Grievance Policy

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1. **Purpose**

1.1 The University recognises that, from time to time, employees may have problems or concerns regarding their work or relationships with colleagues which they wish to raise and have addressed. The Grievance Policy provides the framework and mechanism for addressing such issues without unreasonable delay. The University seeks to resolve such issues informally at first. A formal grievance should only be invoked if no informal resolution has been found.

2. **Scope**

2.1 This policy applies to all employees.

2.2 If more than one employee wishes to raise the same grievance, and the individuals feel that it can be dealt with collectively, the same procedure will be followed as for individual grievances (Section 6).

2.3 Issues raised that fall under the collective bargaining process should be raised by the relevant Trade Union via the Joint Negotiating Committee (JNC).

3. **General Principles**

3.1 A member of Human Resources will be present at all formal grievance meetings and appeals to provide professional advice on the operation and application of this procedure and ensure consistency of practice.

3.2 Where the grievance is related to existing conditions of employment or the established working practice, in the interest of good employee relations, no alteration will be made to the existing conditions of employment or the established working practice which gives rise to the grievance until the matter has been resolved, unless business continuity dictates the alteration necessary.

3.3 The employee has the right to be accompanied at any formal meeting (i.e. Stage 2 – Formal and Appeal meetings) by either a trade union representative or a work colleague. Human Resources should be notified of the name of the representative prior to the meeting.

3.4 If there is a demonstrable and appropriate need to vary proceedings, the manager responsible for hearing the grievance should seek approval from Human Resources.

3.5 Normally, if the informal stage has not resolved the matter, the formal grievance will be heard by the appropriate manager (i.e. the manager above the line manager who dealt with the issue informally), of the School/Unit in which the employee works. In exceptional circumstances there may be the requirement to convene an independent panel to hear the grievance. This will be at the discretion of the Director of Human Resources.

3.6 Neither party involved in the grievance nor the University will have legal representation present at any University grievance related meeting.

3.7 It is not the University’s policy to allow audio or visual recording of meetings. Please see Guidelines on Recording of Meetings involving University Staff and Students.
3.8 Where the employee who has raised the grievance fails to attend a meeting without good reason a decision may be taken in their absence based on the evidence provided, or the grievance may be treated as being abandoned.

3.9 The University will maintain the right of academic staff to exercise their Academic Freedom, as that term is understood in accordance with the legislation, ordinances and resolutions affecting the University. The right of Academic Freedom must be balanced by the obligation to use that freedom responsibly and professionally, and respecting other rights which staff enjoy.

4. Mediation

4.1 Where the grievance is in relation to a fellow employee/working relationships, mediation may be considered. The decision whether to set up a mediation process is at the discretion of the University.

4.2 Mediation is a confidential, voluntary, structured, yet informal process, facilitated by an independent person, who will assist parties with discussing their concerns, initially individually, then in a joint meeting with the aim of both parties coming to an agreeable solution. It is morally binding but normally has no legal status and is owned by the parties involved.

4.3 Mediation is most effectively used at an early stage in dispute resolution.

4.4 Mediation is based on the principle of collaborative problem solving with a focus on the future and rebuilding relationships, rather than apportioning blame.

4.5 Mediation is most suitable in situations of personal/inter-group conflict and should not be used in cases of discrimination or bullying and harassment or suggested by managers to avoid managing responsibly.

4.6 The University has access to trained mediators both internal and external to the University. If you are interested in pursuing this option please contact your Human Resources Business Partner.

5. Stage 1 - Informal

5.1 Every effort should be made to resolve grievances informally at School or Unit level before moving to Stage 2, particularly when the grievance is in relation to a fellow employee.

5.2 It is expected that individuals will raise their concerns informally with their line manager, supervisor or team leader in the first instance. If the complaint is regarding their immediate line manager, the complaint should be raised with the manager above the line manager.

5.3 The line manager will discuss the employee’s concerns in confidence and undertake the necessary enquiries in order to address the issue. The line manager will also attempt to identify possible resolutions with the employee. If the grievance is against another employee the line manager may, after a discussion with both, bring together both parties to facilitate a discussion and resolution.

