

STAFF GRIEVANCE POLICY

SUMMARY OF CHANGES

General changes

This document has been amended to reflect the University's revised internal organisational structure which will be implemented for the purposes of UPR HR02 on 1 September 2012 and to take account of changes to titles and roles.

(Amendments to version 01.0, UPR HR02 are shown in italics.)

This Staff Grievance Policy was agreed between University management and the University's Recognised Trade Unions on 15 October 2008 and has been approved by the Board of Governors with effect from 15 October 2008¹. The Employment Act 2002 sets out statutory grievance procedures which employers and employees must follow. The University's procedures comply with these and with the ACAS Code of Practice. Employees should be aware that, normally, failure to follow the formal stages up to and including 4.3.3 could result in a subsequent claim to an Employment Tribunal being rejected, or any award made being adjusted.

"1 PURPOSE AND SCOPE OF APPLICATION

- 1.1 Grievances are concerns, problems or complaints which employees raise with their employer regarding, *inter alia*, their terms and conditions of employment and issues relating to health and safety, work relations, new working practices, working environment and organizational change.
- 1.2 The aim of this procedure is to resolve individual grievances quickly and fairly. Its existence is not to be interpreted as inhibiting the right of an employee to request to see, on an informal basis, his or her manager (including, where appropriate, the Vice-Chancellor), or an official of his or her trade union, to discuss personal problems.
- 1.3 This procedure applies to all staff except the Vice-Chancellor, Deputy Vice-Chancellors, Director of Finance, and Secretary and Registrar, who are Appointees of the Board of Governors and for whom separate procedures operate.
- 1.4 This procedure will not apply:
 - to collective disputes covered by The University's Policy on Information, Consultation and Collective Bargaining nor to disputes between employees as private individuals outside their employment;
 - to complaints relating to harassment and bullying which must be raised under the University's Policy to Promote Dignity and Respect: *Preventing and Dealing with Harassment and Bullying* (UPR EQ01)
 - where the employee raises a concern as a 'protected disclosure' in compliance with the Public Interest Disclosure provisions in which case this matter should be raised under the University's separate Policy (*Appendix I*, UPR GV 12)
 - where the employee wishes to complain about an actual or threatened dismissal (other than constructive dismissal) where there is a right of appeal under other procedures.
- 1.5 A grievance should be raised promptly and be received in writing normally within 3 months of the circumstances giving rise to the grievance. Grievances should normally be raised before an employee leaves their employment with the University. However, where an employee has already left the University and had not commenced, or completed, a grievance under this

¹ **Board of Governors Minute:** 186.2, Board of Governors, 25 March 2009, refers.

procedure before he or she had left employment, then the alternative, abridged grievance procedure set out at section 5 below will be followed, subject to the former employee lodging the grievance within three months of the date on which his or her employment with the University terminated.

2 DEFINITION OF TERMS USED

2.1 *For Teaching/Research staff:*

“Line Manager” is the person designated by the Dean of School as being responsible for academic leadership in an assigned area, and to whom the member of staff reports, e.g. Subject Group Leader; Associate Dean of School (International).

“Senior Manager” is the more senior manager in the area, eg: Dean of School; Dean of Students.

2.2 For Professional staff: [Note: Professional staff are referred to in the Articles of Government as “non-teaching staff”]

“Line Manager” is the person to whom a member of staff reports.

“Senior Manager” is a more senior manager in an area, e.g.: Academic Registrar; Chief Information Officer ; Group Director of Finance; Director of Estates, Hospitality and Contract Services; Pro Vice-Chancellor (Enterprise); Director of Human Resources, or equivalent.

2.3 “Friend” is a person chosen by the employee to accompany him/her to a meeting/hearing and who is either a colleague employed by the University or an employee or official of a Trade Union. The Friend may present the employee’s grievance and confer with the employee but will not be permitted to answer direct questions for the employee.

2.4 “Recognised Trade Union” is a trade union formally recognised by the University for the purposes of collective bargaining (ie: UCU and UNISON).

3 GENERAL PRINCIPLES

3.1 Where the grievance concerns another individual (as opposed to relating to an issue or set of circumstances) he or she should be in attendance at any meeting if required by either party. Copies of any grievance statements or supporting documents will normally be given to both parties involved.

3.2 An aggrieved employee, or where applicable, the person against whom a grievance is lodged, will have the right to be accompanied by a Friend at any grievance hearing whether formal or informal. Where attempts are made to resolve the matter informally the meeting date should be at the convenience of all parties concerned. At a formal meeting should the Friend be unable to attend on the proposed date the employee can suggest another date so long as it is reasonable and normally not more than five working days after the date originally proposed by the University.

3.3 The parties may by mutual agreement modify the time limits referred to in this procedure.

3.4 Where the grievance concerns an alteration in working arrangements affecting the aggrieved employee, apart from emergency situations, the status quo shall prevail until the procedure has been followed to its logical conclusion, except where it is mutually agreed that this is impracticable.

3.5 All parties will be treated fairly and equally, regardless of their status, and reasonable adjustments will be made to ensure these procedures are accessible for disabled people.

- 3.6 The University's Human Resources Department undertakes to monitor the incidence of formal grievances. The Head of the Equality Unit is responsible for presenting a report annually to the Joint Negotiating and Consultative Committee (All Union) and to the Office of the Vice Chancellor Group.
- 3.7 This policy will be reviewed biennially in the light of these annual reports and within the context of developments outside the University.
- 4 STAGES IN THE PROCEDURE (see flowchart at Appendix A)
- 4.1 INFORMAL
- 4.1.1 It is normally expected that an employee who has a grievance would first of all try to resolve the matter informally before resorting to the formal stage. This may involve a direct approach to any other member(s) of staff involved.
- 4.1.2 Where the matter remains unresolved, the employee should discuss it with his or her line manager – or that person's manager where the complaint is against the person with whom the grievance would normally be raised. The manager who is handed the complaint should investigate the facts thoroughly and speak in confidence to the parties concerned including third parties e.g. witnesses. He or she should offer advice and reasonable assistance to resolve the matter if possible. He or she should make a note of the grievance (not to be kept on the individual's HR file) and the steps taken so far to solve the problem. He or she should then reply in writing to the aggrieved employee and other directly affected parties within 5 working days of receiving the complaint.
- 4.2 FORMAL
- 4.2.1 If the employee continues to be aggrieved he or she should set out the grievance in writing to the Senior Manager who will consult with the Director of Human Resources (or nominee). A Formal Grievance Notification form Appendix B should be used for this purpose.
- 4.2.2 The Senior Manager will arrange a meeting with the interested parties within 10 working days of receipt of the notification form. The Senior Manager will advise the aggrieved employee and, if applicable, the person against whom the grievance has been made of their right to be accompanied by a Friend. All interested parties must take all reasonable steps to attend this meeting. The employee will be allowed to explain their complaint and say how they think it might be settled. The other party, if applicable, will have the opportunity to put forward their views. If the Senior Manager considers that further investigation is necessary, then the meeting may be adjourned, and re-convened at the earliest possible opportunity. A Human Resources Manager should be present at the meeting(s) and they will produce a written summary record of the proceedings. All parties will be invited to comment on this before the papers are put onto both personal files.
- 4.2.3 The Senior Manager will give the grievance careful consideration before responding, in writing to the aggrieved employee and (where it involves another person) go to the person against whom a grievance has been made. This should normally be done within 5 working days of the meeting. The employee will be informed of his or her right of appeal.
- 4.2.4 Any Disciplinary Hearing arising as a result of a grievance being upheld will be conducted in accordance with the relevant University Disciplinary Policies
- 4.3 APPEALS
- 4.3.1 If the aggrieved employee is not satisfied with the outcome of the formal hearing, he or she should notify the Director of Human Resources within 10 working days of receipt of the decision. This notification should be in writing and should set out the employees' case for seeking an appeal.

- 4.3.2 The Director of Human Resources or nominee will invite the employee to a meeting to be held normally within ten working days and inform them that they have the right to be accompanied. The employee must take all reasonable steps to attend this meeting. The appeal will be heard by a more senior person, either the Vice-Chancellor or nominee (in the case of teaching/research staff), or the Secretary and Registrar or nominee (in the case of professional staff), as appropriate. The Director of Human Resources (or nominee) will be present at the meeting. Again, a written summary record will be made of the meeting. The format for this level of appeal is set out in Appeals Appendix C.
- 4.3.3 The Vice-Chancellor (or nominee) or Secretary and Registrar (or nominee) will give the grievance careful consideration before responding to the aggrieved employee and if, applicable, to the person against whom a grievance has been made. The appeal decision will be set out in writing normally within five working days of the meeting.
- 4.3.4 An employee may, if they wish, following a first appeal as above, submit a final appeal to the Board of Governors. If the employee wishes to exercise this right, then, they should set out their appeal in writing to the Secretary to the Board of Governors no later than ten working days after receiving the final decision. The Secretary to the Board of Governors will convene a meeting of the appropriate Appeals Committee of the Board of Governors as soon as possible and normally within fifteen working days. The procedure for this hearing is detailed in Appeals Board of Governors Appendix D. A flowchart, Timescales for Progression through The Staff Grievance Procedure, Appendix A may be helpful.
- 5 PROCEDURE AFTER AN EMPLOYEE HAS CEASED EMPLOYMENT
- 5.1 Where a grievance has been raised– in writing to the Director of Human Resources - by an employee after he or she has left the University, or where a grievance had been raised but not completed by the time the employee had left the University, then – subject to the written agreement of both the individual employee and the Senior Manager - the grievance will be considered on the basis of a written statement of grievance, without a meeting being convened. In this case, the Senior Manager will confirm receipt of the detailed complaint/ statement of grievance and set out the timescale for any investigation that is considered necessary. The Senior Manager's considered response will be sent in the form of a written statement within seven working days of the end of the investigation period.
- 5.2 Where the former employee wishes to attend a meeting to raise their grievance, then this will be arranged and all reasonable steps will be taken to convene this within ten working days of the written grievance having been submitted to the Director of Human Resources, or nominee. The former employee must take all reasonable steps to attend this meeting. The former employee will have the right to be accompanied at the meeting by a Friend and will be notified in writing of the decision. Travel and subsistence costs for the former employee to attend the meeting will not be met by the University.
- 5.3 There will be a right of appeal to the Vice Chancellor (or nominee) or the Secretary and Registrar and this will also be conducted on the basis of written submission only or in person if the employee wishes.

PROGRESSION THROUGH THE STAFF GRIEVANCE PROCEDURE

The University's Staff Grievance Policy provides for the formal resolution of individual work related grievances or disputes quickly and fairly.

Employees are encouraged to make their own informal efforts to resolve grievances, including approaching other members of staff if appropriate, before following this procedure. If they feel unable to do so, then they should, of course, talk informally to their line manager in the first instance. The aggrieved employee or the person, against whom a grievance is lodged, has the right to be accompanied by a Friend at any meeting.

Informal	↓	Line Manager	Meeting with Line Manager to discuss; manager gives verbal response within 5 working days	If not resolved submit written grievance to Senior Manager. Meeting arranged within 10 working days
Formal	↓	Senior Manager	Meeting with Senior Manager to discuss; manager gives written response within 5 working days	If not resolved submit written grievance to VC or Secretary & Registrar. Meeting to be arranged within 10 working days
Formal (Appeal)	↓	Vice Chancellor or Secretary & Registrar	Meeting with VC or S&R to discuss; they give written response within 5 working days	If not resolved submit written grievance to Secretary to the Board of Governors. Meeting of Appeals Board convened within 15 working days
Formal(Appeal Board of Governors)	↓	Secretary to the Board of Governors	A committee of three Governors will hear the grievance and their decision will be confirmed in writing within 5 working days. Their decision is final	

- If an employee decides to raise a formal grievance , they should normally do so within 3 months of the problem arising
- The parties may by mutual agreement modify the time limits set out above.
- This flowchart is for existing staff only. A different procedure applies after an employee has left employment (see section 5 Staff Grievance Policy)

FORMAL GRIEVANCE NOTIFICATION

STRICTLY CONFIDENTIAL

This form should be used for making a formal grievance. Remember to sign and date it and keep a copy for yourself. Send the completed form in a sealed envelope marked "Strictly Confidential" to the appropriate manager, as explained in s4 Staff Grievance Policy (UPR HR03). Send another copy also marked "Strictly Confidential" to your Human Resources Business Partner.

Your Name
.....

Position.....

School/Strategic Business Unit
.....

Home
Address.....
.....

Telephone Numbers:

Work..... Home.....

Mobile.....

E-mail address.....

Preferred means of contact e.g. mobile/ home phone etc.....

Details of incident(s) or name of person(s) about whom you are complaining
.....
.....
.....
.....

If the complaint is about a person what position does he or she hold?
.....

What *School/Strategic Business Unit* are they in?
.....

Please give the names of any members of staff you have approached already to try to resolve this grievance.....

Using the space below (and the back of this form, if necessary) please set out:

- Your complaint
- The incident(s) which gave rise to the complaint
- Times and dates
- Witness names, if relevant
- The effect this has had on you
- The steps you have taken to resolve the problem and the outcome
- Why you are making a formal complaint now
- Any other points you wish to mention

I have sent this complaint to: Manager/Senior Manager –

(name).....

I have copied this complaint to my Human Resources Business Partner
I understand that my complaint will lead to a formal hearing and that I will be asked to give evidence .
Complainant's

signature.....

Date:
.....

APPEALS

To be read in conjunction with Staff Grievance Policy

- 1 The appeal hearing will operate on the basis of reviewing the earlier decision, based on submissions made by the member of staff and management. It will not be conducted as a re-hearing of the evidence made when the initial decision was taken but rather be concerned with reviewing the application of the procedures, whether the outcome is fair and reasonable or considering any new material evidence not available or produced at the original hearing which the member of staff wants to raise. Normally, only in the case of new evidence will witness statements, and the attendance of those witnesses in person, be admissible.
2. Any appeal to a higher level of management must be submitted in writing to the Director of HR within ten working days of the date on which written confirmation of the outcome was received. The employee must clearly state the case for his/her appeal.
- 3 The Director of HR (or nominee) will arrange the hearing giving the employee a minimum of ten working days' notice in writing of the place, date and time of the hearing, and advising him/her of his/her right to be accompanied or represented by a Friend.
- 4 The Director of HR (or nominee) will inform the appropriate manager who made the original decision that an appeal has been lodged against the original decision.
- 5 Both the member of staff who is appealing and the manager who made the original decision must submit all evidence or documents to which reference shall be made at the hearing, including where the case for appeal relates to new evidence the names of any witnesses it is proposed to call (or witness statements where a witness is not to be called). This should be no later than 5 working days before the date set for the hearing to the Director of HR (or nominee) for simultaneous distribution to all parties. Papers not submitted by this date will not normally be eligible for consideration.
- 6 The Director of HR (or nominee) will attend as adviser and will normally act as note-taker.
- 7 The member of staff (or his/her Friend) shall put his/her case in the presence of the Senior Manager and, where the appeal is based on new evidence, call appropriate witnesses.
8. The Senior Manager shall have the opportunity to ask questions of the member of staff and, where appropriate, his/her witnesses.
9. The Senior Manager conducting the appeal may ask questions of the member of staff and, where appropriate, his/her witnesses. The Director of HR, or nominee, may ask questions of the member of staff and, where appropriate, his/her witnesses for clarification.
- 10 The manager who made the original decision shall respond to the case put by the member of staff.
- 11 The member of staff or his/her Friend shall have the opportunity to ask questions of the manager and, where appropriate, his/her witnesses.
- 12 The Senior Manager conducting the appeal may ask questions of the member of staff and, where the appeal is based on new evidence, any witnesses. The Director of HR or nominee, may ask questions of the member of staff and, where the appeal is based on new evidence, any witnesses for clarification.
- 13 Both parties shall have the opportunity to summarise their points if they so wish, the member of staff's statement being last.
- 14 The manager and the member of staff and his/her Friend shall withdraw.

- 15 The Senior Manager hearing the appeal, with the Director of HR or nominee, to advise, shall deliberate in private, only recalling the parties to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding that only one is concerned with the point giving rise to doubt.
- 16 The Senior Manager hearing the appeal shall determine his/her decision.
- 17 All parties shall be recalled, and the manager hearing the appeal shall convey his/her decision, and the reasons for this. Alternatively, the manager hearing the appeal may defer and communicate his/her decision later, either in person or in writing.
- 18 The manager's decision on the appeal shall be final. It shall be confirmed in writing to the employee normally within five working days.

NOTES:

- i Exceptionally, by mutual agreement of all parties, this outline format for conducting the appeal hearing can be amended provided that the general principles are still followed.
- ii Where witnesses attend the hearing, it shall normally be the practice that they will not be expected to read out their statement and further that the cross-examination by each side of witnesses, where called, will be limited in time to half an hour for each witness.
- iii Proceedings will not be tape-recorded.
- iv Requests for adjournments by either party will be at the discretion of the Chair and not unreasonably withheld.
- v Normally the HR representative will also take notes although in some instances it may be appropriate for an additional member of the HR department to fulfil this role.
- vi Notes of the proceedings will not be circulated subsequently but kept on the HR file for record purposes only and used in the event of any subsequent action.
- vii It is the responsibility of the member of staff and/or Friend to keep their own notes of the appeal hearing.

APPEALS, BOARD OF GOVERNORS

To be read in conjunction with Staff Grievance Policy

- 1 Appeals to the Board of Governors, or a Committee thereof, can only be made after a first appeal has been exhausted. Note: Where the appeal is based on new material evidence emerging during the period between a decision being made by the Vice Chancellor or Secretary and Registrar and the holding of the appeal, the matter will be reverted to the Vice-Chancellor or the Secretary and Registrar. Then there will be further consideration, and only in that circumstance will witness statements, and the attendance of those witnesses in person, be admissible. In such circumstance, the Vice Chancellor or Secretary and Registrar will take responsibility for arranging a review hearing at which the new evidence can be presented (see III.13 above) and the attendance of those witnesses in person be admissible.
- 2 Any Committee established by the Board of Governors shall consist of three Governors who shall be Independent Members of the Board or external Co-opted Members (i.e Governors who are not Staff or Students of the University).
- 3 The appeal hearing will operate on the basis of reviewing the last appeal decision, based on submissions made by the member of staff and Senior management. It will not be conducted as a re-hearing of the evidence made when the initial decision was taken but rather be concerned with reviewing the application of the procedures and whether the outcome is fair and reasonable.
- 4 The procedure of a hearing before the Governors shall be as follows:
 - 4.1 Any appeal to the Board of Governors must be submitted in writing to the Secretary to the Board of Governors within ten working days of the date on which the written decision was received. The employee must clearly state the reasons for and grounds of his/her appeal.
 - 4.2 The Secretary to the Board of Governors will notify the Vice-Chancellor or the Secretary and Registrar (or their nominee), as appropriate, ('management') that an appeal has been lodged.
 - 4.3 The Secretary to the Board of Governors will arrange the hearing and will give the member of staff a minimum of ten working days' notice in writing of the place, date and time of the hearing, and advise him/her of his/her right to be accompanied and represented by a Friend.
 - 4.4 Both the member of staff and management must submit all evidence or documents to which reference shall be made at the hearing at least 5 working days in advance to the Secretary to the Board for simultaneous distribution to all parties.
 - 4.5 The Director of HR (or nominee) will attend to advise the Panel.
 - 4.6 The member of staff (or his/her Friend) shall put his/her case in the presence of the Senior Manager.
 - 4.7 The Senior Manager shall have the opportunity to ask questions of the member of staff.
 - 4.8 The members of the Committee may ask questions of the member of staff.
 - 4.9 The Senior Manager shall put the case in the presence of the member of staff and his/her Friend.
 - 4.10 The member of staff or his/her Friend shall have the opportunity to ask questions of the Senior Manager on the evidence given by him/her.
 - 4.11 The members of the Committee may ask questions of the Senior Manager.

- 4.12 Both parties shall have the opportunity to sum up their cases if they so wish, the member of staff's statement being last.
- 4.13 The Senior Manager and the member of staff and his/her Friend shall withdraw.
- 4.14 The Committee, with the officer appointed as Secretary to the Committee and the Director of HR (or nominee) to assist as required, shall deliberate in private, only recalling the Senior Manager and the member of staff (and his/her Friend) to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return.
- 4.15 The Committee shall determine its decision, which may include: confirmation of the earlier decision or the referral of the case to the Vice-Chancellor or Secretary and Registrar for re-consideration.
- 4.16 All parties shall be recalled, and the Committee convey its decision, and the reasons for this. Alternatively, the Committee may defer and communicate its decision later, either in person or in writing.
- 4.17 The Committee's decision on the appeal shall be final. It shall be confirmed in writing to the employee normally within five working days.

NOTES:

- i If any party seeks to address the Appeal Committee, this must be in the presence of the other party.
- ii It must be made clear at the outset who will be the person presenting the employee's case to the Appeal Committee - either the employee or the Friend, but not both.
- iii Proceedings will not be tape-recorded.
- iv Requests for adjournments by either party will be at the discretion of the Chair and not unreasonably withheld.
- v The Secretary to the Committee will take notes of the proceedings, but these will not be circulated subsequently but kept for record purposes only and may be used in response to any subsequent employment tribunal or legal action.
- vi It is the responsibility of the member of staff and/or Friend to keep their own notes of the appeal hearing."

Signed for and on behalf of the University: -----

UCU :-----

UNISON:-----

Date: