



Staff Grievance Procedure

Human Resources Department

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| Lead Director: Director of Human Resources and Student Services |
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STAFF GRIEVANCE PROCEDURE

1. PURPOSE AND SCOPE

- 1.1 This procedure applies to all staff, however for Academic staff whose employment is governed by the University Statute 31¹, the stages up to and including Stage 2 of this procedure are treated as the informal stages under the Statute (clauses 33.1-33.5). Thereafter Academic staff will follow the formal stages identified under Statute 31.
- 1.2 The purpose of the procedure is to help deal with grievances and collective grievances² fairly, promptly and as close to the point of origin as possible.
- 1.3 If a staff member has a concern, problem or complaint associated with his/her work, the staff member should wherever possible talk it over with their manager. It may be possible to agree an informal solution.
- 1.4 If the matter is more serious, or if informal interventions have been unsuccessful, it may be appropriate to raise the matter formally through this procedure.
- 1.5 This procedure will be applied fairly and consistently to all staff at all times, in accordance with the University's commitments to Equality and Diversity.

2. PRINCIPLES FOR THE APPLICATION OF THE PROCEDURE

- 2.1 The University has a responsibility to ensure that managers operating these procedures have the necessary skills and support. Human Resources will provide full guidance and support to managers in using the Staff Grievance Procedure.
- 2.2 Responsibility for applying the provisions of this procedure lies with the Deans/Directors/Heads of School/Heads of Departments/Research Institute Directors and other line managers (hereafter referred to as 'manager').
- 2.3 Human Resources may be consulted for advice and information on the operation and application of this procedure at any stage and will be in attendance at the formal meetings convened in accordance with Stages 1 to 3. A staff member may seek the support and advice of their trade union at any stage of the procedure.
- 2.4 All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the University.
- 2.5 In the event of a grievance, every effort will be made to resolve the matter through informal discussion. Failing that, it is expected that all grievances raised through the formal procedure will normally be lodged at Stage 1.

¹ The employment of members of Academic staff who are serving a probationary period is not governed by Statute 31.

² The principles for "collective grievances" can be found at Annex A.

- 2.6 Every effort should be made by all involved to deal with issues promptly and not cause unreasonable delay.
- 2.7 If a grievance is raised by a member of staff which is material to a disciplinary case, it will be considered within the context of the disciplinary investigation and the relevant disciplinary procedure.
- 2.8 If the grievance relates to a matter for which the University has specific procedures, e.g. harassment, whistleblowing, the matter will be dealt with under the relevant procedure.
- 2.9 Issues that are the subject of collective negotiation or consultation with the campus trade unions will not be considered under the grievance procedure.
- 2.10 At all formal stages of the procedure an individual has the right to be accompanied by a representative of a recognised trade union or by a colleague who is a current University employee. The staff member should confirm whether his/her representative should be sent copies of all relevant documentation.
- 2.11 Individuals taking a period of sick leave during a grievance investigation may be invited to participate in formal meetings, however individual circumstances will be taken into consideration at the time and advice may be sought from Occupational Health and/or the individual's GP on a case by case basis. In discussion with the individual, consideration will be given to the most appropriate location to hold any meetings during this time.
- 2.12 If either party involved in grievance proceedings has a genuine and valid reason why it would not be appropriate for the manager assigned to investigate the grievance (or hear the appeal) to undertake this role they must raise this with the Human Resources at the earliest possible opportunity, giving full reasons. Such comments will be taken into consideration in determining the appropriateness of the manager assigned.

3. RAISING AN INFORMAL GRIEVANCE

- 3.1 All attempts should always be made to resolve matters informally and promptly in the first instance. This will normally involve a discussion between the individual and their immediate line manager.
- 3.2 Where a staff member's concerns relate to the actions of their immediate manager, and where they feel unable to discuss the matter with the individual directly, the staff member may wish to discuss this informally with a more senior manager or with HR.
- 3.3 The relevant manager should allow the staff member to explain the complaint and ask the individual how s/he would like to see the matter resolved. The focus of informal resolution is on exploring whether the issue can be resolved through discussion/informal intervention and in particular on ways of avoiding similar issues arising in future.

4. RAISING A FORMAL GRIEVANCE - STAGE 1

- 4.1 If it is not possible to resolve the grievance informally, or if the staff member believes the matter to be sufficiently serious, s/he should raise the matter formally in writing and without unreasonable delay with his/her immediate line manager, or senior (second line) manager¹ where appropriate.
- 4.2 The written grievance should outline clearly the basis of the grievance, include evidence and should, where appropriate, specify the remedies sought. Further guidance on this matter can be sought from Human Resources.
- 4.3 If the immediate manager is involved in the grievance then the written grievance should be addressed to the next level of management.

5. GRIEVANCE MEETING

- 5.1 Within 10 working days of the staff member submitting their grievance in writing, they will be advised of the date scheduled to hear their grievance. The date of this meeting will be as soon as is reasonably practicable, however the individual will normally be given at least 5 working days' notice of the meeting. Where further time is required to consider evidence or to seek clarification, the staff member will be kept informed of likely timescales.
- 5.2 A member of Human Resources will be present during formal meetings to advise the manager hearing the grievance and to ensure fair and appropriate management of the process.
- 5.3 The staff member raising the grievance will be given the opportunity at the meeting to explain the grievance and how s/he thinks it should be resolved.
- 5.4 If at any point during the investigation, evidence comes to light which leads the manager hearing the grievance to believe that the grievance is unfounded, vexatious or trivial, s/he may decide to reject the grievance. The manager will meet with the individual raising the grievance prior to making any such decision.
- 5.5 The manager hearing the grievance shall prepare a report summarising the nature of the grievance, the investigation (where applicable) the decision and the reasons for the decision, along with any recommendations.
- 5.6 Outcomes will be communicated in writing without unreasonable delay, usually within 5 working days after the meeting. Details of the Appeal Manager, to whom any appeal should be addressed will be included.

6. APPEAL - STAGE 2

- 6.1 Staff intending to appeal against the outcome of a grievance must do so within 10 working days of receipt of the written outcome letter.

¹ See section 4.3

- 6.2 The intention to appeal should be communicated in writing to the named Appeal Manager, stating clearly the grounds for appeal. If the appeal letter does not specify the grounds for appeal the member of staff will be asked to detail their grounds for appeal.
- 6.3 Stage 2 appeals will be heard by a Senior University Manager, no less senior than a manager reporting directly to a member of the University Executive Committee, who will be supported by a member of Human Resources staff. Neither individual will have had previous involvement in the case.
- 6.4 Within 10 working days of the receipt of the appeal letter, the member of staff will be notified of the date on which the appeal meeting is scheduled to take place. This will be scheduled for as soon as is practicable, however the individual will normally be given at least 5 working days' notice of the meeting. However the timescale may be extended by mutual agreement.
- 6.5 The staff member will be given the opportunity at the appeal meeting to set out in full detail the reasons for their appeal.
- 6.6 The Appeal Manager will consider the specific area(s) with which the staff member is dissatisfied rather than considering the matter afresh.
- 6.7 Based on the appeal case presented and the associated evidence, the Appeal Manager may either uphold the grounds for appeal or reject the grounds for appeal. Where any aspect of the appeal is upheld, the Appeal Manager will determine an appropriate remedy or range of remedies.
- 6.8 The staff member will be informed of the appeal outcome in writing usually within 10 working days. If timescales are to be longer, this will be communicated.

