



# **SUPPORT STAFF GRIEVANCE PROCEDURE**

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### **1. Introduction**

- 1.1 It is the University's policy to ensure that employees with a grievance relating to their employment can use a procedure that can help to resolve issues as quickly and as fairly as possible.
- 1.2 The aim of the grievance procedure is to provide a mechanism for these types of issues to be dealt with fairly and speedily allowing the majority of routine complaints to be resolved informally in discussions with the employee's immediate line manager.

### **2. General Principles**

- 2.1 The Procedure has been agreed following consultation with the recognised trade unions. It has been developed using the ACAS Code of Practice and fully reflects established good practice and current employment law requirements.
- 2.3 Employees may have problems, concerns or complaints about their work, working environment or working relationships that they wish to raise and have addressed. Examples of matters that can be dealt with through the formal grievance procedure include:
  - terms and conditions of employment;
  - relationships at work;
  - new working practices;
  - organisational change;
  - fairness of treatment.
- 2.4 Issues relating to matters of disciplinary action, bullying and harassment, health and safety, or suspicions of criminal acts should be taken up via separate University procedures. Please contact the Human Resources Division for clarification if in any doubt.
- 2.5 In circumstances where a grievance may apply to more than one person it may be appropriate for the problem to be resolved through the agreed negotiating machinery or by collective agreements between the trade union(s) and the employer rather than by recourse to the above procedure.
- 2.6 Where a grievance relates to the immediate line manager or Head of School or Department it will be possible to raise the issue with someone else in, or outside, the management line. The staff member should speak to the Human Resources Manager to clarify to whom the grievance should be addressed in this instance.
- 2.7 Where a formal grievance has been raised in response to a disciplinary matter the two may be investigated and dealt with under the same process, in consultation with the relevant trade union. In any event the fact that the grievance procedure has

been invoked will not (in the absence of exceptional circumstances) preclude the University from instituting, continuing with or concluding disciplinary proceedings, whether they involve the employee who has raised the grievance or other employees.

### **3. Keeping Records**

- 3.1 Records must be kept by the manager concerned at each of the formal stages detailing the nature of the grievance issue, the employer's response, details of the investigation and/or statements, any action taken and the reasons for it. These records must be kept confidential and retained in accordance with the Data Protection Act 1998. Copies of meeting records should be kept by both the individual concerned and the Human Resources Division. Audio recording is not permissible during meetings at any stage of the grievance process unless specifically agreed in advance by the University.

### **4. Right to Representation**

- 4.1 Employees have a statutory right to be accompanied to a grievance meeting by a fellow employee or trade union representative. The employee can choose who the companion should be and should confirm this formally before the meeting takes place. The companion is allowed to make a statement at the meeting and discuss matters with the employee but may not answer questions on the employee's behalf.
- 4.2 Where the companion is a fellow employee or a trade union officer with the same employer, that individual will be entitled to reasonable paid time off during working hours to attend the meeting.
- 4.3 At any formal stage in the procedure, an individual may decide to involve a full-time trade union official.

### **5. Exceptional Circumstances**

- 5.1 Under some circumstances, it may be necessary to extend or shorten some of the timescales set out in Section 6. However, employees will be informed if this is the case, with the reasons for any change and an indication of the revised timescale.
- 5.2 Employees must make all reasonable efforts to attend meetings. However, if the employee's chosen companion is unable to attend at the time proposed for the meeting, the employee may suggest an alternative date as long as it is reasonable and not more than 5 working days after the original meeting date. This five day time limit may be extended by mutual agreement.
- 5.3 The University and employees will normally be expected to follow the grievance procedures unless they have reasonable grounds to believe that by doing so they might be exposed to a significant threat such as violent, abusive or intimidating behaviour, or they will be harassed as a consequence. In this case, the advice of the

Human Resources Division should be sought and other possible means of a remedy explored.

- 5.4 Wherever possible, a grievance should be dealt with before an employee leaves employment. If the grievance procedure has not been completed, or is raised after the employee leaves employment, a modified grievance procedure will be followed (where both parties agree in writing that this is appropriate) as follows:

- the employee must set out in writing the grievance and the basis for it and this must be sent to the University;
- the University will set out its response in writing and send this statement to the employee.

## **6. Application**

- 6.1 This procedure applies to all members of Support Staff, whether employed on an indefinite or temporary basis.

- 6.2 This procedure also applies to staff not covered by the grievance procedures set out in the University's Statutes (Statute 7).

### **6.3 Informal Discussions**

Grievances about employment should first be discussed informally with the immediate line manager or immediate supervisor, ideally in the form of a brief explanatory meeting. It is hoped that the majority of concerns will be resolved at this stage.

### **6.4 Submitting a Formal Grievance**

Although grievances do not have to be raised in writing, this is the most effective route for raising a grievance. As well as ensuring that statutory rights are invoked, it can give a clearer picture of the issues, and provide a formal record. When the matter is very serious, or in other exceptional circumstances where there are good reasons for not raising the matter informally, the employee may proceed straight to the formal stage of the procedure. The form at the end of this procedure (see Appendix 1) may be helpful in this respect. Employees should seek advice from colleagues or employee representatives if they find difficulty in expressing their grievance in writing. The assistance of the Human Resources Division may be sought in formulating a grievance if an employee is unable to do so because of a disability.

### **6.5 Formal Discussions - Stage 1**

If matters have not been resolved through informal discussions, a grievance should be submitted in writing or on the attached form to the line manager. A meeting to discuss the issues will be arranged, normally within 10 working days of the grievance being received. The employee may be represented at this meeting by a fellow employee or a trade union official.

At the meeting, the employee, or his/her representative, will have an opportunity to explain the complaint and suggest how it should be resolved. If further investigation or information is needed for the manager to consider the grievance fully the meeting may be adjourned. The line manager will normally respond in writing within 10 working days of the meeting. It is hoped that Stage 1 will allow line managers to resolve the grievance.

#### 6.6 Formal Discussions – Stage 2 (Appeal against Stage 1 outcome)

If the matter is not resolved after Stage 1 it should be submitted in writing or by using the attached form to the Head of School, Department or appropriate senior manager within 10 working days of receipt of the letter confirming the outcome of Stage 1. The Head of School, Department or appropriate senior manager will normally respond within 10 working days and the response will take the form of an invitation to a formal meeting. Employees may be represented at this meeting by a fellow employee or a trade union official. A member of the Human Resources Division will also be in attendance.

Following the meeting the Head of School, Department or appropriate senior manager will respond in writing normally within 10 working days.

#### 6.7 Formal Discussions - Stage 3 (Final Appeal)

If the matter is not resolved to the employee's satisfaction the matter may be raised in writing to the Director of Human Resources within 10 working days of receipt of the letter confirming the outcome of Stage 2. The employee will be entitled to a final appeal meeting with the Director of Human Resources (or nominated representative) to discuss the matter. The employee may be represented at this meeting by a fellow employee or a trade union representative. The Director of Human Resources (or nominated representative) will give his/her decision normally within 10 working days of the grievance meeting.

The decision of the Director of Human Resources (or nominated representative) is final except in cases where the matter has become one of dispute with the trade union concerned. In these cases resolution will be sought through the formal agreed negotiating machinery.

## Appendix 1

### Form for submission of Formal Grievance

<b>Name of employee:</b>	
<b>School/Department/Division:</b>	
<b>Name of line manager:</b>	
<b>What is your grievance?</b>	
<b>What resolution are you seeking?</b>	
<b>If someone else is completing this form on your behalf, please state their name, and their status (i.e. trade union representative or colleague):</b>  Name: .....  Status: .....	
<b>Address for correspondence:</b> (this can be you or your representative – please make this clear)	
<b>Signature of employee:</b>	
<b>Date:</b>	

## **Appendix 2 – letter inviting employee to 1<sup>st</sup> or 2<sup>nd</sup> Stage Formal Grievance Meeting**

### **Private and Confidential**

[Name]

[Address]

[Date]

Dear [Name]

**Re: Request for Stage 1\* / Stage 2\* Grievance Meeting** (\*delete as appropriate)

Following your recent notification of a grievance [dated] in relation to [reason], I write to invite you to a meeting to discuss your concerns in more detail.

The meeting will be attended by [names of attendees].

You are able to be represented at the meeting by a fellow employee or trade union representative if you would find this helpful. If you would like to be represented, please can you let me know the name of your chosen companion before the meeting takes place.

The meeting will take place on [date] at [time] in [location]. Please can you report to the [reception point] on arrival.

Could you contact me as soon as possible if these arrangements are not suitable for you.

Yours sincerely

[Name]

[Title]

CC: Human Resources Manager

## **Appendix 3 – letter informing employee of outcome of 1<sup>st</sup> or 2<sup>nd</sup> Stage formal grievance meeting.**

**Private and Confidential**

[Name]

[Address]

[Date]

Dear [Name]

**Re: Outcome of Stage 1\* / Stage 2\* Grievance** (\*delete as appropriate)

Following our meeting on [Date] to discuss your grievance I write formally to confirm my decision.

Your grievance relates to (Reason)

The meeting was attended by [Names, Capacity].

[Insert decision]

You have the right to appeal against this decision. If you would like to appeal you must set out your reasons in writing to Head of School, Department or appropriate senior manager (*Stage 1*) / \*[Director of Human Resources (*Stage 2*)] within 10 working days of receipt of this letter.

Yours sincerely

[Name]

[Job Title]

CC: Human Resources Manager