Grievance Procedure for All Staff (except those covered by the Model Statute)

University of St Andrews

Human Resources

Grievance Procedure for All Staff (except those covered by the Model Statute)

The University recognises that, from time to time, members of staff may have problems or concerns regarding their work or relationships with colleagues which they wish to raise and have addressed. The purpose of this Grievance Procedure is to provide a formal mechanism for addressing such issues, and it has been designed to help bring about a satisfactory resolution of grievances in a prompt and fair manner. The procedure itself should, however, only be invoked once all other less formal dispute resolution strategies within the School/Unit have been exhausted. This policy applies to all staff except those covered by the Model Statute.

Guidance on the informal resolution of grievances can found in Appendix 1, and further support and advice can be sought from Human Resources.

General Principles

By raising a grievance we will look at producing a recommended resolution to the problem. Where appropriate every effort should be made to resolve grievances informally and as near to its source as possible. For example, if the grievance is between colleagues and depending on the circumstances it may be appropriate for them to discuss the issue together or with their immediate supervisor. If you are uncertain how to proceed advice can be sought from your Trade Union representative or Human Resources. However a formal complaint may be raised from the outset at the complainant’s request.

A grievance may be brought by either a single individual or a group of people. The following list indicates the types of issues that might give rise to a grievance (this list is not exhaustive):

- terms and conditions of employment;
- health and safety at work;
- work relationships;
- bullying and harassment;*
- new working practices;
- working environment;
- organisational changes;
- equal opportunities.

*Complaints directly relating to unfair treatment e.g. bullying and harassment, will be dealt with, in the first instance, under the Harassment and Bullying Policy. Advice should be sought from Human Resources (further guidance is also available on the HR website at: [http://www.st-andrews.ac.uk/hr/support-advice/policies/](http://www.st-andrews.ac.uk/hr/support-advice/policies/))

There are certain issues that will not be considered under the Grievance Procedure, these include:

- any complaints that are trivial;
- cases that are vexatious and should be dismissed;
- complaints which should be addressed, from the outset, by the Disciplinary Procedure;
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- complaints relating directly to regrading/promotion (these matters will be dealt with under the appropriate appeals mechanisms).

The Director of Human Resources will advise on the appropriateness of a grievance to be dealt with under this procedure in consultation with a member of the Principal’s Office.

- A member of Human Resources will be present at all grievance hearings and appeals to ensure consistency of practice. Human Resources may be contacted for support and advice at any stage throughout the grievance proceedings.

- To promote a prompt resolution of a grievance, it may be appropriate to suspend formal proceedings to enable further fact-finding discussions or mediation to take place, subject to the agreement of all parties concerned. This should involve getting all parties together for an informal discussion. This may be arranged by Human Resources, and is usually best facilitated by a mutually agreeable third party. Such a person could be an independent manager or senior colleague from another School/Unit. Wherever possible every attempt should be made to resolve the grievance through mediation before instigating the formal procedure.

For a diagram outlining the key steps of the grievance procedures please refer to Appendix 2.

Where, following informal discussions, it has not been possible to resolve a complaint/grievance to the satisfaction of the member of staff concerned, the formal three-step procedure should be followed:

### STEP 1 – Submission of Written Grievance

The member of staff must set out in writing the nature of his/her grievance, clearly stating the basis of the complaint, and address this to the appropriate manager as indicated below:

- appropriate manager or Head of School/Unit;
- Head of School/Unit if the grievance concerns the member of staff’s immediate line manager;
- appropriate member of the Principal’s Office if the grievance concerns the member of staff’s Head of School/Unit.
- Court member if the grievance relates to a member of the Principal’s Office.

The member of staff should send a copy of this letter to Human Resources and should also retain a copy of the letter for their own records. It should be noted that if an employee fails to notify an employer of a grievance in writing and fails to wait 28 days for a response then their claim will be barred of an Employment Tribunal.

### STEP 2 – Invitation to Grievance Hearing

The manager to whom the written grievance was addressed must acknowledge, in writing, receipt of the grievance and invite the member of staff to a preliminary meeting in order that the grievance can be discussed. This letter should inform the member of staff raising the grievance of the date, time and location of the hearing, and of the composition of the panel that will hear the case. It should also advise the member of staff that they have the right to be accompanied at the hearing. A template letter can be found in Appendix 3.
The hearing should take place as soon as is reasonably practicable, normally within 10 working days of the written grievance having been received, or as soon as possible thereafter. Where it is not reasonably practicable for the manager to hear the case within 10 working days, the member of staff should be provided with an explanation for the delay. The timescale in which a meeting will be held will also be advised. For the purpose of this procedure a working day is defined as a weekday (Monday-Friday) but excluding public holidays and such additional days when the University is deemed closed.

- Where a grievance (individual or group) is brought against another member of staff within the University, the member of staff will be invited to the hearing to discuss the issue and put forward their case (depending on the nature of the case, it may be more appropriate to meet with each party separately to discuss the complaint). All parties involved will be notified of the grievance and provided with copies of any relevant paperwork.

- Both parties have the right to be accompanied to the grievance hearing by a fellow employee of the University, a family member or a trade union representative. The accompanying person may confer with the member of staff during the hearing and, at the member of staff’s request, may address the panel and sum up the case. They are not, however, entitled to answer questions on behalf of the member of staff. Neither party nor the University will have legal representation.

- Human Resources should be notified of the name, address and status of the accompanying person, and of any special requirements that the member of staff or his/her accompanying person may have, at least 2 working days prior to the hearing.

- The individual against whom the grievance has been brought has the right to make a written submission to the hearing. This must be submitted to Human Resources at least 2 working days prior to the hearing and will be circulated to all parties and panel members.

- If appropriate, both parties may call witnesses to provide evidence at the hearing. Names of any witnesses to be called must be made available to Human Resources at least 1 working day prior to the hearing. It is the responsibility of the individual to ensure that all witnesses are advised of the date, time and venue of the hearing. Details of witnesses shall be made available to both parties.

- Both parties should take all reasonable steps to attend the hearing on the date/time stated. If, for genuine reasons, either party or their accompanying person cannot attend on the date proposed, an alternative date may be suggested. This date must be suitable to all parties involved and should be within 5 working days of the original date (this time limit maybe extended by mutual agreement).

- A hearing will only be deemed to have taken place if a properly constituted panel has been formed and the parties concerned have appeared before it (where appropriate). Where either party fails to attend through circumstances outwith their control (e.g. illness), the hearing should be arranged for another time. Where a member of staff fails to attend a re-arranged meeting without good reason a decision may be taken in their absence based on the evidence provided.
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Panel Composition (Human Resources will provide advice on the panel composition)
The case will normally be heard by the complainant’s appropriate manager (as outlined in Step 1 on page 2). The panel will also include a manager from outwith the School/Unit who has no previous involvement in the case. A representative from Human Resources will be in attendance.

Conduct of the Hearing
The manager convening the case may vary the proceedings of the hearing depending on the nature of the case, with guidance from Human Resources, however the following principles should always be observed:

- each party to the grievance will have an opportunity to state her/his case at the start of the hearing;
- usually the individual bringing the grievance will make the first statement followed by those against whom the grievance is brought;
- the accompanying person may confer with the member of staff during the hearing and, at the member of staff’s request, may address the panel and sum up the case. They are not, however, entitled to answer questions on behalf of the member of staff.
- each party may cite witnesses.
- normally both parties will be present throughout the hearing, however, the Panel may vary this so long as both parties have access to all the evidence heard by the Panel;
- at the end of the hearing each party will be given the opportunity to sum up their case.
- the manager convening the hearing may adjourn the proceedings at any stage if this appears necessary.

For further guidance on the conduct of a grievance hearing please refer to Appendix 4

Decision
On the basis of the discussion and the evidence provided, the Panel will decide how best to deal with the grievance. The Panel has the authority to:

- uphold the grievance;
- partially uphold the grievance;
- reject the grievance.

Where the decision is made to uphold the complaint (wholly or partially), the Panel will seek to offer constructive solutions to the problem/s, the implementation of which it may monitor/review for a period.

In cases relating to staff conduct/behaviour, if the ruling of the Panel is not adhered to by those involved, the matter may then be referred to the Disciplinary Procedure.

