

# Grievance Policy and Procedure

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**Human Resources**

## **1.0 Purpose**

- 1.1 The University is committed to creating a positive working environment and promoting effective working relationships and will ensure that all parties are treated fairly, equally and with dignity and respect.
- 1.2 The University encourages open and transparent communications so that difficulties arising during employment can be resolved quickly and fairly.
- 1.3 The grievance procedure is not a substitute for good day to day communication where employees are encouraged to discuss and resolve working issues daily. It is expected that the majority of issues will be resolved through discussion or through the use of Mediation without recourse to formal procedures.
- 1.4 This document sets out the procedure by which an employee or employees acting jointly on the same grounds are able to raise a grievance directly related to their employment.

## **2.0 Scope**

- 2.1 This policy applies to all employees who are directly employed by the University regardless of length of service.

## **3.0 Policy Statements**

- 3.1 Where the formal procedure is used, the employee has a right to have his or her complaint carefully and impartially investigated and, after appropriate consideration and discussion, to receive a response confirmed in writing.
- 3.2 Consideration should be given to making adjustments, where appropriate and reasonable to do so, to ensure all employees have equal access to engage fully with the process
- 3.3 All employees who are the subject of this procedure will have the right to be accompanied at any formal meetings by a trade union representative or colleague, who may ask questions and make representations but should not answer questions on the employee's behalf.
- 3.4 Grievances should normally be dealt with informally and promptly within the Division or School management structure. However, in exceptional cases, in order to resolve a grievance, it may be appropriate to work with managers outside the usual Division or School management structure.
- 3.5 The aggrieved employee must cooperate fully and promptly with any investigation including informing the manager in a timely manner the names of any relevant witnesses, disclosing any relevant documents and attending any interviews. However, if, for any reason, the employee raising the grievance decides not to cooperate, the manager (depending on the circumstances) may decide to treat the

grievance as having been concluded. In these cases the manager will confirm the position to the employee in writing.

- 3.6 Representatives of the Human Resources Division will attend meetings at each formal stage to support all parties and advise on, and ensure compliance with, the process.
- 3.7 Whilst the process should be expedited as quickly as possible, due to the complexity and specific nature of the case, timescales may be extended, in which case all relevant parties should be kept informed. Unless there are extenuating circumstances, commitment should be given to conclude the outcome of a formal grievance investigation within a 12 week timescale.
- 3.8 Throughout the formal stages of the procedure the employee will be kept updated on progress of the investigation and timescales by the manager considering the grievance.
- 3.9 In very exceptional circumstances, where an individual is reluctant to cooperate in making a formal complaint through this procedure, but where there is alleged harassment which is deemed to be serious in nature, or a manager is aware of broad issues of concern regarding members of staff, then an investigation may be instigated, following advice from Human Resources.
- 3.10 At any stage in the formal procedure, subject to the agreement of all parties concerned, there may be a suspension in proceedings to facilitate mediation or other non-adversarial discussions with the aim of promoting resolution of the case.
- 3.11 An employee who wishes to withdraw a formal grievance at any stage of the procedure should do so, in writing, to the relevant manager and the Executive Director of Human Resources.
- 3.12 In the course of a disciplinary process, if an employee raises a grievance and the grievance is related to the disciplinary, it may be appropriate to deal with both issues concurrently before any conclusion is reached.
- 3.13 The university reserves the right to instigate disciplinary proceedings, If on investigation, a grievance is judged to be vexatious or malicious and without any reasonable foundation, or where there is a continued pattern of unfounded complaints by the same employee.
- 3.14 The use of the grievance procedure is excluded from the following unless there is no appropriate appeal mechanism available for the employee to make their complaint:
  - 3.14.1 raising issues where there are separate formal processes in place which incorporate a right of appeal e.g. disciplinary/ capability/probation/sickness procedures
  - 3.14.2 where collective bargaining processes are in place

- 3.14.3 matters covered by statutory provision such as Superannuation scheme rules or the termination of fixed term contracts
  - 3.14.4 individual job grading
  - 3.14.5 issue of redundancy which arises out of the University Management Of Organisational Change policy
  - 3.14.6 Any public interest disclosure /whistleblowing issue which is subject to separate procedures
  - 3.14.7 any act or omission related to industrial action
- 3.15 The provisions of this procedure are in accordance with arrangements set out in the ACAS code of practice. This procedure provides a clear and transparent framework to deal with concerns and complaints raised by employees in the course of their employment.
- 3.16 All parties involved in these procedures must ensure they maintain, as appropriate, the confidentiality of the process within and outside of the university. All associated documentation will be treated as confidential and kept in accordance with the principles of the Data Protection Act 1998.

## **4.0 Procedure**

### **4.1 Stage One – Informal Resolution**

- 4.1.1 Most grievances can be resolved quickly and informally through discussion with the immediate supervisor or line manager. Accordingly, the University expects employees to attempt, in the first instance as far as is reasonably practical and appropriate, to raise issues informally with their immediate line manager.
- 4.1.2 An employee is not entitled to TU representation at this informal stage of the process.
- 4.1.3 If this is not possible, then issues should be raised with a more senior manager who will ensure the complaint is addressed appropriately at this stage.
- 4.1.4 It is the manager's responsibility to discuss the employee's concerns in confidence with him/her, and attempt to address the concerns fairly and promptly, which may include the manager needing to make further enquiries before reaching a decision.
- 4.1.5 The manager should notify the individual of the outcome orally or in writing.
- 4.1.6 The Human Resources Division can provide further advice and guidance on resolving issues informally.

- 4.1.7 Where reasonable attempts to resolve the complaint have been made and the informal stage has been unsuccessful, or circumstances make the informal stage inappropriate, for e.g. in cases of harassment, racism, or victimisation, the employee can raise a written formal grievance to be pursued at Stage Two.

## 4.2 Mediation

- 4.2.1 At any stage in this procedure the University or the employee may request that the matter be dealt with via Mediation, and if all parties are in agreement the grievance procedure would be put on hold.
- 4.2.2 Mediation offers support to resolve interpersonal disputes between parties, and can be particularly effective where a relationship has broken down between colleagues.
- 4.2.3 Where both parties are in agreement with this option, trained independent mediators can facilitate this process. Further guidance about the mediation process can be sought from Human Resources.
- 4.2.4 Mediation is optional and if no mutually acceptable solution is reached through mediation then the grievance procedure will be reconvened from the stage it was put on hold.
- 4.2.5 If the mediation process achieves an outcome agreeable for all parties then the formal grievance process can be closed, with this being confirmed to the employee in writing.

## 4.3 Stage Two Formal – Grievance Form

- 4.3.1 This procedure is designed to address issues which cannot be resolved through early and less formal dialogue.
- 4.3.2 If informal steps do not resolve the matter, or are inappropriate, the employee should submit their written grievance, on the grievance form, with relevant supporting documentation, to either their line manager or other senior manager within 10 working days of receipt of notification of the outcome from the informal stage of the procedure.
- 4.3.3 The employee should state that they wish for the matter to be considered under the formal process.
- 4.3.4 If this grievance form is not submitted or is incomplete, then the matter will be referred back to the employee and the grievance process will not commence until sufficient information is provided, using the correct format (i.e. the Grievance Form).

- 4.3.5 The written statement in the grievance form, should state the nature of the grievance and the remedy sought and should include:
- Indication that the formal grievance procedure is being invoked;
  - What informal steps, if any, have been taken by the employee to resolve the matter;
  - A brief description of the reasons for the complaint, including any relevant facts, dates and names of individuals involved; and
  - Indication of what outcome the employee is seeking as a result of raising the grievance.
- 4.3.6 Section 6 identifies to whom the grievance should be addressed and who will consider the matter.
- 4.3.7 In cases of alleged harassment or bullying the written statement should, wherever possible, detail the following points:
- the name(s) of the alleged harasser;
  - the nature of the harassment;
  - dates and times when harassment occurred;
  - name(s) of any witnesses to any incident(s) of harassment;
  - any action already initiated which was intended to stop the harassment;
  - reference to the University's Dignity at Work and Study Policy.

#### 4.4 Stage Two Formal – Investigation

- 4.4.1 Following receipt of the written grievance, an investigation into the detail of the grievance will be conducted by the relevant manager; the process will be supported by a HR representative.
- 4.4.2 The amount of investigation required will depend on the nature of the complaint. The investigation will be impartial and objective and may include:
- Gathering relevant information by interviewing the complainant, the person(s) whom the complaint has been made, any supervisor/line manager who has been involved in earlier stages and any witnesses if appropriate
  - Gathering relevant documentary evidence and taking statements, as appropriate.
- 4.4.3 The investigation will normally involve a meeting with the complainant within ten working days of receipt of the formal written grievance.

- 4.4.4 In some cases it might be appropriate to hold a grievance hearing with the aggrieved individual and the person against whom the grievance lies (e.g. where it relates to working conditions, workload, processes) so long as both parties are in agreement.
- 4.4.5 The employee must ensure they provide the manager dealing with the grievance any evidence in support of the complaint no later than five working days before any meeting.
- 4.4.6 Any additional evidence provided by the employee after this point or within the meeting itself will be evaluated by the Hearing Manager, who will consider evidence which is relevant to the grievance.
- 4.4.7 Evidence which is presented, but established not to be relevant to the initial grievance will be highlighted within the summary decision.
- 4.4.8 Following the investigation, the manager considering the grievance will decide what action, if any, to take, which may be one of the following:
- a. that the complaint should be upheld and that further action will be taken as a result of it. The specific action will only be discussed where the grievance is not against a specific individual. There is no right of appeal against this decision.
  - b. that the complaint should not be upheld, and no further formal action will be taken
  - c. that the complaint is partially upheld and appropriate action will be taken as a result of it (this could include where a number of complaints were made within the grievance but not all were upheld)
- 4.4.9 The manager will confirm to the employee the decision in writing by letter, and the right of appeal in accordance within stage three of this policy, normally within ten working days of the final grievance hearing.
- 4.4.10 If the grievance was against another employee he/she will also be notified of the decision.
- 4.4.11 The manager will ensure any specified action taken is implemented, monitored and reviewed as appropriate.
- 4.4.12 Depending on the circumstances and complexity/ detail of the investigation required, (for e.g. a bullying and harassment complaint) if it is deemed necessary to produce a report summarising the investigation findings then this will be forwarded to the employee and the employee(s) who the grievance is against.

- 4.4.13 Where, due to the nature of the report's content (for example, where a grievance is against multiple people or where the report contains personal information about the employee or other persons), an extract of the report may be provided only, which will include all information about them personally but not information about another individual which may be in breach of the Data Protection Act.
- 4.4.14 Any recommendations for further action will be clearly stated in this report. These recommendations must state where appropriate who is responsible for ensuring any further action is carried out with timescales.
- 4.4.15 In certain circumstances, during the investigation, it may become apparent that it is more appropriate that the formal Disciplinary Procedure is invoked, for example where there is evidence following the investigation that misconduct has taken place.

#### 4.5 Stage Three – Appeal

- 4.5.1 If the complainant is dissatisfied with the outcome of stage two investigation and the matter is not resolved they must complete the grievance appeal pro-forma and email it to [hradvice@salford.ac.uk](mailto:hradvice@salford.ac.uk) within ten working days of receipt of the written outcome of stage two investigation.
- 4.5.2 An independent, relevant manager will be appointed to consider the appeal
- 4.5.3 An individual may appeal against a decision at Stage 2 on very specific grounds only:
- a. Procedural omission or error;
  - b. New evidence which was not available at the original hearing;
- 4.5.4 An appeal may not be made simply because the individual who raised the grievance does not agree with the outcome.
- 4.5.5 An appeal should normally be convened within ten working days of the receipt of the employee's notification of appeal.
- 4.5.6 Where the appeal involves other members of staff, the persons against whom the grievance lies will be informed of the nature of the appeal.
- 4.5.7 Where the grounds for the appeal do not comply with the stated criteria then the appeal will be returned, allowing the complainant the opportunity to state the reasons, before it can be lodged.
- 4.5.8 The purpose of the grievance appeal is to enable the aggrieved employee to explain and discuss the reasons and grounds for his/her appeal. It will focus

on the grounds of appeal and will not be a detailed re-hearing of the original grievance.

- 4.5.9 As with an investigation into a grievance, if the employee does not cooperate with the process the manager (depending on the circumstances) may decide to treat the matter as being closed.
- 4.5.10 The manager investigating the appeal may need to meet with the relevant employee prior to a hearing in order to further establish the nature of the appeal and obtain relevant evidence.
- 4.5.11 The complainant, their representative and the relevant manager who heard the grievance at stage two will be required to be available to attend any appeal hearing meetings.
- 4.5.12 Where the appeal involves other members of staff they may also be required to attend meetings as part of the Stage Three Appeal.
- 4.5.13 All parties to the appeal shall be given all written evidence to be relied upon by both sides no later than five working days prior to the meeting
- 4.5.14 The final decision will be notified to the employee in writing, as soon as possible, normally within ten working days of the appeal hearing meeting.
- 4.5.15 If the complaint was against another employee he/she will be notified of the outcome of the appeal hearing.
- 4.5.16 Employees will be kept updated if there are any delays to notification.
- 4.5.17 Any recommendations for further action will be clearly stated in this letter.
- 4.5.18 The decision at this stage of the procedure is final.

## 5.0 Consideration of Grievances and Appeals

### 5.1 Stage Two: Formal Resolution

| <b>Grievance against:</b>          | <b>Grievance addressed in writing to:</b>   | <b>Grievance heard by:</b>  |
|------------------------------------|---|---|
| Colleague                          | Line Manager  | Line Manager  |
| Line Manager                       | A more senior manager (e.g., if Line Manager is Head of School, address grievance to Exec Dean / PVC) | The senior manager to whom the grievance was addressed (see left)               |
| Head of School / College Registrar | Executive Dean / PVC / Deputy Vice Chancellor or Registrar  | Executive Dean / PVC, Deputy Vice Chancellor, Registrar or other senior manager |

|                                     |                                    |  |
|-------------------------------------|------------------------------------|--|
| Executive Dean / PVC                | Vice Chancellor                    | Deputy Vice Chancellor, Vice Chancellor, or other senior manager |
| Director / Executive Director       | Registrar / Deputy Vice Chancellor | Deputy Vice Chancellor, or other senior manager                  |
| Deputy Vice Chancellor or Registrar | Vice Chancellor                    | Vice Chancellor, or a member of Council                          |
| Vice Chancellor                     | Chair of Council                   | Chair of Council or Deputy Chair of Council                      |