5.4 It is the line manager’s responsibility to seek prompt and informal resolution where possible and update the individual providing a summary note or email of the outcome.
6. **Stage 2 - Formal**

6.1 If, after Stage 1 has been exhausted the complaint still exists, the employee may then pursue Stage 2. The employee raising the grievance must set out in writing the nature of their grievance, clearly stating the basis of the complaint, what has been done informally, why informal resolution has failed, and the desired resolution. The letter should be addressed to the appropriate manager (i.e. the manager above the line manager who dealt with the issue informally or, in certain circumstances, an authorised delegate) who will hear the grievance. Please note that where appropriate, this may be delegated to another Senior Manager. If a formal grievance is submitted Human Resources will acknowledge in writing within 3 working days.

6.2 If the grievance relates to another employee, that employee will be given a copy of the letter/complaint in order that they can prepare a response. In these circumstances, both parties will be met with separately.

6.3 Once the investigation is complete (if appropriate) the grievance meeting will be held within 10 working days. The grievance meeting will be convened by sending an invitation to the employee. The invitation letter will be sent by Human Resources who will detail the date, time and location of the meeting. Human Resources will also be responsible for taking notes of the meeting.

6.4 Any accompanying person (clause 3.4) may present the case on behalf of the employee, confer with the employee whom they are representing during the meeting and, at their request, may address the manager and sum up the case. They are not, however, entitled to answer questions on behalf of the employee.

6.5 If, at any time, the employee wishes to withdraw their lodged grievance, they must make their intentions known, in writing, to the manager they submitted the grievance to or the member of Human Resources dealing with the grievance. The University reserves the right to investigate the original complaint if it is considered to be prudent to do so, even although the employee withdraws the grievance.

7. **Investigation**

7.1 In certain circumstances an investigation establishing the facts and the surrounding circumstances may be necessary. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. Human Resources will decide whether any investigation is required, and whether an investigation should be initiated before holding a grievance meeting. In other cases Human Resources may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases a further grievance meeting will be held after the investigation and before a decision is reached.

7.2 The University reserves the right to revert to a different policy/procedure either during or after an investigation should there be sufficient evidence to support this and it is deemed appropriate to do so. This will only be undertaken on the advice of Human Resources.

8. **Decision**

8.1 The employee will be advised whether their grievance has been upheld or rejected in writing within 10 working days of the grievance meeting unless circumstances prevent compliance
with that timescale e.g. further investigation is required or unavailability of staff. The employee against whom the grievance has been raised will also be informed of the outcome if applicable.

8.2 Where the manager has decided that action should be taken against the subject of the grievance, the employee making the complaint will only be informed that further action will be taken and not any further detail, in order to protect confidentiality.

8.3 The letter will also advise the employee that they have the right to appeal against the decision.

8.4 An employee should not suffer any victimisation or reprisal as a result of bringing a grievance regardless of the outcome. Any such victimisation or reprisal would be considered to be a matter for disciplinary investigation. However, if, after any stage of this grievance procedure has been concluded, it is the view of the Director of Human Resources or person(s) hearing the grievance that a complaint had no merit, the grievance may be rejected. If the complaint is deemed to be vexatious then this may form the basis for disciplinary action to be taken against the employee.

9. Appeal

9.1 The employee making the complaint has the right to appeal against the decision on either procedural grounds or if relevant new evidence becomes available that was not reasonably available at the time the original complaint was made.

9.2 A request for an appeal must be lodged, in writing, within 10 working days of the employee being notified of the decision. This appeal should explain in detail why the employee is not satisfied with the decision taken, based on the appeal grounds set out in clause 9.1 above, and should be addressed to the Director of Human Resources.

9.3 Where an appeal is deemed valid, the appeal will be heard by a manager not previously involved with the case.

9.4 The appeal meeting will be convened by sending an invitation to the employee. The invitation letter will be sent by Human Resources who will detail the date, time and location of the meeting. Human Resources will also be responsible for any meeting notes.

9.5 Any accompanying person (clause 3.4) may present the case on behalf of the employee, confer with the employee whom they are representing during the meeting and, at their request, may address the manager and sum up the case. They are not, however, entitled to answer questions on behalf of the employee.

9.6 The manager hearing the appeal will receive copies of any relevant paperwork including the original grievance letter, outcome letter and the appeal document. The manager who heard the original grievance will be invited to present their rationale for the decision.

9.7 The employee will be notified of the outcome of the appeal within 10 working days of the appeal meeting unless circumstances prevent compliance with that timescale e.g. further investigation is required or unavailability of staff. The decision following appeal is final and there will be no further internal right of appeal.