

# Guidelines

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**Title:** GRIEVANCE PROCEDURE

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## **What is a grievance?**

A member of staff may at some time have problems or concerns about their work, working conditions or relationships with colleagues that they wish to raise with management. Such issues should be addressed by the line manager, and if possible, resolved. It is clearly in the University's and employee's interests to resolve problems early before they escalate into major difficulties.

## **How should a grievance be managed?**

Grievances are best dealt with at an early stage, informally, with the immediate line manager. If the line manager is the subject of the grievance, then the next line manager should be involved. It is expected that most issues can be dealt with and resolved as part of the normal day to day management processes and through discussion with relevant parties.

However, there are some instances where third party intervention is beneficial. Mediation, for example, is especially effective when used at the initial phases of any disagreement between individuals including relationship issues, communication difficulties as well as harassment, discrimination, victimisation and bullying complaints. It can offer an early resolution before the conflict escalates.

[University Mediation Service](#)

## **When should matters be taken down the formal route?**

Where the informal route has been unsuccessful, or circumstances make this route inappropriate, matters should then be raised formally through the grievance procedure. There are separate procedures for staff at levels 1-3 and staff at levels 4 and above. Both procedures meet the requirements of the ACAS Code of Practice and adhere to the laws of natural justice.

[For staff at levels 1-3](#)

[For staff at levels 4+](#)

## **Is an investigation necessary?**

Sometimes it may be necessary to investigate a grievance. Please contact your HR Adviser on a case by case basis to explore the appropriate action in any given case.

## **Who should be appointed as Investigating Officer?**

The investigating officer will normally be an independent person who has not been implicated or involved in the case.

In some situations it may be appropriate to ask someone from outside the Academic Unit, Service or Department to undertake the investigation. The Stage 1 Manager will decide on an appropriate investigating officer in conjunction with HR, if necessary.

Carrying out an investigation can be time consuming and consideration should be given to whether the investigating officer has the ability and time to commit to such a process.

### **What is the role of the investigating officer?**

The role of the investigating officer is to establish the facts of the grievance. This will be done by reviewing documentation, meeting with the complainant, the respondent and any potential witnesses to find out if there is evidence to support or rule out the allegations, etc. The meetings also allow the respondent to respond to the allegations made against them. Once the investigation is complete, the investigating officer will prepare a report of their findings including an evaluation of the evidence obtained. The investigating officer does not have a decision making role but can draw conclusions from the facts for the Stage 1 Manager to consider. The investigating officer may sometimes wish to suggest practical solutions as well.

It is important that the investigating officer is provided with the resources and reasonable time to allow for an appropriate investigation within a reasonably short timescale.

It is recommended that the investigating officer contact their HR Adviser to obtain information on how to conduct an investigation.

### **What is the role of the representative/companion?**

The complainant, respondent and any witnesses have the right, if they wish, to be accompanied at any meetings held as part of the grievance process by a workplace colleague or a trade union representative. The representative/companion is permitted to address the hearing in order to put forward the member of staff's case; they can sum up the case and comment upon any view expressed at the hearing. The representative/companion is also permitted to confer with the member of staff during the hearing.

It should be noted that the representative/companion has no right to answer questions on behalf of the member of staff, to address the hearing if the member of staff does not wish him or her to do so, or to prevent the employer explaining its case.

Representatives/companions have an important role to play in supporting a member of staff and are allowed to participate as fully as possible.

### **If an individual does not wish to attend a grievance meeting how would this be managed?**

It is expected that the complainant should raise and discuss their grievance themselves supported by their representative/companion. It is considered that there may be exceptional situations whereby an employee may submit a written grievance complaint for consideration, i.e. s/he does not attend the Grievance meeting in person. However, this would only happen in exceptional circumstances e.g. in cases of harassment where, for example, the complainant feels under the threat of violence. Employees are required to make reasonable efforts to attend grievance hearings.

### **How long is given for an employee to pursue a grievance?**

Grievances raised under the procedure should normally relate to a particular event or series of events that have occurred within a period of six months prior to the raising of the grievance. The University aims to resolve grievance complaints without undue delay. However, on occasion Grievance Hearings need to be adjourned where an investigation is necessary. In such circumstances the complainant will be informed of the anticipated timescale for the investigation. For further guidance on timescales for the handling of non-routine/complex grievance complaints please discuss this with your designated HR Adviser.

### **If a grievance goes to a Hearing what does the meeting involve?**

The meeting will be heard by the relevant manager in relation to the stage of the grievance hearing. The primary function of the meeting will be to discuss the grievance and the desired outcomes with an ultimate aim of reaching a resolution. If the grievance remains unresolved it may then escalate to the next stage where the appeal will be heard.

### **Does the employee have the opportunity to ask questions of the respondent (a person against whom a grievance is raised)?**

A grievance raised by an employee is a complaint to the employer, i.e. the University, and it is the University's duty to respond appropriately to the complaint, consistent with the ACAS Code of Practice. The Code makes

no provision or recommendation that an aggrieved employee has a right to question a respondent directly. However, it is recognised that there may be circumstances where, for example, within the mediation process this may happen. Generally, those who are hearing the grievance are able to decide what procedure will be followed at any grievance hearing.

### **Can an electronic recording of interviews, meetings and Hearings be taken?**

No, neither the manager nor an employee can insist on making an electronic recording of any interview, meeting or Hearing.

In exceptional circumstances it may be appropriate to agree to a recording where the employee is disabled and requests such a recording as a reasonable adjustment to the usual procedure to enable them to cope with the process or where English is not the first language.

The usual course of action for producing a record of meetings is for another employee (often someone from Human Resources) with note-taking skills to attend and take notes on a confidential basis. The employee and their companion are also free to take their own notes.

If the outcome of the meeting with the manager at stage 1 of the grievance procedure is unsatisfactory for the complainant can they appeal?

There is an appeal process (stage 2) associated with both the grievance procedures for staff at levels 1–3 as well as staff at levels 4 and above. Please refer to the relevant policy for timescales for appeal and who the appeal should be made to. Please note that if an appeal is submitted and heard the appeal decision is final.

### **I am being bullied – should I raise a grievance?**

The University recognises that it can be difficult to raise a complaint of harassment, bullying or victimisation whether on a formal or informal basis. The University seeks to ensure that employees are able to raise any concerns, and to have them addressed appropriately.

Complaints made by University staff (or students) may be addressed informally through the initial stages of the Discipline and Grievance Procedures. Where this has not worked, or in cases where this is not appropriate, the formal grievance procedures can be followed.

Before any formal procedure is invoked alternative resolution techniques such as mediation should be considered and offered if appropriate. Your HR contact can provide further guidance and support on this.

[Dignity at Work and Study](#)

### **What other support is available?**

There is support available for employees who feel they are being bullied or harassed via the Harassment Contact Team. The team provides a service to anyone who feels they are being harassed or who has had a complaint of harassment made against them.

[Harassment Contacts](#)