7. APPEAL TO COUNCIL – STAGE 3

- 7.1 If following the Stage 2 appeal the matter remains unresolved to the satisfaction of the employee, the matter may be referred to Stage 3.
- 7.2 Should the employee wish to progress the matter to Stage 3, s/he should write to the Secretary to Council within 10 working days of the formal notification of the outcome of Stage 2 stating his/her grounds for appeal. Note for Academic staff whose employment is governed by Statute 31, the employee should write to the Vice-Chancellor to progress the matter to Stage 3.
- 7.3 The decision at Stage 3 is final.
- 7.4 **Procedure for Academic staff whose employment is governed by Statute 31**
- 7.5 Please note that for Academic staff whose employment is governed by Statute 31, Stage 3 of these Procedures will follow the procedure set out in Part VI of Statute 31 which, for ease of reference, is replicated below and adopts the numbering of the Statute. The complete text of the University Statutes is available from the University website or from the Human Resources Department.

Statute 31, Part VI - Grievance Procedures

Purpose of Part VI

31. The aim of this part is to settle or redress individual grievances promptly, fairly and so far as may be, within the Board, Faculty, School, Institute, Delegacy, Department or other relevant area by methods acceptable to all parties.

Application

32. The grievances to which this Part applies are ones by members of the academic staff concerning their appointments or employment where those grievances relate –

- a) to matters affecting themselves as individuals; or
- b) to matters affecting their personal dealings or relationships with other staff of the University, not being matters for which express provision is made elsewhere in this Section.

Exclusions and Informal Procedures

33.1 If other remedies within the school, department or other relevant area have been exhausted the member of the academic staff may raise the matter with the Head of the Board, Faculty, School, Institute, Delegacy, Department or other relevant area.

33.2 If the member of the academic staff is dissatisfied with the result of an approach under sub-clause (1) or if the grievance directly concerns the Head of the Board, Faculty, School, Institute, Delegacy, Department or other relevant area, the member may apply in writing to the Vice-Chancellor for redress of the grievance.

33.3 If it appears to the Vice-Chancellor that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, he/she may dismiss it summarily, or take no action upon it. If it so appears to the Vice-Chancellor he/she shall inform the member and the Grievance Committee accordingly.

33.4 If the Vice-Chancellor is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of) –

- a) a complaint under Part III;
- b) a determination under Part IV; or
- c) an appeal under Part V

he/she shall defer action upon it under this Part until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and he/she shall notify the member and the Grievance Committee accordingly.

33.5 If the Vice-Chancellor does not reject the complaint under sub-clause (3) or if he/she does not defer action upon it under sub-clause (4) he/she shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him/her to seek to dispose of it informally. If he/she so decides he/she shall notify the member and proceed accordingly.

Grievance Committee Procedure

34. If the grievance has not been disposed of informally under clause 33(5), the Vice-Chancellor shall refer the matter to the Grievance Committee for consideration.

35. The Grievance Committee to be appointed by the Council shall comprise -

- a) a Chair; and
- b) one member of the Council not being a person employed by the University; and
- c) one member of the academic staff nominated by the Senate.

Procedure in Connection with Determinations; and Right to Representation

36. The procedure in connection with the consideration and determination of grievances shall be determined in Ordinances in such a way as to ensure that the aggrieved person and any person against whom the grievance lies shall have the right to be heard at a hearing and to be accompanied by a friend or representative.

Notification of Decisions

37. The Committee shall inform the Council whether the grievance is or is not well-found and if it is well-found the Committee shall make such proposals for the redress of the grievance as it sees fit.

7.6 Procedure in Connection with Determinations; and Right to Representation

Section 36 of Statute 31 states that University Ordinances must set out the procedure to be followed when considering grievances. University Ordinance XXVII has therefore been replicated below.

Ordinance XXVII: Grievance Procedures

1. This Ordinance applies to Grievances lodged under Part VI of Statute 31.

2. Procedures

a) Representation

At any formal hearing of a grievance, both the aggrieved person and any person against whom the grievance lies is entitled to be accompanied by a friend or a representative.

b) Oral Hearing

No grievance shall be determined without an oral hearing at which both the aggrieved person and the person against whom the grievance lies are entitled to be present and, with the consent of the Vice-Chancellor acting under Statute 31.33 or of the Grievance Committee set up under Statute 31.35, to call witnesses.

c) Notification Following reference of a grievance to the Grievance Committee under the provisions of Statute 31.34 the Secretary to Council or his /her nominee shall within 10 days of such referral arrange for a hearing of the Committee giving the members of the Committee clear details of the grievance: All parties to the grievance shall be given at least 21 days notice of any hearing of the Grievance Committee and all written evidence to be relied upon by both sides shall be exchanged not later than seven days prior to the hearing. The Secretary to Council or his/her nominee shall inform the aggrieved person and those persons against whom the grievance lies of their entitlement subject to the consent of the Grievance Committee to call such witnesses as they may think fit provided that they inform the Secretary to Council at least seven days in advance of the date of the meeting of the Grievance Committee of the names of the witnesses. The Secretary to Council shall inform the aggrieved person and any persons against whom the grievance lies of their entitlement to be

represented at the hearing of the Grievance Committee by a friend or representative.

7.7 Procedure for staff whose employment is not governed by Statute 31

7.8 The Director of Human Resources and Student Services will liaise with the Secretary of Council who will convene an Appeal Panel to consider the matter in accordance with Ordinance XXVIII. The Panel will normally comprise two lay members of Council and one member of Academic Staff. The Chair of the Panel will be one of the lay members of Council. The panel will meet the employee (who may choose to be represented) to discuss the grievance. The panel will also meet the appropriate University representative(s) in connection with the grievance.

7.9 The Secretary of Council (or nominee) will act as advisor to the Panel. The Director of HR (or nominee) can attend in a professional advisory capacity.

7.10 Based on the appeal case presented and the associated evidence the Appeal Panel will make recommendations to Council on whether or not the whole or any part of the grievance may be upheld and if so, to recommend a remedy or range of remedies.

7.11 The staff member will be informed of the appeal outcome in writing usually within 10 working days. If timescales are longer, this will be communicated.

8. PRESERVATION OF RIGHTS

8.1 Nothing in this procedure will in any way detract from or impinge upon an individual member of staff's statutory employment rights or those contained in the Charter and Statutes of the University. Where changes to a statutory provision affect this policy, the University retains the right to amend the policy accordingly.

9. REVIEWING PROCEDURE

9.1 The operation of the Staff Grievance Procedure will be reviewed by the Human Resources Department in consultation with trade unions at least every two years.

9.2 The University will monitor the outcomes in respect of staff entering the formal stages of the procedures in order to meet its statutory equality duties.

A Flowchart of the Grievance Process can be found at Annex B.

ANNEX A

COLLECTIVE GRIEVANCES

1. PRINCIPLES

- 1.1 When two or more employees wish to raise a grievance which is common to them both/all it may be addressed as one “collective grievance” and the procedure detailed in the body of this document will apply.
- 1.2 To ensure collective grievances are dealt with as effectively as possible, a maximum of two of the members of staff raising the collective grievance, will be allowed to attend any meetings held under this procedure. At meetings held under the formal and appeal stages, a Trade Union representative (if applicable) may also attend.
- 1.3 When a collective grievance is raised by more than two members of staff they will be required to advise of the names of the two individuals who have agreed to attend meetings held during the procedure.
- 1.4 For the period in which a collective grievance is being resolved, consideration will be given to whether it is appropriate to maintain the status quo ie for practices in place prior to the grievance being raised to continue until such time as the outcome of the collective grievance is determined. The University will discuss such cases with the relevant trades union(s), however it reserves the right to make changes prior to completion of grievance proceedings where it is deemed necessary.

ANNEX B – SUMMARY OF THE GRIEVANCE PROCEDURE

This diagram provides a general overview of the grievance process and should be read in conjunction with the Staff Grievance Procedure.

