

GRIEVANCE PROCEDURE (Regulation 30)

A. GUIDANCE NOTES

Introduction

- (v) ensuring that their actions are lawful and do not expose the University to legal liability, either by ill-advised action or negligence;
- (vi) conducting themselves with dignity, honesty, and integrity to promote an atmosphere of mutual respect, in accordance with the University's equality and diversity and harassment policies.

Managers have a right to:

- (vii) request more detailed information about a grievance in order to seek to resolve it.

3.3 Human Resources

Human Resources is responsible for:

- (i) training and advising managers on all aspects of the Grievance Procedure to ensure that staff grievances are resolved at the earliest opportunity;
- (ii) advising members of staff on the Grievance Procedure;
- (iii) providing training and briefings for managers who may be involved in grievance matters;
- (iv) keeping a formal record of any meetings held under the Grievance Procedure. This is not a verbatim record but a detailed and accurate summary of the proceedings;

4.6 If the member of staff's first language is not English, it may be appropriate to allow him/her to be accompanied by someone who can provide support with communication in English.

4.7 Where a grievance relates to another member of staff, this individual will have the same right to be accompanied as the aggrieved member of staff.

5. Time limits

5.1 Time limits are set out in the procedure to reinforce the need to deal with grievances as quickly as possible. They must be followed unless varied by mutual agreement.

5.2 Working days include all weekdays except days when the University is closed or where minimum service provisions apply.

6. Exclusions

6.1 The procedure cannot be used to resolve the following:

- (i) matters relating to statutory deductions from pay which should be referred to Human Resources (Payroll) in the first instance. If the issue cannot be resolved through this route, Payroll staff will advise the individual on the courses of action available to him/her;
- (ii) appeals against job evaluation outcomes, which should be dealt with under the HERA processes;
- (iii) appeals against re-grading proposals or other reward payments, which should be dealt with under the pay review procedure;
- (iv) complaints about being subject to the capability procedure, or action taken under that procedure, which should be dealt with under the capability procedure;
- (v) complaints about the instigation of disciplinary proceedings against an individual, action taken under the disciplinary procedure, or the operation of the disciplinary procedure, which should be dealt with under the disciplinary procedure at the same time as the alleged misconduct is being considered;
- (vi) any matter which seeks to change an agreement reached with a recognised trade union, either nationally or locally. Such matters should be referred to the Chair of the relevant Joint Negotiating Committee for consideration by this group (if appropriate);
- (vii) a complaint against an actual or threatened dismissal, which should be dealt with under the appropriate procedure (for example disciplinary procedure, capability procedure or redundancy procedure);
- (viii) allegations which are covered by the University's Whistleblowing Procedures;
- (ix) issues which are outside the responsibility or control of the University in its role as an employer, for example statutory limits on night work or statutory rest periods (as defined by the Working Time Regulations).

6.2 Complaints about harassment or bullying should initially be dealt with under the University's Policy to Prevent Harassment and Bullying at Work. Where the harassment continues, or where it is felt that the harassment procedures have not been applied correctly or have not resolved the concern, the Grievance Procedure should be used. It should also be noted that complaints of harassment may be dealt with under the University's Disciplinary Procedure rather than the University's Policy to Prevent

Harassment and Bullying at Work or Grievance Procedure if this is considered more appropriate.

6.3 At any stage of this Grievance Procedure, the relevant manager/panel dealing with the grievance at that stage, in his/her/its discretion, may:

defer consideration of the grievance (in whole or in part) if other proceedings (for example, disciplinary procedures or a redundancy procedure) concerning the employee and relevant to the subject matter of the grievance are pending or are in progress or for any other good reason; or

direct that the grievance should be considered at a formal hearing under any other procedures, for example, staff or student disciplinary procedure, whistleblowing

- 1.2 Where a member of staff decides that s/he wishes to pursue the grievance, s/he should raise the matter with his/her line manager ("the relevant manager") either in person or in writing. Even when the grievance relates to actions or decisions of the member of staff's relevant manager, wherever possible the member of staff should commence by raising the matter with him/her in the first instance.
- 1.3 The relevant manager should allow the member of staff to explain his/her complaint and ask him/her how he/she would like to see the matter resolved.
- 1.4 In contrast to formal grievance proceedings, informal resolution is not a process which involves detailed investigation into the complaint, the making of decisions on disputed issues of fact or attributing blame. The focus of informal resolution is on exploring whether the complaint or concern can be resolved through discussion and in particular by agreement on ways of avoiding similar issues arising in future. This may include:
- (i) exploring and discussing the reason for the decision or action which has given rise to the grievance and considering whether there have been any misunderstandings on either side;
 - (ii) the member of staff and the relevant manager and any other employee to whom the grievance relates explaining their views and feelings on the issue in question to better understand each other's position. This could be facilitated by a mediator (see 2 below);
 - (iii) considering whether alternative ways of communicating or working with each other could have prevented the issue arising or might avoid similar issues arising in future.
- 1.5 Where necessary, the relevant manager may need to explore the issues further by speaking to other members of staff or seeking advice before meeting again with the member of staff.
- 1.6 The informal stage will normally be completed within ten working days of the matter being raised. Where this is not possible, the reasons for the delay will be communicated to the employee.
- 1.7 Although this is an informal stage in the procedure, the relevant manager should make a summary note of the discussion and its outcome and provide a copy to the member of staff.
- 1.8 If the member of staff is not satisfied with the outcome, he/she may wish to pursue the formal stages of the Grievance Procedure.
- 1.9 Whilst it is not necessary for a Human Resources representative to attend meetings connected with the informal stage, advice should normally be sought by the relevant manager dealing with the grievance.

2. Mediation

- 2.1 Mediation is a process whereby a neutral third party attempts to help the parties reach agreement in the event of a dispute. It may be requested or recommended at any stage in dealing with a grievance that the University (through Human Resources) appoint a mediator to help towards a resolution, if both parties are agreeable. It is usually preferable, however, for any mediation to take place before formal grievance proceedings are commenced. The first contact should be with Human Resources who will arrange external mediation.
- 2.2 Agreement to mediation does not preclude the member of staff from submitting a formal grievance at a later stage, if mediation is not successful in resolving the complaint. In such circumstances, the member of staff shall still raise any formal grievance promptly.

- 2.3 Further guidance on mediation is available at Appendix 1.

C. FORMAL STAGES

1. Stage 1: Statement of Grievance

- 1.1 If a member of staff feels that his/her work-related concerns have not been addressed adequately through informal discussion with the relevant manager, s/he should submit to the manager, copied to the relevant Human Resources representative, details of the grievance **in writing**, setting out as fully as possible his/her specific complaint including any available evidence in support of the complaint and specify how he/she would like to see the matter resolved. Where the grievance relates to the immediate manager, it should be submitted to that person's manager, or, if that person is also involved, to the Director of Human Resources who will nominate a manager outside the individual's immediate area of work. Further information or clarification may be requested where the specifics of the complaint are not clear to the manager or where this is considered useful in undertaking or resolving the grievance. Staff who have difficulty in formulating a written grievance, for example, due to a disability or because English is not their first language should contact Human Resources, a work colleague, or a trade union representative who will offer help.
- 1.2 The relevant manager shall discuss the grievance promptly with the relevant Human Resources representative and will appoint a manager (who may be him/herself) to deal with the grievance (the "investigating manager"). The investigating manager should normally be appointed within ten working days of receipt of

- 2.3 Where the grievance concerns (in whole or in part) the actions of any other member of staff, he/she will be given the opportunity to respond in a meeting with the investigating manager to that part of the grievance which covers him/her. This member of staff shall also be informed of his/her right to be accompanied under paragraph A4 above.
- 2.4 It shall be for the investigating manager to determine the extent of the investigation he/she considers necessary to respond to the grievance, including the need to interview any other members of staff. If at any point in the investigation the investigating manager decides that the complaint is unfounded, vexatious or trivial, he/she may decide to reject the grievance without further investigation of the facts and report that decision to the member of staff. If the investigating manager considers that the subject matter of the grievance indicates a potential case of misconduct, he/she may decide that it is more appropriate to cease or put on hold any further consideration of the issues under this procedure, and to refer the issues for consideration under the staff disciplinary procedure.
- 2.5

3.2 The appeal hearing is not designed to re-hear the grievance but to examine the grounds of appeal. Appeals may be raised on one or more of the following grounds:

(i)

4. Conduct of a grievance appeal meeting

4.1 The Chair will determine who should attend the meeting. In most cases this will be:

- (i) the Chair and two other panel members;
- (ii) the aggrieved member of staff;
- (iii) his/her representative or colleague;
- (iv) the investigating manager whose decision is appealed;
- (v) any relevant witnesses identified by the aggrieved member of staff, investigating manager or member of staff against whom the grievance is brought and whose attendance is agreed by the Chair;
- (vi)