

GRIEVANCE POLICY AND PROCEDURE

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Grievance Policy and Procedure

1 Scope

1.1 This policy and procedure applies to individual grievances from employees of the University. It does not apply to agency workers or self-employed contractors. Complaints raised by a group of employees are outside the scope of this policy, and such issues should be raised via the relevant trade unions or to Human Resources.

2 Aims

2.1 From time to time employees may have a problem or concern about their work, working conditions or relationships that they wish to talk about with management. This policy seeks to provide a method of resolving employees' concerns.

2.2 The procedure aims to ensure that a fair, constructive and consistent approach is taken when dealing with employee concerns.

2.3 The procedure aims to resolve matters fairly and promptly and as near to the point of origin of the grievance as possible.

3 Policy

3.1 Employees should aim to settle grievances informally with their line manager where possible. See section 4.2 below for information on the informal stage. The matter should be raised without unreasonable delay and within 3 months of the issue occurring or as soon as it comes to light.

3.2 If it is not possible to resolve a grievance informally the employee should raise the matter formally in writing without unreasonable delay. See section 4.3 below for information on the formal stage.

3.3 The employee will be invited to a meeting and given the opportunity to explain their complaint and how they think it should be resolved.

3.4 The employee can be accompanied at a formal grievance meeting or an appeal by a trade union representative, trade union official, or a workplace colleague. See section 6 for information on accompaniment.

3.5 The employee can appeal if they feel that their grievance has not been satisfactorily resolved. See section 4.6 for information on appeals.

3.6 Line management will involve Human Resources for advice, information and support as appropriate.

3.7 All parties involved in a grievance matter must exercise due care to maintain confidentiality. Records must be stored in line with Data Protection requirements.

3.8 Electronic recordings are not permitted.

4 Procedure

4.1 The grievance procedure consists of 3 stages:

- Informal
- Formal (including investigation)
- Appeal

4.2 Stage 1 - Informal

4.2.1 The employee should raise the complaint in the first instance with their line manager without unreasonable delay. Many problems can be raised and settled relatively quickly during the course of everyday working relationships. Both parties should fully explore through discussion how the matter might be resolved without the need for a formal grievance procedure. The manager should listen carefully to the employee and may need to make appropriate enquiries into the matters raised before attempting to resolve the complaint.

4.2.2 The line manager may find it helpful to contact the Human Resources Directorate for advice and guidance at the informal stage. Human Resources may contact the employee and/or the line manager to discuss the grievance in more detail as well as any options for resolving the concerns informally.

4.2.3 The line manager should summarise the outcome of their informal discussion in writing to the employee, whilst making clear that the discussion was at the informal stage.

4.2.4 In some cases help from a neutral person acting as a mediator can help to resolve problems, especially those involving working relationships. Where appropriate, mediation should be considered. Mediation can be provided through

the Human Resources Directorate. Mediation is a voluntary step for managers and employees and neither party will be penalised for declining the offer of mediation. Information on the mediation process is given at appendix 1.

4.3 Stage 2 - Formal

4.3.1 If the employee is unable to resolve the complaint informally through discussion with their line manager, they should put it in writing and send a copy to Human Resources.

4.3.2 Normally the formal written grievance should be submitted to the line manager. However, if the line manager is implicated in the complaint the employee can submit the formal grievance to their counter-signing manager, with a copy to Human Resources. The counter-signing manager will appoint an alternative manager to hear the grievance together with an investigator, if required. See section 4.4.4 on Investigations.

4.3.3 The written grievance should set out the nature of the complaint, where possible including relevant facts, names and dates, so that the matters can be investigated as necessary. The employee raising the grievance should state the desired outcome/s sought providing specific suggestions on how they feel it should be resolved.

4.3.4 If the manager receiving the written grievance believes that the informal process has not been conclusive, they may suggest further measures to address the matter informally. This does not however, prevent the employee from pursuing the formal grievance procedure if they wish to do so.

4.3.5 Mediation should be considered at informal and formal stages.

4.4 Investigation

4.4.1 Any necessary investigations will be carried out before reaching a decision and these will vary from case to case. It may involve interviewing the employee and others and/or reviewing relevant documents. If the complaint is about another employee, they should also be interviewed. Employees are expected to co-operate fully and promptly.

4.4.2 Investigations will not normally include historic issues not raised at the appropriate time, ie within three months of the occurrence, or matters previously investigated. Please see section 7.1 for matters relating to bullying or harassment.

4.4.3 If the written grievance is sufficiently detailed or straightforward any further investigation required may take place before holding the grievance meeting. Alternatively a grievance meeting may be commenced in order to ascertain more details about the complaint, before deciding what form of investigation is needed and the terms of reference for the investigation. In this case the grievance meeting will be reconvened after further investigation, before a decision is reached.

4.4.4 Where appropriate an investigator will be appointed. The investigator will be a manager who is not involved with the people or issues concerned. The investigator will investigate the facts, write a report and then submit it to the manager hearing the grievance. The investigator should ensure their report is written without unfair bias. The investigator does not make a recommendation as to the recommended outcome.

4.4.5 Whilst it can be difficult to determine a fixed timescale for conducting an investigation, especially in complex cases, where possible the investigator should set out an indicative timescale and keep the employee advised of progress and any changes to the timeline.

4.4.6 The investigator should not restrict evidence from the report. Information gathered can be appended to the main report as an appendix. The employee will be provided with a copy of all evidence gathered subject to confidentiality and the Data Protection Act.

4.4.7 Every effort will be made, when appointing individuals to carry out roles in a grievance process, to avoid a conflict of interest. If a manager is appointed to a formal role and the employee or manager is aware of a conflict of interest, they should raise this immediately with Human Resources.

4.4.8 The employee will be provided with a copy of any documentation that will be considered at the grievance meeting.

4.4.9 See section 6 for information on accompaniment.

4.5 Meeting

4.5.1 If the grievance is about the line manager, they will not hear the formal grievance; a manager who is not involved with the people or issues concerned, will hear the grievance.

4.5.2 If an investigator is appointed they may be asked to present their findings at the grievance meeting.

4.5.3 The employee will be given at least 10 working days' notice of the grievance meeting. The employee will be given a copy of any investigation report. If the employee wishes any additional information to be considered, which is not already available in an investigation report, they should submit this to the hearing manager no later than 3 working days before the meeting.

4.5.4 A representative from the Human Resources Directorate will attend the meeting to provide procedural advice. Witnesses are not normally expected to attend a grievance meeting (or appeal). In the event that witnesses are to be called, advance notice must be given. A note-taker will also attend. The manager hearing the grievance is responsible for making the necessary arrangements.

4.5.5 The employee will be given an opportunity to set out their grievance as well as ask questions and raise points about information provided by any witnesses. Guidance is given at appendix 2 on holding a grievance meeting.

4.5.6 The grievance meeting will normally be adjourned to allow consideration of all the evidence before reaching a decision. Before delivering any decision, the manager hearing the grievance should fully explore the practicality of any proposals. Where the relevant information is available it may be possible to give a decision on that day. In any case the decision will be sent in writing, normally within 5 working days. In the event of any delay the employee should be kept informed.

4.5.7 Minutes of the meeting will be shared with the employee. These will be provided as soon as possible and normally within 10 working days of the meeting. Minutes are not verbatim but are a summary. The employee can ask for corrections to the minutes. If the requested amendments are not made, their comments will be appended to the minutes.

4.6 Stage 3 - Appeal

4.6.1 If the employee feels that their grievance has not been satisfactorily resolved they have the right to appeal. The appeal must be submitted to the person named in the decision letter. A copy of the appeal letter must be sent to Human Resources.

4.6.2 The employee must submit any appeal they wish to make in writing within 10 working days of receiving the written decision and set out their grounds of appeal. The employee should submit any additional documentary evidence they wish to be considered no later than 3 working days before the appeal meeting.

4.6.3 The appeal will be heard by a senior manager who is not involved with the people or issues concerned.

4.6.4 Documentation from the grievance meeting must be made available to those present at the appeal.

4.6.5 A representative from the Human Resources Directorate will attend the appeal to provide procedural advice. A note-taker will also attend. The manager hearing the appeal should make the necessary arrangements.

4.6.6 The outcome of the appeal will be confirmed in writing, normally within 5 working days of the appeal hearing. Following delivery of the appeal decision there is no further right of appeal.

5 Summary of timings

5.1 If an employee wishes to raise a formal grievance this should be submitted within reasonable time, meaning as soon as it becomes evident that it has not been possible to resolve the matter informally.

5.2 Following a completed investigation a grievance meeting should be arranged within 10 working days. If exceptionally there is an unavoidable delay in hearing the grievance, any delay must be kept to a minimum and the manager hearing the grievance or appeal should keep the employee informed.

5.3 The employee will be given at least 10 working days' notice of the meeting or the appeal date.

5.4 Normally all information gathered will be included in an investigation report. However, if the employee wishes to submit additional information, which is not

already available in the investigation report, it should be submitted by the employee no later than 3 working days before the meeting.

5.5 If circumstances beyond the control of all concerned prevent a meeting (or appeal) from taking place in a timely way, consideration will be given to appointing alternative managers.

5.6 The employee and any companion are obliged to make every effort to attend the grievance meeting. See section 6 for rearranging the meeting to allow accompaniment.

5.7 It is sometimes the case that Occupational Health may advise an employee may be fit to attend a meeting although a Fit Note from their GP may show they are not fit to work.

5.8 Where an employee is persistently unable or unwilling to attend a grievance meeting without good cause, a decision will be made on the information available; this may include a written submission. In these circumstances the employee will be informed in advance in writing.

5.9 Any appeal should be submitted in writing to the person named in the decision letter within 10 working days of receiving the written decision.

5.10 Where the relevant information is available, it may be possible to provide a decision verbally on that day. In any case the decision will be provided in writing within 5 working days following the meeting.

6 Accompaniment

6.1 An employee has the right to be accompanied at a formal grievance meeting or appeal by a workplace colleague or trade union representative or an official employed by the trade union. A companion should not answer questions on behalf of the employee but may make representations and ask questions. The employee and companion may talk privately at any time during the meeting.

6.2 If the chosen companion is not available at the time offered, the employee can request that the hearing is postponed to an alternative time provided this is not more than five working days after the original date.

6.3 It is not normally expected that witnesses will be asked to attend a grievance hearing or appeal. However, where a witness is asked to attend, although there is

no statutory right, they will be permitted to be accompanied if they so wish. Their chosen companion must not be otherwise involved in the case.

6.4 There is no statutory right for an employee to be accompanied at an investigation meeting. However, the University will allow the employee to be accompanied at an investigation meeting if they so wish. Their chosen companion must not be otherwise involved with the case.

7 Relationship with other policies

7.1 Complaints about bullying and harassment should normally be addressed in accordance with the Bullying and Harassment Policy.

7.2 Complaints about issues relating to wrong-doing by the University where there is a public interest concern should be raised in accordance with the Whistle Blowing Policy.

7.3 If an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the complaint. Where the grievance and disciplinary are related it may be appropriate to deal with both issues concurrently.

7.4 Each case will be considered on an individual basis, taking into account the need to provide a fair process without unduly delaying or indeed duplicating formal processes.

7.5 Reasonable adjustments will be made available to disabled people to allow them to participate fully in the grievance procedure.

8 Review

8.1 The University will keep this policy and procedure under review with the trade unions.

Appendix 1

The Mediation Process

Mediation is a neutral, non-confrontational meeting where ground rules are agreed at the beginning of the discussion (eg confidential, constructive).

The mediator – the third party present at the meeting – has the role of impartial, non-judgemental facilitator to assist with the discussion. Mediators are trained and do not express views about how to handle a specific conflict but help the parties to find an agreement between themselves.

Key principles of mediation are that the meeting is:

- ❖ in a neutral location;
- ❖ it is engaged in voluntarily by the two parties;
- ❖ the discussion is confidential;
- ❖ it is conducted in a respectful way.

The process is:

- a) The mediator meets individually with each party to listen to and understand any concerns and to explain how the meeting will be conducted.
- b) The two parties meet together with the mediator to give the opportunity to raise individual issues/goals in a safe and structured environment, and for these to be addressed.

Any outcomes or actions are subject to agreement by both parties. Normally these are recorded in writing.

Appendix 2

Guidance on the procedure at a grievance meeting

- Introductions – all

The manager hearing the grievance will:

- state roles of those present
- remind those present that electronic recording of the meeting is not permitted
- check those present have the same documents
- check employee has read grievance procedure
- state whether an investigator will be asked to present investigation findings
- confirm whether witnesses will be called
- read or summarise the grievance

The employee (or companion if the employee so wishes) may:

- explain their grievance in their own words if they wish
- refer to evidence, including witnesses and their statements
- ask questions of those present (including questions about the evidence gathered) and sum up. The employee or their companion may choose to sum up at the end of the meeting

The companion:

- may not respond to questions on behalf of the employee or prevent the employee from answering

The manager hearing the grievance may:

- ask questions
- summarise their understanding of what is being presented
- summarise their understanding of the resolution that the employee is seeking
- check if the employee has anything to add

Next steps

The manager will:

- advise of next steps including proposed timescales
- advise that confidentiality must continue to be maintained
- advise whether the meeting will be reconvened to deliver the decision in person
- advise that in all cases the decision will be provided in writing as soon as possible following the meeting
- adjourn to consider and reach a decision