Where the Panel has made the decision to reject the complaint it may still make recommendation for resolving the difficulties identified during the hearing.
Each party to the grievance i.e. the complainant and the member of staff against whom the grievance has been brought (if relevant), will be notified, in writing, of the decision and any associated action/recommendations within 10 working days of the hearing having taken place.
STEP 3 – Appeal

The member of staff raising the grievance has the right to appeal against the decision taken by the Grievance Panel if he/she is not satisfied with the outcome of the hearing.

Appeals Procedure

A request for an appeal hearing must be lodged, in writing, within 10 working days of the member of staff being notified of the Grievance Panel’s decision.

This appeal should explain why the member of staff is not satisfied with the decision taken, and should be addressed to the Director of Human Resources. The member of staff should also retain a copy of this letter.

The member of staff will then be invited to a meeting in order that the appeal can be discussed.

The Appeal Hearing will normally be held within 10 working days of the appeal being lodged.

The member of staff has the right to be accompanied by a fellow employee, a family member or a trade union representative at an appeal. The accompanying person may confer with the member of staff during the hearing and, at the member of staff’s request, may address the panel and sum up the case. They are not, however, entitled to answer questions on behalf of the member of staff. Neither the member of staff nor the University will have legal representation.

Human Resources should be notified within 5 working days of the hearing of the name, address and status of the accompanying person (if relevant) and any witnesses they may wish to call, together with notification of special requirements. It is the responsibility of the individual to inform witnesses of the date, venue and time of the hearing.

The panel members will be provided with all the material presented at the original hearing.

The Convener of the Appeal Panel will hear evidence from both parties i.e. the member of staff and the Convener of the original Disciplinary Panel. Both parties will be given the opportunity to present their case, call witnesses and cross-question.

Appeal Panel Composition

The Director of Human Resources will be responsible for appointing an appropriate Appeal Panel, which will consist of:

- A member of the University with appropriate knowledge and experience (the Convener). The convener may be a lay member of Court, a member of the Principal’s office, an experienced member of staff or a trade union officer.
- A manager staff member outwith the persons School/Unit of the parties involved in the Grievance with appropriate experience;
A representative from Human Resources will be in attendance. It is important that the members of the Appeal Panel must have no conflict of interest in the appeal and should have had no previous involvement in any stages of the grievance.

**Decision**

On hearing all the evidence the Appeal Panel will adjourn to consider its decision. Human Resources will confirm the decision of the Panel in writing within 5 working days of the hearing having taken place.

- An appeal will only be deemed to have taken place if a properly constituted Appeal Panel is formed and meets with the member of staff. If the member of staff is unable to meet the Appeal Panel within the time limits, the Panel has the authority to extend the period in which the hearing must take place.

- The decision of the Convener of the Appeal Panel will be final.

Human Resources
January 2006 (updated Aug 2011)
In the first instance, every attempt should be made to resolve a grievance informally.

This should involve getting all parties together in an informal way, this can be arranged by the School/Unit and is usually best facilitated by a mutually agreeable third party. (Human Resources can help with arranging this). Legal representatives are not appropriate at this stage. If English is not the first language of either party, then either party may request an interpreter.

The third party should act as a mediator and should be someone with relevant experience and no previous involvement in the grievance.

Ensure that the discussion is not going to be interrupted, and is held in a private location.

Clarify the purpose of the discussion and ask each party to discuss the grievance, intervening and controlling the discussion where necessary.

Depending on the discussion and circumstances surrounding the grievance it may be more appropriate to refer to either the harassment and bullying policy or disciplinary procedures.

A brief note should be taken from all parties and any agreed outcome, this will be particularly useful if more formal resolution is required.

If further mediation is the most likely option in order to lead to successful resolution, all parties must be in agreement and want to resolve the grievance.

Using conflict resolution and mediation skills to tackle disputes is a quick and cost-effective way off restoring working relationships but all parties must be committed.

If mediation is not successful, refer to formal three-step procedure.
The Grievance Process – Key Stages*

A grievance has been raised

Has an attempt been made to resolve the grievance informally

NO

YES

Has the grievance been put in writing and sent to the appropriate manager?

NO

YES

Invite member of staff to attend grievance hearing (usually within 10 working days) advising of right to be accompanied.

Further advice on mediation can be obtained from Human Resources

Consult with Human Resources

YES

Member of staff should submit in writing with copy sent to Human Resources

has the grievance been put in writing and sent to the appropriate manager?

No

Member of staff should submit in writing with copy sent to Human Resources

The panel should include a manager from outwith the school/unit who has no previous involvement in the case. A representative from HR will also be in attendance

Has an appropriate panel been composed?

No

YES

Hold grievance hearing.

The panel may make recommendations to resolving the difficulties.

Is the decision to wholly or partially uphold the complaint?

No

YES

If case relates to staff conduct/behaviour, it may be necessary to refer to disciplinary procedure if the ruling of panel is not adhered to.

Send written notification explaining that individual has right to appeal within 10 working days.

*This diagram provides a general overview of the grievance procedure and should be read in conjunction with the main disciplinary policy and procedures.
Letter 1 – Invite to Grievance Hearing

Contact Tel No:
E-mail:

[Date]

Strictly Personal and Confidential
[Name]
[Address]

Dear Grievance Hearing

I am writing to request that you attend a grievance hearing in accordance with the University’s Grievance Procedure (copy enclosed). The hearing will take place on [day, date] at [time] in [venue]. Depending on the discussion and evidence provided at the hearing, the potential outcome could be that this grievance is referred to the disciplinary procedures.

At this hearing you will be invited to discuss your complaint [details of grievance], as outlined in the enclosed paperwork.

The grievance panel will comprise of [name of convener], who will chair the hearing, and [name of other panel members]. [Name of HR representative] will be in attendance from Human Resources. If you have any queries regarding the composition of the panel, please notify Human Resources by [day, date].

You are entitled to be accompanied to the hearing by a fellow employee of the University, a Trade Union representative or a member of your immediate family.

You may provide written evidence to support your case. This should be submitted to Human Resources at least 2 working days prior to the hearing, together with the name and address of the person accompanying you (if relevant), and the names of any witnesses you wish to call. Please ensure that you inform any witnesses of the date, time and venue of the hearing.

Enclosed are copies of all papers and information that will be made available to the panel.

I would be grateful if you would contact me by………… to confirm that you are able to attend on this date.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

[Name]
[Job Title]

Enc
Letter 2 – Invite to Grievance Hearing where a grievance has been brought against individual

Contact Tel No:
E-mail:

[Date]

Strictly Personal and Confidential
[Name]
[Address]

Dear

Grievance Hearing

I am writing to request that you attend a grievance hearing in accordance with the University’s Grievance Procedure (copy enclosed). The hearing will take place on [day,date] at [time] in [venue]. Depending on the discussion and evidence provided at the hearing, the potential outcome could be that this grievance is referred to the disciplinary procedures.

At this hearing you will be invited to discuss the complaint brought against you wherein [details of grievance], as outlined in the enclosed paperwork.

The grievance panel will comprise of [name of convener], who will chair the hearing, and [name of other panel members]. [Name of HR representative] will be in attendance from Human Resources. If you have any queries regarding the composition of the panel, please notify Human Resources by [day,date].

You are entitled to be accompanied to the hearing by a fellow employee of the University, a Trade Union representative or a member of your immediate family.

You may provide written evidence to support your case. This should be submitted to Human Resources at least 2 working days prior to the hearing, together with the name and address of the person accompanying you (if relevant), and the names of any witnesses you wish to call. Please ensure that you inform any witnesses of the date, time and venue of the hearing.

Enclosed are copies of all papers and information that will be made available to the panel.

I would be grateful if you would contact me by……….. to confirm that you are able to attend on this date.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

[Name]
[Job Title]

Enc
Letter 3 – Outcome of Grievance Hearing

Contact Tel No:
E-mail:

[Date]

Strictly Personal and Confidential
[Name]
[Address]

Dear

Grievance Hearing

Further to the grievance hearing conducted on [day, date of hearing], I write to confirm that the decision of the grievance panel.

After discussion and looking at the evidence provided the panel’s decision was [state decision and recommendations where appropriate for resolving the difficulties]

Or

After discussion and based on the evidence provided the panel’s decision was that this matter should be referred to the Disciplinary Procedure.

You have the right to appeal against this decision of the grievance panel by lodging written details of the appeal with Human Resources by [day, date]. Full details of the appeal procedure are contained within the Grievance Procedures for academic-related and support staff. (copy enclosed)

If you have any queries, please do not hesitate to contact me.

Yours sincerely

[Name]
[Job Title]

Signed………………………………………………

Date……………………………………………..
Letter 4 – Employee Request for Appeal Hearing

Contact Tel No:
E-mail:

[Date]

Strictly Personal and Confidential

[Name]
[Address]

Dear

On [date of grievance hearing], I was informed the outcome of my complaint.

I would like to appeal against this decision on the basis that [state the grounds on which you believe the decision to be unfair and enclose any additional paperwork in support of the appeal].

Yours sincerely

[Name]
Before

- Ensure that you are familiar with the University’s Grievance procedures.
- Consult with Human Resources
- Provide the member of staff with written notification, outlining the complaint, the procedures being followed and explain that he/she will be required to attend a grievance hearing.
- Ensure that all the relevant documents are available at the hearing, e.g. relevant policies/procedures, letters, memos, witness statements (HR will ensure the employee receives copies of all paperwork prior to the hearing).
- Ensure the room being used for the hearing is private and free from interruptions.
- Think about the structure of the hearing and make a list of the points you wish to cover.

During

- Introduce those present to the member of staff and explain their roles. Outline the procedure to be followed.
- Explain that the Human Resources representative will be taking notes of the proceedings.
- The witnesses (if relevant) should then adjourn to a waiting room.
- Clarify the format of the hearing and ask the employee if they have any initial questions or queries.
- Explain the nature of the complaint and then ask the member of staff for any statement that they may wish to make.
- If there is an accompanying person present they should be allowed to address the panel, ask questions, present evidence and call witnesses.
- The panel may question the aggrieved on their statements. The individual against whom the grievance has been brought may also put questions through the convener.
- The individual against whom the grievance has been brought should then be asked for their statement. It should be noted that it might be considered appropriate to hear these statements separately.
- The panel may question the individual on their statements. The employee with whom the grievance lies may also put questions to the person through the panel.
- The individual against whom the grievance has been brought may then also call witnesses through the convener.
- The employee and the individual whom the grievance has been brought or their representatives may then question the witnesses.
- After all witnesses have appeared either party may wish to sum up their case.
- All persons except the panel should then leave the room whilst the panel consider the evidence. During the adjournment establish the following:
  1. Is there sufficient evidence to uphold the grievance?
  2. Recommendations for resolving the difficulties, i.e.: mediation, staff development.
  3. If recommendations given for improving working relationship, it should be noted that in cases relating to staff conduct/behaviour, if the ruling of the panel is not adhered to by those involved, the matter may be referred to the disciplinary procedure.
- If appropriate, reconvene hearing that day to communicate the decision.

After

- Ensure the member of staff receives written notification of the decision and any associated action/recommendations within 10 working days of the hearing taken place. This written notification will advise the member of staff raising the grievance that they have the right to appeal against the decision.
- Any notes taken during the hearing should be forwarded to Human Resources along with a copy of the written notification.
- If appropriate, ensure monitoring is put in place and diary review date.
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Conducting a Grievance Hearing – Convener Checklist

General Points

- Keep the hearing formal, but polite, and encourage the member of staff to speak freely – the aim of the hearing is to establish all the relevant facts.
- Ask open-ended questions to establish the broad picture, and use closed questions to obtain specific facts.
- Avoid being drawn into arguments – if tempers flare during the hearing it may be appropriate to adjourn for a short period. Do not make personal criticisms.
- If the member of staff becomes upset or distressed during the hearing allow them time to regain composure before continuing. If the member of staff becomes too distressed to continue, adjourn the hearing to a later time/date.
- If it has become clear at any point in the hearing that the member of staff has provided an adequate explanation for their behaviour/performance etc, or there is no real evidence to support the allegations, the proceedings should be ceased and the case dismissed.
- The hearing should be adjourned if new evidence has arisen during the proceedings, or at the member of staff’s/accompanying person’s request.