## 5.2 Stage Three: Appeals

| <b>Stage 2 Formal Resolution dealt with or conducted by:</b> | <b>Appeal heard by:</b>   |
|--|---|
| Line Manager   | A more senior manager (e.g., if Line Manager is Head of School, address appeal to Executive Dean) |
| Head of School / College Registrar                           | Executive Dean / PVC from any College or other senior manager                                     |
| Executive Dean / PVC   | Deputy Vice Chancellor, or Vice Chancellor  |
| Director / Executive Director                                | Registrar / Deputy Vice Chancellor, Vice Chancellor or other senior manager                       |
| Deputy Vice Chancellor                                       | Vice Chancellor or a member of Council  |
| Vice Chancellor  | Chair of Council  |

## 6.0 Collective Grievance Process

- 6.1 Where the grievance is of a collective nature, in that more than one person brings a grievance, then this section of the grievance policy will apply.
- 6.2 The procedural framework for collective grievances will reflect those for individual grievances.
- 6.3 Attempts should be made to resolve the grievance informally and through mediation if appropriate.
- 6.4 Employees can raise a formal grievance via the grievance form as set out in section 4.3 of this document.
- 6.5 Members of staff wishing to pursue a collective grievance should nominate individuals to represent their interests throughout the process. These individuals will be referred to as 'nominated representatives'.

- 6.6 Nominated individuals will be responsible for representing the interests of all employees in the collective grievance, including presenting the case at any meetings and will need to ensure that they are available where possible to attend any meetings as part of the process.
- 6.7 If members of staff raise a collective grievance while they are all subject to the same or substantially similar disciplinary proceedings, the University may, if appropriate and depending on the nature of the grievance(s) raised, temporarily suspend the disciplinary proceedings pending the outcome of the collective grievance. The University may also follow both the disciplinary and grievance processes concurrently.

## **7.0 Related Documentation**

- 1.1 Related documents can be found on the Human Resources webpages <http://www.salford.ac.uk/hr>

| <b>Document Control Information</b>   |  |                |                              |
|---|--|----------------|------------------------------|
| <b>Revision History incl. Authorisation:</b>  |  |                |                              |
| <b>Author</b>   | <b>Summary of changes</b>  | <b>Version</b> | <b>Authorised &amp; Date</b> |
| LL  | New Policy   | V7             | 3 <sup>rd</sup> January 2016 |
| <b>Policy Management and Responsibilities:</b>  |  |                |                              |
| Owner: Policy, Projects and Employee Relations Specialist                             | This Policy is issued by the Policy, Projects and Employee Relations Specialist who has the authority to issue and communicate policy on Human Resources and has delegated day to day management and communication of the policy to staff. |                |                              |
| Others with responsibilities (please specify):  | All staff  |                |                              |
| <b>Author to complete formal assessment with the following advisory teams:</b>        |  |                |                              |
| Equality Analysis (E&D, HR)<br><a href="#">Equality Assessment form</a>               | 1. <i>This is mandatory. Specify date completed and brief outcome. Completed EA to be attached to document as Appendix.</i>  |                |                              |
| Legal implications (LPG)  | 2. <i>Please specify date completed and brief outcome, or N/A</i>  |                |                              |
| Information Governance (LPG)  | 3. <i>Please specify date completed and brief outcome, or N/A</i>  |                |                              |
| Student facing procedures (QEO)   | 4. <i>Please specify date completed and brief outcome, or N/A</i>  |                |                              |
| UKVI Compliance (Student Admin)   | 5. <i>Please specify date completed and brief outcome, or N/A</i>  |                |                              |
| <b>Consultation:</b>  |  |                |                              |
| Staff Trades Unions via HR<br>Students via USSU<br>Relevant external bodies (specify) | 1. <i>Specify date/outcomes of any relevant consultations or N/A</i>   |                |                              |
| <b>Review:</b>  |  |                |                              |
| <b>Review due:</b>  | E.g. 2 years by August 2018 (Note: LPG send a reminder to review is due)   |                |                              |
| <b>Document location:</b>   | University Policy & Procedure Pages  |                |                              |
| <a href="http://www.salford.ac.uk/policies">http://www.salford.ac.uk/policies</a>     |  |                |                              |
| <b>The owner and author are responsible for publicising this policy document.</b>     |  |                |                              |