

Title	Staff Grievance Policy – HR03
Version	04.0
Effective	24 February 2020

STAFF GRIEVANCE POLICY

General changes:	
This document has been updated to reflect an amended appeal process.	
Section:	
See text	

(Amendments to version 03.0, UPR HR03, are shown in italics)

Structure

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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 30 January 2020. 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.

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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 EQ10);
- 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;
- 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 Whistleblowing Policy \(UPR GV16\)](#). *The policy is intended to cover concerns which are in the public interest. These concerns may include but are not limited to:*
 - i financial malpractice or fraud;*
 - ii serious risks to health and safety of staff or students, or to the environment;*
 - iii a criminal offence;*
 - iv failure to comply with a legal requirement, or a serious breach of a University UPR;*
 - v academic or professional malpractice, for example research misconduct;*
 - vi improper or unethical behaviour, such as abuse of position within the University;*
 - vii general concern about a wrongdoing;*
 - viii dangerous or illegal activity;*
 - ix discriminatory behaviour in breach of the Equality Act 2010; and*
 - x attempts to conceal any of the above.*

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.

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.

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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.

3.8 *Vexatious or frivolous use of the Grievance Policy may result in disciplinary action being taken against the complainant. A vexatious grievance is one, which is raised maliciously or in bad faith.*

4 **STAGES IN THE PROCEDURE (see flowchart at Appendix A)**

4.1 **STAGE 1 – INFORMAL PROCEDURE**

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

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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 **STAGE 2 – FORMAL PROCEDURE**

- 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 Policy.

4.3 **STAGE 3 - APPEAL**

- 4.3.1 If the *grievance* is not resolved to the satisfaction of the Complainant, a written appeal may be submitted to the Director of Human Resources within a maximum of 10 working days of receipt of the *written conclusion at Stage 2*.
- 4.3.2 *The appeal must be made* in writing and *outline the reasons* for seeking an appeal. Please note an appeal is not a rehearing of the Stage 2 process.
- 4.3.3 The Director of Human Resources or nominee will *advise the Stage 2 Senior Manager that an appeal has been lodged against the Stage 2 decision. He or she will arrange the hearing giving the employee a minimum of 10 working days' notice in writing* and inform them that they have the right to be accompanied.
- 4.3.4 The employee must take all reasonable steps to attend *the* meeting.
- 4.3.5 The Appeal will be *Chaired* by the Vice-Chancellor or nominee *with a panel of three members of the Chief Executive Group (CEG). The Vice-Chancellor (or nominee) may delegate the Appeal hearing, in his or her absence, to a panel of three members of CEG.* The Director of Human Resources (or nominee) will *also* be present at the *Appeal hearing*.
- 4.3.6 *The employee and the Stage 2 Senior Manager must submit evidence or statements to be reviewed at the hearing to the Director of Human Resources (or nominee) no later than 5 working days prior to the date set for the Stage 3 Appeal hearing.*

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- 4.3.7 *The Complainant will present his/her case. The manager who made the original decision shall respond to the case put by the Complainant.*
- 4.3.8 *All parties will be provided the opportunity to ask questions. Both parties shall have the opportunity to summarise their case if they so wish. The Complainant being first.*
- 4.3.9 *A written summary record of the meeting will be made by the Director of Human Resources (or nominee).*
- 4.3.10 *The Chair of the Appeal hearing will review the appeal giving consideration to procedural compliance, a fair and reasonable decision test and any relevant material evidence (for which new witnesses may have been called to the meeting) with the Director of Human Resources (or nominee) before determining a final response.*
- 4.3.11 *The final decision may be given on the day and advised to both parties or where further consideration is required will be confirmed in writing normally within 5 working days.*
- 4.3.12 *The decision is final.*

Sharon Harrison-Barker
Secretary and Registrar
Signed: **24 February 2020**

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APPENDIX A - PROGRESSION THROUGH THE STAFF GRIEVANCE PROCEDURE (FLOWCHART)

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)	↓	<i>Director of Human Resources</i>	<i>Meeting to be Chaired by VC or nominee with 3 CEG members. Or delegated panel of 3 x CEG members</i> Written response given within 5 working days	<i>Decision is final</i>

- 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.*

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APPENDIX B - 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. 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.....

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Please *state and* 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: