



## **Grievance Policy**

### **2018-21**

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Policy owner:	Director of Human Resources
Vice-Chancellor's Group approval	Date: 14 February 2018
TLT Solicitors	Date: 5 January 2018
Governors' Strategy and Resources Committee	Date: 27 March 2018

## **1. Introduction**

The University is committed to creating a positive working environment and promoting effective working relationships. Members of staff are encouraged to try to settle any grievances promptly through informal action either through discussion with their line manager or the person concerned. A grievance procedure is not a substitute for good day-to-day communications and employees are encouraged to discuss and resolve any work-related differences without recourse to formal procedures. Where an employee wishes to address their grievance informally, and they have a confidential discussion with their manager or a Human Resources Officer, the formal Grievance Policy and Procedure will not be invoked.

At any stage of this policy, where it is considered possible, mediation may be chosen to help resolve matters. Further advice on mediation or any aspect of the Grievance Policy can be obtained from the Human Resources Department. All employees are able to access the University's Grievance Policy in hard copy from the Human Resources Department, or via the Human Resources page on the University's Intranet.

This policy applies to all full-time and part-time employees, regardless of length of service.

This policy and procedure does not form part of an employee's contract of employment and it may be amended from time to time.

A grievance can generally be described as "concerns, problems or complaints that employees raise with their managers" (Ref: ACAS). The University seeks to provide a fair and consistent method of enabling staff to raise concerns, problems or grievances. The aim will be to address and resolve problems informally, where possible, as close to the source of the grievance and without delay.

It is important to note that managers should take all complaints seriously, even if not in writing. However, all formal grievances should be submitted in writing. Managers will take every step necessary (including disciplinary action) to ensure that employees raising a grievance will not be disadvantaged or victimised.

The grievance procedure will be carried out in confidence (unless otherwise agreed by the parties involved) and will not prejudice the current employment or future career prospects of the employee raising a grievance in good faith.

All grievance records (including those of formal grievance and appeal hearings) will be held in accordance with the data protection legislation.

## **2. Scope of the Grievance Policy**

### **2.1 When the procedure can be used**

This procedure sets out the process available to individual employees who wish to rectify a situation which appears to them to be incorrect. The procedure is available to any employee who has a grievance about any of the following:

- a) his/her own work;
- b) the way that he/she is managed or supervised;
- c) the interpretation of terms and conditions which apply to the post;
- d) any other work-related grievance which affects their work or wellbeing.

The University intends that employees who have such a grievance can receive an early resolution to their problem, or an explanation from the appropriate manager of the circumstances that exist which preclude a resolution which is acceptable to the individual.

### **2.2 When the procedure cannot be used**

This procedure should not be used for the following, where separate procedures exist:

- a) Collective disputes and matters related to collective agreements which are handled by the Joint Consultative Group: these matters should be raised with the representative(s) of the appropriate trade union(s).
- b) Disciplinary matters: these would be covered under the University's Disciplinary Policy and Procedure. If an employee is dissatisfied with any disciplinary action, they should submit an appeal.
- c) Matters unconnected with work practices, or conditions of employment, and issues that are outside the control of the University, such as statutory measures.
- d) In the case of alleged bullying or harassment the Dignity at Work/Bullying and Harassment procedures should be used.
- e) Matters connected with grading/salary issues for which a separate process exists e.g. Higher Education Role Analysis.
- f) Matters connected with capability and/or performance where the Capability Policy and Procedure should be used.
- g) Where consultation is being conducted with employees on any aspect of organisational change, matters relating to this would be dealt with through the Policy and Procedure for dealing with Organisational Change.
- h) Matters connected to a grievance against the 'institution' as a whole and/or 'Whistleblowing' where the Whistleblowing Policy should be used.

### **3. Stages of a grievance resolution**

**3.1 Informal resolution stage:** Most grievances can be resolved quickly and informally through discussion with the relevant person i.e. manager or colleague (outlined in point 7).

**3.2 Formal resolution stage:** If the informal resolution stage proves to be unsuccessful, or if it is deemed not to be appropriate, then the formal stage procedure will need to be followed (outlined in 9).

### **4. Counter-grievance**

If a counter-grievance is received in response to the grievance, or in response to action being taken under another policy or procedure (managing poor performance or disciplinary for example), the Director of Human Resources shall decide the order in which matters are dealt with. The University reserves the right to instigate disciplinary action if the grievance policy is used vexatiously or defamatorily.

### **5. Group grievance**

Sometimes several people can raise a group grievance about the same issue (also known as a 'collective grievance'). Where the grievance is of a collective nature, attempts should be made to resolve the grievance informally and/or through mediation where appropriate. In certain instances, depending on the number of individuals involved in the group grievance, it may be appropriate for the group to nominate individuals to represent their interests throughout the process and to act on their behalf. These individuals will be referred to as 'nominated representatives'.

For grievances against several people, individual responses to the grievance will be needed. Outcomes of grievances will be advised individually and not to the group (unless the individuals agree that responses should be provided to the group).

## 6. Representation

Staff have the right to be accompanied by their Trade Union representative or a workplace colleague at formal meetings, should they wish. The representative may confer with the employee at any time during the meeting and they can summarise any information they may want to present on their behalf or call for adjournments, but they are not able to answer questions on the employee's behalf.

## 7. Informal procedure

Most grievances can be resolved quickly and informally through discussion with their line manager. Accordingly, the University expects employees to attempt, in the first instance as far as reasonably practical and appropriate, to raise issues informally with their immediate line manager.

Where an employee has a grievance, he/she should as a first step either approach the individual who is believed to be the cause of the grievance, or speak to their own line manager. An attempt should be made to redress the matter informally. If the complaint is about their own line manager then they should speak to their line manager's manager who will aim to resolve matters as quickly as possible.

## 8. Mediation

An informal approach might include the use of a trained mediator to work with both parties on reaching an amicable resolution. Mediation offers support to resolve interpersonal disputes between parties and can be particularly effective where a relationship has broken down between colleagues. Human Resources will provide guidance and support in relation to this process. Where both parties are in agreement with this option, trained independent internal or external mediators will facilitate this process.

Mediation is a voluntary process and if no mutually acceptable solution is reached through mediation then the grievance procedure will be reconvened from the stage that it was put on hold, unless advised otherwise by the parties involved in the grievance. If the mediation process achieves an outcome agreeable for all parties then the formal grievance process can be closed, with this being confirmed to the parties in writing.

If informal steps do not resolve the matter, or are inappropriate, the employee should proceed to the formal procedure.

## 9. Formal procedure

Where an employee feels that the informal procedure has been exhausted or they do not feel able to raise their grievance informally, then they should raise the matter formally, in writing, completing the attached Grievance Notification form (**Appendix 1**). The employee should state that they wish for the matter to be considered under the formal process. If the grievance notification form is not submitted or is incomplete, then the matter will be referred back to the employee and the grievance process will not commence until sufficient information is provided. The completed form should be forwarded to the manager (or manager's manager in the case of a grievance against the line manager).

A written grievance that has not been communicated via the notification form will still be accepted if it confirms that it is a grievance and contains a description of the nature of the complaint, including any relevant facts, dates and names of the individuals involved.

The written grievance should state the nature of the grievance and the remedy sought and should include:

- An indication of the informal steps, if any, that have been taken by the employee to resolve the matter.
- A description of the reasons for the complaint, including any relevant facts, dates, and details of the individuals involved.
- An indication of the outcome the employee is seeking as a result of raising the grievance.

In most circumstances the line manager with whom the employee has raised the grievance will investigate the grievance; however in some instances (for example a grievance against the line manager, a group or counter-grievance), an independent manager will be appointed to undertake the investigation. In both instances a Human Resources Officer will work closely with the investigating manager to support the process.

The key purpose of the investigation is to discover all the relevant facts and information, in a fair, reasonable and objective manner. The nature of the investigation will depend on the allegations made. It may involve interviewing and taking statements from the employee, the individuals involved in the grievance, and any witnesses. The necessary length and detail of an investigation will depend on the circumstances of the grievance.

Where it is necessary for the investigating manager to approach witnesses as part of the investigation, the manager will meet with the witnesses to talk through their evidence in more detail. Where it is not possible to meet with the witnesses, the investigating manager may require a written statement confirming their recollection of events.

The employee must co-operate fully and promptly in any investigation. This may include informing the manager of the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.

The formal procedure involves two stages:

First: Formal meeting

Second: Right of Appeal

## **9.1 Stage 1: Formal meeting**

The manager will arrange a formal meeting with the employee to be held without unreasonable delay on receipt of the grievance. The meeting will take place normally within ten working days of receipt of the formal grievance, unless another timescale is mutually agreed. The employee will be informed of the date and time in advance of the meeting.

The employee must ensure they provide the investigating manager dealing with the grievance with any evidence in support of the complaint no later than three working days before the meeting. Any additional evidence provided by the employee after this point or within the meeting itself will be evaluated by the investigating manager, who will consider evidence which is relevant to the grievance. Evidence that is presented, but established not to be relevant to the initial grievance, will be highlighted within the summary outcomes.

The employee may wish to be supported at the meeting by their trade union representative or a work colleague.

A Human Resources Officer or a designated note-taker will attend the meeting to advise on process and to take notes, as appropriate. Notes of the investigation and any subsequent witness meetings do not have to be verbatim but should reflect the key issues/points discussed so that they can be referred to later in the investigation for clarification. Notes taken at meetings will be sent to witnesses to agree content. Neither the investigating manager nor the employee can insist on making an electronic recording of any meeting/interview. Disciplinary action may be taken where illicit recording has taken place.

At the conclusion of the formal meeting, the manager hearing the grievance will state the action that he/she intends, or is able, to take to redress the grievance and will reply to the grievance in writing, normally within five working days of the meeting. Where possible, the investigating manager will meet with the complainant to talk them through their investigation findings and any recommendations made to resolve the situation. Where a grievance is not upheld, the investigating manager will make sure the reasons for this are carefully explained.

Where an employee is persistently unable or unwilling to attend a formal meeting without good cause, the manager may make a decision on the evidence available, and the employee will be informed that this is the case.

## **9.2 Stage 2: Right of Appeal**

If the employee is dissatisfied with the outcome of the discussion at Stage 1, the employee may exercise their right to appeal. The purpose of the appeal is to consider whether the action taken by the manager to resolve the grievance was fair and reasonable under the circumstances. The employee should outline the grounds for their appeal in writing. The appeal should be sent to the Director of Human Resources within five working days of the outcome of the decision at Stage 1.

The Director of Human Resources will organise an appeal hearing to be heard by a senior manager not previously involved in the case (e.g. a Director or Head of Department). The employee will be informed of the date and time in advance of the meeting (usually within 5 to 10 working days of the receipt of the appeal, unless another timescale is mutually agreed). A written record of the grievance, together with all other relevant documentation, will be sent to panel members.

The employee may wish to be accompanied to the appeal hearing by a workplace colleague or a trade union representative. A Human Resources Officer will attend the meeting to advise on process and to take notes, as appropriate.

The employee will be informed of the outcome of the Appeal Hearing in writing, normally within five working days of the Appeal Hearing. There is no further right of appeal.

## **Grievance Policy and Procedure: Appendix 1**

### **GRIEVANCE NOTIFICATION FORM**

**NAME:**

**JOB TITLE:**

**DEPARTMENT:**

**CAMPUS:**

**Contact details:**

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**Outline the nature of the grievance providing** a description of the reasons for the complaint:

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**Indicate why it is not possible to resolve the grievance at an informal stage (reference point 7, page 3 of the Grievance Policy and Procedure):**

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**Indicate remedy sought -** indicate the outcome you are seeking as a result of raising the grievance:

**Signed:**

**Dated:**

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Please use additional sheets if required.

**NAME OF HUMAN RESOURCES OFFICER SUPPORTING GRIEVANCE:**

**NAME OF MANAGER INVESTIGATING THE GRIEVANCE:**

**DATE OF MEETING WITH EMPLOYEE:**