

# Grievance Procedure

## 1.0 Introduction

- 1.1 This procedure applies to all members of staff employed by Staffordshire University other than “holders of senior posts” as determined by the Board of Governors on the basis defined in the University’s Articles and Instruments of Government.
- 1.2 This procedure has been adopted after consultation with the recognised Trade Unions, UCU and UNISON, and has been informed by the recommendations from the Advisory, Conciliation and Arbitration Services (ACAS) Code of Practice.
- 1.3 The purpose of the procedure is to allow employees the opportunity to express grievances relating to their own personal employment circumstances. The University encourages an open and honest relationship with its employees and hopes that most matters of concern to an employee can be resolved by discussion with the immediate line manager in the course of normal day to day work. The University encourages its employees to raise matters informally before invoking the formal procedures set out in this document as it is in the interest of all parties to resolve matters at the informal stage where ever possible.
- 1.4 In order to achieve informal resolution, management should seek advice from their Human Resources Business Partner and members of staff are encouraged to seek support from a member of Human Resources or their Union representative.

## 2.0 General Principles

- 2.1 The purpose of the grievance procedure is to ensure that where matters have not been resolved informally there is a means for matters to be raised formally. The aim of this formal procedure is to provide a fair and consistent approach for the consideration of employee grievances. Every effort will be made to deal with grievance issues as promptly as possible and by a person at an appropriate level. However, employees should be aware that grievance cases will need appropriate time to be investigated.
- 2.2 This procedure does not apply where there are separate procedures to deal with the issues raised, such as discipline, harassment, grading of posts, or matters more appropriately dealt with under the Public Interest Disclosure Policy and Procedures. Further, this procedure does not apply to issues relating to conditions of service, including local collective agreement, except for allegations that those agreements are not being observed.
- 2.3 Where a grievance or appeal is submitted on behalf of a number of employees, the University will request that a single employee be appointed as a point of contact for dealing with the grievance under this procedure. If the University receives grievances or appeals from two or more employees (submitted separately), where the University believes that the subject matter of those grievances or appeals is substantially similar, the University reserves the right, at its absolute discretion, to require those grievances or appeals to be consolidated, so that they are dealt with as one grievance or appeal under this procedure, on the grounds of efficiency.

- 2.4 In cases where a grievance involves another employee, that person shall be advised by management of the substance of the grievance and be given the opportunity to respond.
- 2.5 At any stage of the grievance procedure an employee may be accompanied by an employee colleague or accredited Trade Union representative. The colleague or Trade Union representative can speak and confer with the employee during the meetings, but may not answer questions on behalf of the employee. If the employee's colleague or Trade Union representative is unavailable for a meeting, the employee can request a delay to the meeting. The University will delay the meeting, once, for up to 5 days to enable the colleague or Trade Union representative to be present. A member of the University's Human Resources and Organisational Development Department ("HR & OD") will be involved at each stage of the procedure, together with any other specialist/technical expert if this would assist consideration of the issues.
- 2.6 Arrangements which applied before the grievance was lodged will normally continue to operate until the procedure has been completed. In exceptional circumstances, the nature of an employee's grievance may require a temporary adjustment to his/her or a colleague(s) working arrangements. Any such temporary adjustment would not be a predetermination of the outcome of the grievance, nor any form of disciplinary sanction, and would be taken with no detrimental effect on pay. Such exceptional circumstances should be discussed fully by the line manager with HR & OD before any actions are taken.

### **3.0 Mediation**

- 3.1 In some situations it may be appropriate to ask the parties to consider entering into a mediation process. Although mediation may be attempted at any time before or after a formal investigation, it may be particularly helpful if it is considered at an early stage before the formal procedure is invoked.
- 3.2 Mediation is a voluntary and confidential process whereby the parties in dispute go through a structured process which encourages open communication of feelings and incidents and empowers both parties to deal directly with the conflict to reach a satisfactory resolution. Advice on referrals for mediation and the process followed can be sought via HR & OD.
- 3.3 All those involved in the mediation process must maintain appropriate confidentiality. If for any reason the process does not prove to be successful, either party may withdraw from the process.

### **4.0 Formal Reference to Management**

- 4.1 If an employee has any grievance or complaint relating to his/her employment, the employee must set out the nature of the alleged grievance or complaint in writing and send this written complaint to his/her Dean of Faculty/Director of Service. This should include details of steps undertaken to resolve the matter informally and how the matter may usefully be resolved.
- 4.2 The Dean/Director will decide if he/she wishes to undertake an investigation into the grievance or whether this should be delegated to another person within the Faculty/Service, who has not had prior involvement in the grievance. If the grievance is delegated, the person to whom it has been assigned becomes the Grievance

Officer and undertakes the investigation and determines the outcome of the investigation.

- 4.3 For the avoidance of doubt if a Dean/Director of Faculty/Service has formally raised the grievance, an appropriate member of Executive would hear the grievance unless he/she had been involved in an earlier stage of the grievance process. If this is the case, the grievance will be heard by the Vice Chancellor.
- 4.4 The Dean/Director or delegated individual will write and invite the employee to a meeting to discuss the grievance as soon as practicable. The employee must take all reasonable steps to attend the meeting. A member of HR & OD will be in attendance at the meeting to assist with the resolution of the grievance. It may be appropriate in some circumstances to indicate to the employee an appropriate timescale for the investigation of the grievance, although this may not be possible in all cases.
- 4.5 The Dean/Director or delegated individual, assisted by HR & OD, will investigate the matter as soon as is practicable. He/she may interview other employees if appropriate and these employees may be accompanied by an accredited Trade Union representative or workplace colleague, if they so wish. It may be appropriate for the Dean/Director or delegated individual to meet again with the employee raising the grievance, once others have been interviewed. If this is the case, the employee will be invited to a meeting in writing and given adequate notice.
- 4.6 The Dean/Director or delegated individual will advise the employee of the outcome of the grievance in person and confirm the outcome in writing as soon as is reasonably practicable and normally within ten working days following completion of the investigation or after the second meeting, whichever is later. The employee will be informed in writing of his/her right to appeal against the decision and the timeframe for this.

## **5.0 Appeal**

- 5.1 An employee dissatisfied with the outcome of a grievance may appeal in writing against the decision. The grievance appeal should be received by the Director of Corporate Services no more than five working days after the date of receipt of the formal notification of decision received by the employee.
- 5.2 The most appropriate person to conduct and chair the Appeal Hearing will be determined. This will be someone who has not had any involvement with the grievance to date. The Vice Chancellor will hear the appeal personally if a Dean/Director has initiated the grievance. If the Vice Chancellor has had involvement with the grievance to date or is the subject of the grievance, the Appeal will be heard by a member of the Board of Governors (not a staff or student member) appointed by the Chair of the Board.
- 5.3 The grounds for the grievance appeal should be submitted in writing to the Executive Director of Corporate Services, outlining the grievance, stating who has previously considered the grievance and what the results of the grievance have been to date. An explanation as to the inadequacies of the previous decision will also be required, together with a suggested recommendation from the employee concerned, as to how the grievance can best be resolved.
- 5.4 As soon as is possible, the Chair of the Appeal should convene an Appeal Hearing. This will comprise the management representatives (the Dean/Director or delegated individual who heard the grievance, in accordance with the procedure and the member of HR & OD who has advised thus far on the case) and the Appellant's side (the employee raising the grievance and his/her representative). Witnesses may be called as appropriate. A Secretary to the Appeal Hearing, who will be a member of

HR & OD not previously involved in the case, will support the Chair of the Appeal throughout the process.

- 5.5 Documentation to be used at the Appeal Hearing should be exchanged by the management side and employee at least five working days before the Appeal Hearing. The Secretary to the Appeal Panel will be responsible for ensuring that all parties are aware of the date, time, location and format of the Appeals Hearing. In addition, he/she will be responsible for ensuring that any documentation submitted by either party is exchanged on the due date.
- 5.6 The Hearing will follow the suggested format in Appendix One, although the Chair can apply reasonable discretion to vary the format to suit individual circumstances.
- 5.7 The decision of the Appeal Panel will be notified in person to the employee and his/her Trade Union Representative or work colleague and confirmed in writing within five working days of the Appeal Hearing.
- 5.8 Where it is not possible to inform the employee in person following the adjournment, the employee will receive notification of the decision in writing as specified above.
- 5.9 The decision of the Appeal Panel is final.

## **6.0 Operative Date**

This procedure was approved at the meeting of the Board of Governors' Employment and Finance Committee held on 24<sup>th</sup> November 2015. This revised policy will take immediate effect.

## Guidelines for Appeal Hearing

The Chair of the Appeal Panel will introduce all those present.

The Chair of the Panel will ensure that summary notes of the meeting are taken during the hearing in order to assist the Panel in their deliberations during the adjournment.

### Employee's Complaint

1. The Employee (and his/her representative) will state their grounds for appeal, calling any appropriate witnesses.
2. The management representatives may question the witness(es) and Employee as appropriate.
3. The Appeal Panel may question the witness(es) and the Employee as appropriate.

All witness(es) should attend the Hearing on an individual basis and should withdraw once they have fulfilled their role at the Hearing.

### Management Case

4. The management representatives will state the management case, calling any appropriate witnesses.
5. The Employee (and his/her representative) may question the witness(es) and management representatives as appropriate.
6. The Appeal Panel may question the witness(es) and the management representatives as appropriate.

All witness(es) should attend the Hearing on an individual basis and should withdraw once they have fulfilled their role at the Hearing.

### Summary

7. Both parties will summarise their positions without introducing new factors.
8. The Appeal Panel shall deliberate in private

### Announcement of the Panel's Decision

9. The decision of the Appeal Panel will be notified in person to the employee and his/her Trade Union Representative or work place colleague and confirmed in writing within five working days of the Appeal Hearing.
10. Where it is not possible to inform the employee in person following the adjournment, the employee will receive notification of the decision in writing as specified above.

The format is intended as a guide for the conduct of the Hearing. In particular circumstances the Chair can apply reasonable discretion to vary the format to suit the nature of the case being deliberated.