GRIEVANCE PROCEDURE

1. INTRODUCTION

Grievances and collective grievances are work-related issues which a member of staff (or group of staff) feels need to be resolved to enable them to be able to effectively undertake their role.

1.1 Purpose

1.1.1 This grievance procedure is intended to assist in the resolution of grievances in a fair, consistent, and effective manner.

1.1.2 This grievance procedure provides a structure to help deal with grievance and collective grievances[1] fairly, promptly, and as close to the point of origin as possible.

1.1.3 The University encourages open communication so that questions and difficulties arising during employment can be brought into the open and resolved quickly. If a staff member has a concern, problem or complaint associated with their work, the staff member should wherever possible talk it over with their manager. It may be possible to agree an informal solution and resolve concerns.

1.1.4 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.

1.2 Scope

1.2.1 This procedure applies to all staff, however for Academic staff whose employment is governed by the University Statute 31[2], 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.

1.2.2 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 and Inclusion.

[1] The principles for "collective grievances" can be found at Annex A.

[2] The employment of Academic staff on grade 7a is not governed by Statute 31.

1.2.3 Staff may raise a grievance as an individual or collectively as a group of staff.

1.2.4 This procedure may not be used to resolve issues of bullying and harassment. The University Dignity and Respect Policy Statement and Procedure for a Member of Staff to Raise a Complaint of Bullying or Harassment sets out how complaints of bullying, harassment and victimisation will be addressed.

1.2.5 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.

1.2.6 If a grievance related to a matter for which the University has specific procedures e.g. whistleblowing, the mater will be dealt with under the relevant procedure.

1.2.7 Issues that are the subject of collective negotiation or consultation with the campus trade unions will not be considered under the grievance procedure.

1.2.8 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.

2. PROCEDURE

2.1 Raising an Informal Grievance

2.1.1 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.

2.1.2 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 Human Resources (HR).

2.1.3 The relevant manager should allow the staff member to explain the complaint and ask the individual how they 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 the future.

2.2 Raising a Formal Grievance - Stage 1

2.2.1 If the grievance is not resolved informally, or if the staff member believes the matter to be sufficiently serious, the individual should raise the matter formally in writing

and without unreasonable delay with their immediate line manager, or senior (second line) manager[3] where appropriate, with a copy also being sent to Human Resources.

2.2.2 The written grievance should outline clearly the basis of the grievance, include evidence where available and should, where appropriate, specify the remedies sought. Further guidance on this matter can be sought from Human Resources.

2.2.3 If the immediate manager is involved in the grievance, then the written grievance should be addressed to the next level of management.

2.2.4 At all formal stages of the procedure a staff member has the right to be accompanied by a representative of a recognised trade union or by a colleague employed by the University. The staff member should advise the investigating manager and HR lead whether their representative should be sent copies of all relevant documentation.

2.2.5 Individuals absent due to sickness 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 staff member, consideration will be given to the most appropriate location to hold any meetings during this time.

2.2.6 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.

2.3 Grievance Meeting

2.3.1 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.

2.3.2 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. The staff member raising the grievance will be able to be accompanied at the meeting by a Trade Union representative or University employed colleague.

[3] See section 2.2.3

2.3.3 The staff member raising the grievance will be given the opportunity at the meeting to explain the grievance and how the employee thinks it should be resolved.

2.3.4 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, the manager may decide to reject the grievance. The manager will meet with the individual raising the grievance prior to making any such decision.

2.3.5 Following the meeting the manager hearing the grievance may need to conduct further investigations into the grievance. On conclusion of the investigation the manager shall prepare a written document summarising the nature of the grievance, the investigation (where applicable) the decision and the reasons for the decision, along with any recommendations.

2.3.6 Outcomes will be communicated in writing without unreasonable delay, usually within 5 working days after the meeting. However should further time be required to investigate matters this timescale will be extended as appropriate. The staff member raising the grievance will be kept appraised of likely timescales at agreed intervals.

2.3.7 Staff have the right to appeal the outcome of a Stage 1 grievance. Details of the Appeal Manager, to whom any appeal should be addressed will be included in the written outcome letter.

2.4 Appeal – Stage 2

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

2.4.2 The intention to appeal should be communicated in writing to the named Appeal Manager, stating clearly the grounds for appeal.

2.4.3 Stage 2 appeals will normally 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. Neither individual will have had previous involvement in the case.

2.4.4 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. This timescale may be extended by mutual agreement.

2.4.5 The staff member will be given the opportunity at the appeal meeting to set out in full detail the reasons for their appeal.

2.4.6 The Appeal Manager will consider the specific area(s) with which the staff member is dissatisfied, and which form the basis of the appeal, rather than considering the matter afresh.

2.4.7 The Appeal Manager may, if required, conduct further investigation into the grievance. Based on the appeal case presented and the associated evidence, the Appeal Manager may either uphold the grounds for appeal, in full or in part, 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.

2.4.8 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 at agreed appropriate intervals. The Appeal Manager will provide a written summary of the findings of their investigation (if applicable), their decision along with reasons for their decision and any further recommendations.

2.4.9 Details of the right of appeal will be detailed within the written outcome letter.

2.5 Appeal to Council – Stage 3

2.5.1 If following the Stage 2 appeal the matter remains unresolved to the satisfaction of the employee, the matter may be referred to Stage 3.

2.5.2 Should the employee wish to progress the matter to Stage 3, they should write to the Secretary to Council within 10 days of the formal notification of the outcome of Stage 2 stating the 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.

2.5.3 The decision at Stage 3 is final.

2.6 Procedure for Academic staff whose employment is governed by Statute 31

2.6.1 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, the Vice-Chancellor may dismiss it summarily, or take no action upon it. If it so appears to the Vice-Chancellor they 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

the Vice-Chancellor 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 the Vice-Chancellor 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 they do not defer action upon it under sub-clause (4) they shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for them to seek to dispose of it informally. If the Vice-Chancellor so decides they 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.

2.6.2 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 D2 has therefore been replicated below.

Ordinance D2: Staff 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 their 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 their 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.

2.7 Procedure for staff whose employment is <u>not</u> governed by Statute 31

2.7.1 The Chief People Officer, Human Resources, will liaise with the Secretary of Council who will convene an Appeal Panel to consider the matter in accordance with Ordinance D3. 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.

2.7.2 The Secretary of Council (or nominee) will act as advisor to the Panel. The Chief People Officer, Human Resources, (or nominee) can attend in a professional advisory capacity.

2.7.3 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.

2.7.4 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.

3. RELATED POLICIES AND PROCEDURES

- Disciplinary and Appeal Procedure (Academic Staff)
- Disciplinary and Appeals Procedure (Staff)
- Dignity and Respect Policy Statement and Procedure for a Member of Staff to Raise a Complaint of Bullying or Harassment
- Whistleblowing

4. ROLES AND RESPONSIBILITIES

4.1 The University has a responsibility to ensure that managers operating this procedure have the necessary skills and support.

4.2 Human Resources will provide full guidance and support to managers in using this procedure.

4.3 Human Resources may be consulted for advice and information on the operation and application of this procedure at any stage.

4.4 A staff member may seek the support and advice of their trade union at any stage of the procedure.

4.5 All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the University.

5. REVIEW, APPROVAL & PUBLICATION

5.1 As a general principle, the procedure will be reviewed by Human Resources, in consultation with recognised Trade Unions after three years or where operational and / or

legislative requirements change. Any revisions will be approved in accordance with UEC and Council procedures, where applicable.

5.2 This procedure is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawal.

5.3 This procedure will be published on the University policy zone web page and will also be accessible via this Human Resources web pages.

5.4 Equality issues have been taken into account during the development of this procedure and all protected characteristics have been considered as part of the Equality Analysis undertaken.

6. ANNEXES

Annex A – Collective Grievances

Annex B – Summary of the Grievance Procedure

7. DOCUMENT CONTROL INFORMATION

Document Name	Grievance Procedure
Owner	Chief People Officer, Human Resources
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Related University Policy Documents	• Disciplinary and Appeal Procedure (Academic Staff) • Disciplinary and Appeals Procedure (Staff) • Dignity and Respect Policy Statement and Procedure for a member of staff to raise a complaint of bullying or harassment • Whistleblowing
For Office Use – Keywords	

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 i.e. 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 Grievance Procedure .