

Grievance Policy and Procedure 2009-12

1. Introduction

This policy provides guidance for any member of staff who has a grievance relating to their employment at the University of Chichester. At any stage of this procedure, where it is considered possible, mediation may be chosen to help resolve matters. Further advice on mediation or any aspect of the Grievance Policy and Procedure can be obtained from the Human Resources Department. All employees are able to access the University's Grievance Policy and Procedure in hard copy from the Human Resources Department, or via the HR page on Portia.

The provisions governing grievances at work are based on legislation which includes the Employment Rights Act 2004, Employment Act 2008, the Employment Tribunals (Constitution and Rules of Procedure) (Amendment) and the ACAS Code of Practice on Disciplinary and Grievance Procedures (2009).

Wherever possible, employees are encouraged to try to settle their grievance promptly through informal discussion with their line manager or the person concerned. Where informal steps to resolve the grievance fail, or where it is not possible to resolve the matter informally, the employee has the right to invoke the formal grievance procedure. Managers will take every step necessary (including disciplinary action) to ensure that employees raising a grievance will not be disadvantaged or victimised.

2. Scope of the Grievance Policy and Procedure

2.1 When the procedure can be used

This procedure sets out the process available to individual employees who wish to rectify a situation which appears to them to be incorrect. The procedure is available to any employee who has a grievance about any of the following:

- a) his/her own work;
- b) the way that he/she is managed or supervised;
- c) the interpretation of terms and conditions which apply to the post;
- d) any other work-related grievance which affects their work or wellbeing.

The University intends that employees who have such a grievance can receive an early resolution to their problem, or an explanation from the appropriate manager of the circumstances that exist which preclude a resolution which is acceptable to the individual.

2.2 When the procedure cannot be used

This procedure should not be used for the following, where separate procedures exist:

- a) Collective disputes and matters related to collective agreements which are handled by the Joint Consultative Group: these matters should be raised with the representative(s) of the appropriate trade union(s).
- b) Disciplinary matters: these would be covered under the University's Disciplinary Policy and Procedure. If an employee is dissatisfied with any disciplinary action, they should submit an appeal.
- c) Matters unconnected with work practices or conditions of employment, and issues that are outside the control of the University, such as statutory measures.

- d) In the case of alleged harassment the Policy for addressing Bullying or Harassment should be used.
- e) Where consultation is being conducted with employees on any aspect of organisational change, matters relating to this would be dealt with through the Policy and Procedure for dealing with Organisational Change.

3. Informal procedure

Where an employee has a grievance, he/she should as a first step either approach the individual who is believed to be the cause of the grievance, or speak to their own line manager. An attempt should be made to redress the matter informally. If the complaint is about their own line manager then they should speak to their line manager's manager who will aim to resolve matters as quickly as possible. An informal approach might include the use of a trained mediator to work with both parties on reaching an amicable resolution. This may include one-to-one meetings between the parties. Managers will also try to resolve matters informally. Human Resources will provide appropriate support and guidance at any stage of the procedure.

If the employee is dissatisfied with the result of informal action, or if informal action is not appropriate, they may proceed to the formal procedure for the redress of the grievance.

4. Formal procedure

The formal procedure involves two stages 1) formal meeting and 2) right of appeal

Where an employee feels that the informal procedure has been exhausted or they do not feel able to raise their grievance informally, then they should raise the matter formally, in writing, completing the attached Grievance Notification Form (Appendix 1). The completed form should be forwarded to their manager (or manager's manager in the case of a grievance against the line manager). A written grievance that has not been communicated via the notification form will still be accepted if it confirms that it is a grievance and contains a brief description of the nature of the complaint, including any relevant facts, dates and names of the individuals involved.

In some cases it may be necessary for an investigation into the grievance to be carried out before a formal meeting takes place. The nature of the investigation will depend on the allegations made. It may involve interviewing and taking statements from the employee, the individuals involved in the grievance, and any witnesses.

In exceptional circumstances, where an employee feels unable to take the grievance to his or her own line manager or second line manager, the matter should be discussed with Human Resources who, in agreement with the employee concerned, will appoint another appropriate manager to hear the grievance.

5. Stage 1: Formal meeting

The manager will arrange a formal meeting with the employee to be held without unreasonable delay on receipt of the grievance. The meeting will take place normally within five working days of receipt of the grievance, unless another timescale is mutually agreed. The employee will be informed of the date and time in advance of the meeting. The employee may wish to be supported at the meeting by a trade union representative or a work colleague. A Human Resources Officer will attend the meeting to advise on process and to take notes, as appropriate. Where an employee is persistently unable or unwilling to attend a formal meeting without good cause, the manager may make a decision on the evidence available, and the employee will be informed that this is the case.

At the conclusion of the formal meeting, the manager hearing the grievance will state the action that he/she intends, or is able, to take to redress the grievance and will reply to the grievance in writing, normally within five working days of the meeting.

6. Stage 2: Right of Appeal

If the employee is dissatisfied with the outcome of the discussion at Stage 1, the employee may exercise their right to appeal. The purpose of the appeal is to consider whether the action taken by management to resolve the grievance was fair and reasonable under the circumstances. The employee should outline the grounds for their appeal in writing. The appeal should be sent to the Director of Human Resources within five working days of the outcome of the decision at Stage 1.

The Director of Human Resources will organise an appeal hearing to be heard by a senior manager not previously involved in the case (e.g. an Executive Dean or a Director/Head of Department). The employee will be informed of the date and time in advance of the meeting (usually within 5 to 10 working days of the receipt of the appeal, unless another timescale is mutually agreed). A written record of the grievance, together with all other relevant documentation, will be sent to panel members. The employee may wish to be accompanied to the appeal hearing by a workplace colleague or a trade union representative. An HR Officer will attend the meeting to advise on process and to take notes, as appropriate.

The employee will be informed of the outcome of the Appeal Hearing in writing, normally within five working days of the Appeal Hearing. There is no further right to appeal.

7. Post-Employment Grievances

Employees are encouraged to raise any grievances they may have during their employment. If a grievance is received by the University after employment has terminated, the University reserves the right to investigate any issues raised and will arrange a grievance hearing in relation to the post-employment grievance where it considers appropriate to do so. If a hearing is arranged, it will be conducted by an appropriate person nominated by the University (normally a senior manager). The former employee will not have a right of appeal against the decision reached. The decision will be notified in writing, normally within five working days of the hearing taking place.

Where the University decides not to arrange a hearing but wishes to respond to the grievance, it will do so in writing following an investigation of the matter, normally within 20 days of receipt of the grievance. The written response will be sent to the former member of staff and there will be no right of appeal against the decision reached.

Agreed by Vice-Chancellor's Group: 27 October 2009
Reviewed by Thomas Eggar: 2 November 2009

The University of Chichester

GRIEVANCE NOTIFICATION FORM

NAME:

JOB TITLE:

FACULTY OR DEPARTMENT:

CAMPUS:

EXECUTIVE DEAN/HEAD OF DEPARTMENT:

Outline of Grievance:

Remedy sought:

(Please add additional pages if required)

Signed:

Dated:

NAME OF HR OFFICER SUPPORTING GRIEVANCE:

NAME OF MANAGER MANAGING GRIEVANCE: