

GRIEVANCE PROCEDURE FOR ALL UNIVERSITY ACADEMIC AND ACADEMIC-RELATED STAFF

Statute XII Part F sets out the procedure for the resolution of grievances for academic and academic-related staff. That statute states that the aim is “to settle or redress individual grievances promptly, fairly and so far as may be, within the division, faculty, school, department or other relevant area by methods acceptable to all parties”. This document sets out the procedure to be followed to resolve grievances at departmental or divisional level and avenues of appeal.

A Introduction

General principles

- A.1 The grievance procedure set out below applies to academic and academic-related staff subject to the provisions of Statute XII, Part F. It will apply to the majority of staff in the majority of situations. Where there is doubt as to its application in a particular case, or in cases where individuals feel unable to approach the departmental administrator or head of department, advice should be sought from the Director of Human Resources.
- A.2 The purpose of this grievance procedure is to provide an avenue for an employee to raise concerns regarding their employment, their relationships with colleagues or decisions taken in relation to them.
- A.3 The University will endeavour to ensure that the employee’s grievance is carefully and impartially considered. The employee will receive an explanation of why the grievance was upheld or rejected. If it was upheld, or partially upheld, they will normally receive proposals for a resolution or other form of action designed to mitigate the concerns expressed.
- A.4 It is recognised that preliminary consideration of a grievance might conclude that the matters in question amount to repeat grievances (see F.2 below), or that other procedures might be more appropriate, including grievances which amount to public interest disclosure (see F.3), or involving disciplinary matters (see F.4 to 7), or involving harassment or bullying (see F.8), in which case matters will be determined as set out under those provisions.

Investigations by the University without a formal complaint

- A.5 There may be occasions when an employee draws a matter to the attention of authorities without instigating the formal procedure. In such cases, the University may nevertheless decide that the matter is of sufficient importance to warrant an investigation. Guidance should be sought from the Director of Human Resources where allegations of potentially serious misconduct, including conduct that is potentially illegal or that constitutes a threat or danger to others, are received. In such circumstances the employee will be encouraged to use the appropriate formal procedure in order that an investigation under the appropriate procedure

may be instigated. In exceptional circumstances the University will conduct an investigation without having received a formal complaint. Such investigation will generally be authorised by the head of department, if they have no conflict of interest, but it may be authorised by the head of division or the Registrar, as the University deems appropriate, depending on the particular circumstances in each case.

Vexatious complaints

- A.6 The purpose of the grievance procedure is to seek to ensure that appropriate channels are available for employees to seek redress of workplace concerns. Where after investigation an employee's allegations are found to be vexatious or malicious and without any reasonable foundation, disciplinary consequences may follow. This may also be the case where the University has carried out an investigation on the basis of a confidential complaint by an employee under A5.

B Informal stages

- B.1 The University recognises that some employees may not wish to use a formal procedure and does not wish to deter employees from seeking to resolve concerns informally.
- B.2 Employees should raise any grievance with their manager for informal resolution in the first instance. If the employee's concern involves their manager, they may raise it with the head of department; on occasions where the grievance concerns the head of department, the aggrieved employee may raise it with the head of division. The person with whom the complaint is raised shall make arrangements to find a solution to the grievance informally, if appropriate.

C. Formal procedure

- C.1 Where the parties consider that it is not appropriate to deal with a matter informally, or when an attempt at informal resolution has not been successful and the employee wishes still to pursue the matter, the procedure set out below should be used.

Bringing a formal grievance

- C.2 The employee should set out the detail of their grievance and the outcome that they are seeking in a signed statement. For all staff the statement of grievance should be presented to the departmental administrator in the department of the employee bringing the grievance, except as follows:

- academic staff should present their statement of grievance to the head of department;
- a grievance about the department administrator should be presented to the head of department;
- a grievance on the part of the departmental administrator should be presented to the head of department.

Hereafter the person to whom the statement of grievance is presented is referred to as “the administrator”. If the terminology used above does not apply to an individual’s department, they should contact the HR team who can identify a suitable individual to receive the grievance.

- C.3 A formal grievance should be presented as soon as practicable after the events giving rise to the grievance, or the conclusion or interruption of any informal attempts to address the matters in question.
- C.4 Where the administrator has already been informally involved in addressing the matters forming the grievance, the administrator may appoint another senior member of staff to undertake the following steps (that would otherwise be undertaken by the administrator).
- C.5 Where the complaint is against the administrator, the head of department or equivalent will nominate an impartial alternative to take on the administrator’s role to progress the grievance.
- C. 6 Where the complaint is against the head of department the grievance should be addressed to the head of division (or equivalent) who will arrange for the matter to be considered at divisional level in the first instance by nominating a senior member of staff from another department to hear the grievance. The procedure will otherwise be the same as that set out in sections C.21 to C.23 below.
- C. 7 Where the head of department wishes to bring a grievance they should refer the matter to the Director of Human Resources.
- C. 8 The administrator will send a copy of the grievance to the Director of Human Resources.

Employee representation

- C. 9 At each stage of the formal grievance procedure the employee has the right to be accompanied at any meeting by a trade union official or by a University employee of choice (“the companion”). Where the person against whom a grievance is made attends meetings as part of the grievance procedure, they shall also have the right to be accompanied by a trade union official or by a University employee.
- C. 10 When arrangements for a meeting are being made it will be for the employee to arrange for the companion (if any) to attend. If the employee’s companion is unavailable at the proposed time the meeting may be postponed, normally for no more than ten working days, in order to facilitate their attendance.
- C. 11 The member of staff should also give advance notice to the person chairing the meeting of the name of their companion.
- C. 12 Should the employee wish it, the companion will be permitted to put the employee’s case, sum up the case, and confer with the employee. However, the companion will not generally be permitted to answer questions on behalf of the

employee, to address the hearing if this is not what the employee wishes, or to conduct themselves in such a way as to prevent the employee from explaining their case, or to prevent others from making their contribution to the meeting.

Record keeping

- C. 13 Written records will be kept at each stage of the formal procedure.
- C. 14 An outcome letter concluding each stage of the grievance procedure will be placed on the employee's personal file and forwarded to the Director of Human Resources. A copy of the outcome letter will normally also be placed on the personal file of any employee against whom a grievance is upheld.

Timescales

- C. 15 The timescales set out in the formal procedure are indicative of what is required for a grievance to receive an appropriately prompt response. Where it becomes apparent that additional time is required this should be discussed with the employee concerned. However, given the desirability for all concerned of dealing with grievances quickly, all parties are strongly encouraged to adhere to the given timescales wherever possible. Failure, without good cause, on the part of the complainant to adhere to the timescale may lead to a grievance being dealt with in the absence of a party or without their full case being presented. Where a meeting has twice been cancelled, advice will be sought from University HR as to whether or not it is appropriate to reschedule it.

Preliminary meeting with the administrator

- C. 16 The administrator must invite the employee to a meeting at which the employee will, where this is not already clear, be invited to clarify the basis for their grievance and the outcome they are seeking. The administrator will also ask the employee to supply all relevant paperwork and copy documents to illustrate or clarify their grievance, to the extent that such documents have not already been provided. The employee should provide the further information and documents within ten working days of the meeting with the administrator.
- C. 17 Having received any further information from the employee, or if no additional information has been received within ten working days of the meeting, the administrator will inform the complainant before they request a written response from any other party that they consider appropriate. The administrator will provide all other parties with a copy of the grievance statement and any additional documents provided by the complainant. Written responses should be returned to the administrator within ten working days of receipt of their request.
- C. 18 Where it is considered necessary for further investigation to be undertaken, this will be completed before the departmental meeting (C.20 below). The administrator may appoint another senior employee or external investigator to perform this function as considered appropriate.

Departmental meeting

- C.19 A grievance will normally be heard in the first instance at departmental level. Once the responses to the grievance have been received the administrator will arrange a meeting to hear the grievance, which will be chaired by the head of department or equivalent or, where they are not available or have a conflict of interest by another senior member of staff in the department. Departmental meetings will normally be convened with ten working days' notice to the parties concerned. Where the administrator has not received written responses within ten working days of their request, they may convene a meeting in the absence of such responses.
- C.20 However, where it appears to the administrator on consideration of the particular circumstances of the case that it would be more appropriately heard by a senior member of staff from another department, they will refer the grievance to the divisional registrar, who will nominate an appropriate senior member of staff from another department to hear the grievance. The procedure will otherwise be the same as that set out in sections C.21 to C.23 below.
- C. 21 The chair of the departmental meeting shall determine the procedure for the meeting, taking into account the aim of the grievance procedures under section 41 of Statute XII. The chair shall invite the aggrieved employee to attend the departmental meeting and the procedure will normally also include:
- a) the attendance of the employee(s) against whom the grievance has been made (the respondent(s));
 - b) that the meeting may proceed without the attendance of any person who refuses or fails to attend if the chair reasonably considers that appropriate in all the circumstances;
 - c) that the chair may invite each party to explain their position and that each party may normally be given the opportunity to ask questions of the other (although normally such questions will be put through the chair);
 - d) that the chair may ask such further questions as they consider appropriate and may discuss with the parties alternative ways in which the grievance may be addressed; and
 - e) that a written record of the meeting will be kept.
- C.22 The chair of the departmental meeting will write to the parties, normally within thirty days of the meeting, setting out their findings and conclusion. In their conclusion, they:
- will uphold in whole or in part the employee's grievance or reject the grievance;
 - will explain the reasons for the decision; and
 - may make proposals for a resolution.
- C. 23 The letter to the employee will also explain that the employee has a right to appeal in accordance with the procedure set out below.

D. **The divisional appeal stage**

- D.1 Where a grievance has not been resolved to the satisfaction of the complainant at a departmental level the complainant may appeal to a divisional appeal panel, unless the grievance was originally considered at divisional level because it related to the head of department or pursuant to section C.20 above. Where the department does not sit within a division, analogous arrangements will be made for the appeal to be heard at an organisational level above the department. The following procedure will apply.
- D.2 A complainant wishing to appeal against a departmental decision must, within fourteen days of receipt of the outcome letter from the chair of the departmental meeting, write to the head of division, through the divisional registrar, setting out details of their appeal and explaining why they are dissatisfied with the outcome at the departmental level. The complainant must also provide a copy of the decisions that have been reached to date.
- D.3 Within ten working days of receipt of such a letter the divisional registrar will forward a copy of it together with any enclosures to the department concerned. The department should reply within ten working days, setting out the steps taken to date in the department to resolve the matter and the rationale for the decision with which the employee remains dissatisfied.
- D.4 On receipt of the departmental response the divisional registrar will arrange for a panel, of two or three people, to meet to hear the complainant's appeal. In selecting the members of the appeal panel the divisional registrar will take account of the nature of the complaint and ensure that panel members have not had any prior involvement in the case.
- D.5 The appeal hearing will normally take place within thirty days of the receipt of the response and with at least ten working days' notice to the parties concerned.
- D.6 An officer of University HR will be present to advise the chair and to make a formal record of the hearing.
- D.7 The hearing, which all parties will normally be expected to attend, will enable the parties to put their cases. The chair of the panel will determine the procedure for the hearing and may, if they consider it appropriate, adjourn the panel so that further investigation can be undertaken.
- D.8 The chair of the panel may also, if they think it appropriate, consider alternatives to either upholding or not upholding the grievance and discuss these with the parties during the course of the appeal hearing or in drawing up their report.
- D.9 The chair of the panel will write to the parties, normally within thirty days of the hearing, to convey their decision. In their conclusion, they:
- will uphold in whole or in part the employee's grievance or reject the grievance,

- will explain the reasons for the decision, and
- may make proposals for a resolution.

E. Appeal to the Vice-Chancellor

- E.1 Where the complainant is not satisfied with the decision of the divisional panel, or a decision made under sections C.6 or C.20 above, the complainant may refer the matter to the Vice-Chancellor.
- E.2 If the Vice-Chancellor does not reject the grievance appeal or make arrangements to resolve it informally, or deal with it under Statute XII Part D or H, the Vice-Chancellor shall refer it to the Grievance Committee.
- E.3 The Grievance Committee is governed by Statute XII, Part F, Sections 46-48 and Council Regulations 40 of 2002

F. Other considerations

- F.1 Where it appears that the grievance might be more appropriately dealt with under a different procedure, the administrator will discuss the position with the complainant at a preliminary meeting with a view to ensuring that they have fully understood the complainant's concerns and will confirm in writing the decision as to the approach to be taken to resolve the matter.

Repeat grievances

- F.2 Where the administrator is of the view that the subject matter of the grievance has already been sufficiently dealt with under a previous grievance process, they will explain this to the employee and decline to progress the grievance.

Complaints involving a public interest disclosure

- F.3 The University has a separate procedure for complaints involving a public interest disclosure, which may be accessed on its website.

Disciplinary matters

- F.4 Where the grievance made constitutes an allegation about another employee, the administrator may decide that the matter should be dealt with under disciplinary procedures.

Interlinked disciplinary and grievance matters

- F.5 Where an employee raises a grievance but at the same time a grievance is raised against them, these grievances will, if appropriate, be addressed in a combined grievance process.
- F.6 Where the employee raised a grievance at the same time as issues of a disciplinary nature involving the employee require investigation, these matters will, if appropriate, be addressed in a combined disciplinary and grievance procedure. Similarly, where an employee raises issues regarding a SERP or Redundancy Panel process, or raises issues relating to a dismissal for which there is otherwise a right to appeal to a University Appeal Panel under Part H of Statute XII, those issues may be referred to the University Appeal Panel if appropriate.
- F.7 Disciplinary proceedings may in appropriate circumstances be commenced against another employee or employees in the light of matters raised by the investigation or outcome of an employee's grievance.

Complaints of harassment or bullying

- F.8 The individual grievance procedure should not be used for dealing with complaints of harassment. The University has a separate Policy on Harassment (including bullying and victimisation). Advice in cases that might result in complaints of harassment is available from independent harassment advisers. Details of the harassment advisory service are available on the central Equality and Diversity Unit website, or by telephoning the confidential helpline (01865 (2)70760).

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