedy and transparent process that considers all of the relevant information should assist in reaching a practical solution, where one is possible.

While the procedure sets out guidance in some detail, the key steps can be summarised as:

- clarify the complaint; is the issue clearly understood, or do you need to seek further information from the complainant or other people?
- is there scope for dealing with the matter informally? Have all informal options been considered/exhausted? In particular, has mediation been considered?
- if it is to be progressed formally, arrange a meeting to consider the complaint at the earliest opportunity; If there is going to be a delay, the complainant needs to be told how long and why.
- the complainant has the right to be accompanied;
- the manager hearing the complaint must have access to all relevant information in order to make a reasoned decision on how it should be responded to;
- provide a decision in writing which clearly explains how it was reached and which includes advice on the right to appeal; and
- try and keep to a tight timetable. If this cannot be done, keep all those involved informed of the reason for delay.

The procedure:

2. The purpose of the procedure

- 2.1 If staff have a grievance relating to their employment they have the right to express it and may take up the grievance personally or be accompanied and/or represented at any formal stage of the procedure by a representative of a trade union of which they are a member, or by a person of their choice excluding advisers acting in a legal capacity*.
- 2.2 The University and its recognised trade unions are committed to ensuring that grievances are dealt with fairly and as quickly as possible. The primary objective of this procedure is to establish the facts of a complaint, and resolve it through means of practical solutions where possible and appropriate, and encourage an effective work environment.

3. When to use this procedure

- 3.1 This grievance procedure is intended to apply to complaints made by individual members of staff against the University as an employer, or against another member of staff. Separate guidance deals with complaints relating to staff employed by contractors.

Grievances raised on behalf of two or more employees by a representative of one of the recognised trade unions should be dealt with through the University's collective negotiation/ consultation processes or, if necessary, the process for dealing with collective disputes.

Complaints of harassment and/or bullying are dealt with under the University's Harassment policy and procedure.

Copies of all Human Resources procedures, including this procedure are available on the staff zone.

Allegations of acts of discrimination by staff acting on behalf of the University, which contravene legislation or University diversity and equal opportunities policies, will be dealt with in accordance with the relevant University procedure. This may include this Grievance procedure, the Disciplinary procedure or the Harassment policy and procedure; the nature of the allegations will be taken into account when considering the appropriate procedure to be followed.

- 3.2 Complaints for which alternative procedures or processes should be applied, include:
- 3.2.1 collective disputes (see 3.1 above)
- 3.2.2 disputes between members of staff in non-work related and/or external capacities;

* The University considers that all employment matters are best addressed and resolved internally, using agreed procedures and with the involvement of recognised staff representatives, as appropriate. It is for these reasons that advisers acting in a legal capacity are excluded from participating in internal hearings.

- 3.2.3 issues which are the subject of disciplinary action against the individual concerned (where a member of staff raises a grievance during a disciplinary process, that process may be temporarily suspended in order to deal with the grievance. This will be at the discretion of the University, based on the best interests of University business as well as the nature of the complaint. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently, using a single process if necessary). Where the view is taken that a grievance has been raised specifically to block the progress of a disciplinary action, no suspension will be granted;
 - 3.2.4 issues in relation to dismissal, including dismissal for reasons of redundancy (the appropriate appeals process should apply);
 - 3.2.5 in disputes concerning contractual terms and conditions of employment, including matters detailed in the relevant staff handbook (contract terms and conditions are subject to collective negotiation, and issues of concern should be raised through the appropriate processes (see 3.1 above));
 - 3.2.6 to appeal against the outcome of job evaluation (the appropriate appeal process should apply);
 - 3.2.7 to challenge established University policies and procedures (policies and procedures are subject to collective consultation, and issues of concern should be raised through the appropriate processes; (see 2.1 above));
 - 3.2.8 to challenge work programmes, including decisions in relation to teaching programmes (managers have ultimate discretion in line with the relevant contract of employment, to allocate and plan work in accordance with contractual terms, and after consultation with staff in circumstances where change is required)
 - 3.2.9 sickness absence cases
- 3.3 In the event of any conflict of opinion about whether a matter can be dealt with appropriately through this Grievance procedure, the advice of the Human Resources Director should be sought. In circumstances where a complaint is deemed not to be appropriate for consideration under this procedure, after consultation with the Human Resources Director, managers will write to the complainant to explain the decision. Any member of staff wishing to raise a complaint which would appear to be excluded from this procedure may wish to seek the advice of their Human Resources

Officer, or their trade union representative, about the alternative procedures available to them.

4. Seeking an informal resolution to a complaint

4.1 Where a member of staff believes that they have grounds for raising a grievance, they should first of all endeavour to resolve the matter by a direct, informal approach to the person against whom they have a grievance or, if they do not feel able to do this, the member of staff can approach their supervisor or line manager. If the grievance relates to someone outside of the member of staff's school/department, the member of staff might seek to resolve the matter by a direct, informal approach to the person concerned or to that person's line manager. As the primary objective of this procedure is to establish the facts of a complaint, and seek a practical resolution, every effort should be made to achieve this outside of a formal process. In order to assist in establishing the facts of a complaint, the member of staff is encouraged to put their complaint in writing even at the informal stage. They may alternatively seek the assistance of a trade union representative to present their complaint to the supervisor/line manager. Supervisors and line managers may also seek the assistance of senior managers or Human Resources Officer in an attempt to find practical solutions to problems at an informal stage if they consider this to be necessary.

4.2 Every effort should be made, both by those raising the complaint, and by managers responding to complaints, to find an acceptable resolution through informal means.

The University also operates a mediation scheme. If either a member of staff or manager or trade union representative considers that a matter of dispute might be resolved through mediation they may refer the matter to the mediation co-ordinator. Any member of staff participating in mediation to resolve an issue will not be debarred from either commencing or taking their complaint further through this grievance procedure if the matter is not resolved by mediation.

5. General principles for managers and staff on the grievance procedure

5.1 Every effort should be made to deal with grievances promptly and within the stated timescales, where specified. When there are circumstances which act to extend the length of time spent on the process, the complainant should be advised of this, and given a further estimate of the timetable. This advice should be provided no later than four weeks after the complaint has been lodged, and should give reasons for the delay. Should it not be practicable to deal with the grievance within one month the Human Resources Officer will keep both the complainant and the person against whom the grievance has been made informed of progress.

- 5.2 Where, pending resolution of a grievance, specific difficulties arise in respect of working arrangements, the matter should be referred to the Human Resources Director who will determine suitable interim arrangements if this is considered appropriate.
- 5.3 This procedure should only be used for complaints about events which occurred in the immediate twelve months period prior to the date of the grievance being raised. Matters complained of which predate that period will not be considered. However, a grievance may be supported by background information which refers to events which took place more than twelve months previously. Any background information must be demonstrably relevant and clearly show a connection to the individual's current grievance. It is the responsibility of the member of staff bringing the grievance to ensure that it is formally raised within the twelve months period.
- 5.4 In seeking a resolution to a grievance, the University will consider all the relevant options that are available, but this shall not include financial compensation other than where a contractual entitlement to a payment has been established.
- 5.5 At meetings to hear either a grievance or an appeal against a grievance decision, a member of staff may be represented or accompanied by a representative of a recognised trade union of which they are a member, or by a person of their choice, excluding advisers acting in a legal capacity*.
- 5.6 Every effort of those involved should be made to attend meetings to hear a grievance once they have been arranged.
- 5.7 If a grievance is directly related to the member of staff's immediate supervisor, the staff member may initiate their formal grievance in writing to the next level of management if they are uncomfortable in raising their concerns directly with their line manager. The advice of the relevant Human Resources Officer should be sought if there is any uncertainty about who the formal grievance should be raised with.
- 5.8 In cases of potential conflicts of interest regarding a line manager hearing a specific grievance, consideration will be given to the most appropriate measures for dealing with the grievance, taking into account the particular circumstances, but also with due regard to the impact on time and availability of staff resource at the appropriate management level.
- 5.9 Where the University is satisfied that the grievance raised is not valid and that this procedure cannot be used, the University will inform the member of staff raising the complaint, setting out in writing the reasons for its view. The initial view is to be taken by the manager dealing with the grievance, who will then seek the advice of the Human Resources Director. Grievances are treated seriously by the University and anyone found to be lodging a mischievous or malicious grievance, or generally seeking to abuse

the process, may be subject to the University's Disciplinary procedure.

6. Steps for raising a formal grievance and for managers responding

- 6.1 Where a member of staff believes they have cause for grievance, and it has not been possible to resolve the problem either by informal means or by use of the mediation service, the details of the grievance should be clearly set out in writing, and sent to their immediate supervisor/line manager or to someone from the next level of management, if more appropriate.
- 6.2 The letter/written complaint should indicate what steps have been taken to resolve the matter already, and why this has failed. It should also state in clear and concise terms the exact nature of the complaint. If, on receipt of a written complaint, there is any uncertainty as to the exact nature of the complaint, managers will be entitled to seek further clarification in writing before arranging to hear the complaint.
- 6.3 Where appropriate, the written complaint should have attached to it any supporting documentation. It should also include requests for any other people who the complainant considers may need to be interviewed to further explain or support the facts of the complaint. Such information should be supplied as soon as possible, and in any event no later than 5 working days prior to the meeting to consider the grievance. It will be at the discretion of the manager considering the complaint to decide whether it is necessary to interview anyone other than the complainant, but every effort must be made to have all relevant facts available by the time the complaint is formally considered at a hearing.
- 6.4 Where the grievance relates to another member of staff, a copy of the complaint, and any supporting documentation, will be copied to that person with a covering letter of explanation, which will also invite them to respond to the grievance within a reasonable and appropriate timescale. A response can include the submission of additional documentation as necessary.
- 6.5 The hearing should be held as soon as possible, depending on the need to co-ordinate documentation and interview or obtain evidence from other staff involved. Ideally the hearing should be held no later than three weeks after receipt of the complaint. If it is not possible to conclude consideration of the complaint at that hearing, the complainant should be advised what additional information is required, and a further hearing can be fixed if the manager hearing the complaint considers it necessary.
- 6.6 Once all relevant information has been considered, and the manager hearing the complaint is satisfied of this, a written response will be given as soon as possible, but normally within 7 further working days of the (last) meeting. The written decision should set out what information has been considered in investigating the complaint, including a list of all staff interviewed

in addition to the complainant where that was necessary. It should also advise the complainant of the procedure for appealing against the decision if they are unsatisfied with it.

- 6.7 Every attempt should be made to settle grievances at this stage, both by the manager concerned, and by the complainant.

7. Making an appeal against the outcome of a grievance hearing

- 7.1 If the member of staff is dissatisfied with the response given, they may submit an appeal against the decision. This should be done in writing within 10 working days from the date of the formal notification letter giving the outcome to the consideration of their grievance. No new complaints should be raised at this stage, and the appeal meeting will only consider those issues that were raised as part of the original grievance. The letter of appeal should set out clearly and concisely why the decision reached in relation to their grievance is not acceptable to them.
- 7.2 The appeal should be directed to the Human Resources Director, who will decide who should hear the appeal and, where necessary, direct who should present the management side of any case. The appeal will normally be heard by the line manager of the person who heard the original grievance, but it may be heard by another manager at the same level, if this helps to facilitate the prompt consideration of the appeal.
- 7.3 The manager hearing the appeal, will invite the complainant and the manager who considered the original grievance to prepare and provide any relevant documentation. This should both explain the grievance itself, and how the decision on that grievance was reached. Any documentation to be considered at the appeal should be available no later than 5 working days in advance of the date of the appeal meeting, so that there is adequate time for it to be circulated and read ahead of the meeting. It will be the responsibility of each party involved in the appeal to prepare their own documentation and written submissions, if they wish to use them.
- 7.4 The appeal will be heard as soon as possible, normally within 3 weeks of receipt of the letter of appeal letter, where it is possible for those involved to meet within that timescale.
- 7.5 The decision of the appeal will be confirmed in writing, normally within 7 working days from the meeting taking place, although this will depend upon the circumstances of the case and the timescale necessary for it to be fully considered, which might involve discussions with other parties.

8. Proceedings at grievance and appeal hearings

Further guidance for staff and managers attending a hearing to consider a grievance, or the appeal against a grievance decision, is provided on the staff zone.

9. Outstanding grievances at the termination of employment

All grievances will fall at the termination of the member of staff's employment.