



## Grievance Procedure

### Introduction and Principles

- 1.1 This procedure is to help and encourage all employees to have the opportunity to proactively resolve an action, practice, or behaviour by another employee, employees, or the Union, which they believe affects them and their employment at the Union.
- 1.2 The aim is to ensure consistent and fair treatment for all, without prejudice to an employee's employment and without unreasonable delay.
- 1.3 This procedure applies to all employees regardless of length of service.
- 1.4 When discussing the problem all parties should ensure that they remain respectful of each other, using factual information and examples where possible, to help ensure the process remains constructive.
- 1.5 If a member of staff wishes to speak to anyone outside the organisation they can contact our Employee Assistance Provider, Lifeworks via [www.lifeworks.com](http://www.lifeworks.com). For password and user ID details please contact the Finance & Resources Manager.
- 1.6 An employee may be accompanied at any grievance hearing by a work colleague or a Trade Union Official who is either employed by the Union or is certified in writing by the Union as having experience of, or having trained as, a worker's companion at disciplinary or grievance hearings.
- 1.7 At all grievance hearings every opportunity will be given for the employee's grievance to be stated and thoroughly discussed. Although the employee's companion will be able to address the hearing and to confer with the employee, he/she will not be permitted to answer questions on the employee's behalf.
- 1.8 The procedure is designed to deal with grievances arising directly out of the employee's employment or some working practice of the Students' Union. Where there are issues relating to discipline or agreements reached between the Students' Union and its employees, these must be dealt under the related procedures.
- 1.9 The Students' Union encourages employees to initially raise their grievance informally with their line manager. This is often the best and speediest way of resolving issues. The line manager will keep a note of the meeting, which may be referred to if the formal grievance procedure is invoked.
- 1.10 If the employee's grievance cannot be resolved informally, the employee may use the formal grievance procedure, which is set out below.

- 1.11 If an employee has difficulty at any stage of the grievance procedure for any reason, they should discuss the situation with the Finance & Resources Manager..
- 1.12 Written grievances will be placed on an employee's personal file along with a record of any decisions taken and any notes or other documents compiled during the grievance process.
- 1.13 During the operation of the Grievance Procedure, the status quo will remain (i.e. the procedures, policies, working practices and management arrangements which applied immediately prior to the formal use of the grievance procedure) until the Union's procedure is exhausted.
- 1.14 If the grievance relates to the employee's reporting line manager, the grievance can be raised to the Finance & Resources Manager (or Chief Executive Officer in the case of a grievance against the Finance and Resources Manager).
- 1.15 If the grievance is brought against the Chief Executive Officer, the Chair of the Board of Trustees shall investigate the matter.
- 1.16 This policy and procedure may be subject to alteration to reflect future changes in legislation.
- 1.17 If the grievance is linked to a bullying and harassment complaint, initially an employee may wish to refer to the Dignity at Work Policy in conjunction with the Grievance Policy.
- 1.18 Please note that the Union operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrong doing or malpractice within the organisation. However, where the employee is directly affected by the matter in question, or where the employee feels they have been victimised for an act of "whistleblowing", they may raise the matter under this grievance procedure.

## **2.0 Dealing with Grievances Informally**

- 2.1 Wherever possible, if an employee has a grievance or complaint to do with their employment, or the colleague(s) they work with, they should start by talking it over with their line manager. Through raising the matter informally, a resolution is more likely to be addressed quickly and effectively.
- 2.2 If the grievance or complaint is related to another employee, the line manager may be able to assist in how this might be resolved, providing an independent third perspective.
- 2.3 The line manager should deal with these cases sensitively and should generally start by talking privately to the individual about the concerns of fellow employee(s). This may resolve the grievance. Attention needs to be taken that any discussion with someone being complained about does not turn into a meeting at which they would be entitled to be accompanied. Alternatively, and if appropriate the line manager might suggest mediation which may help resolve the issue.
- 2.4 The definition of line manager, for the purposes of this procedure is the person with whom the employee has their Staff Development Review. However, the grievance may be dealt with by a more senior manager, if appropriate.

2.5 If the grievance is not resolved at an informal level, the employee may wish to progress to the formal stages of the procedure, by stating their grievance in writing to their line manager. Where the grievance is against the line manager and the employee feels unable to approach them, they should talk to another manager, preferably their next line manager, or the Finance & Resources Manager. If the grievance is sent to the Finance & Resources Manager they will acknowledge receipt of the grievance and appoint a suitable manager to hear the grievance.

2.6 Cases where mediation may help

An independent third party, or mediator, can sometimes help resolve grievance issues. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

2.7 Mediators may be employees trained in mediation, who act as internal mediators in addition to their day jobs. Or they may be from an external mediation provider. They can work individually, or in pairs as co-mediators. There are no hard-and-fast rules for when mediation is appropriate but below are examples of when it could be used:

- a. for conflict involving colleagues of a similar job or grade, or between a line manager and their staff
- b. at any stage in the conflict, to build relationships after a formal dispute has been resolved
- c. to address a range of issues, including relationship breakdown, personality clashes, communication problems, bullying and harassment

2.8 Cases unsuitable for mediation

Examples of when mediation may not be suitable include:

- a. used as a first resort - because people should be encouraged to speak to each other and talk to their line manager before they seek a solution via mediation
- b. it is used by a manager to avoid their managerial responsibilities
- c. a decision about right or wrong is needed, for example where there is possible criminal activity
- d. the individual bringing a discrimination or harassment case wants it investigated
- e. the parties do not have the power to settle the issue
- f. one side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome

### **3.0 Formal Grievance Procedure**

#### ***Stage One***

- 3.1 If the matter is serious and/or the employee wishes to raise the matter formally they should set out the grievance in writing to their line manager, indicating that it is a formal grievance. The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates, and names of individuals involved. In some situations the line manager may need to ask the employee to provide further information.
- 3.2 If the grievance is contested, the line manager should invite the employee to attend a hearing in order to discuss the grievance and should inform the employee of his or her right to be accompanied by a trade union representative or colleague. The line manager will respond to the grievance within five working days from receipt of the complaint, or if a hearing is held, within five working days of the hearing. If it is not possible to respond within this time period, the employee will be given an explanation for the delay and told when a response can be expected.
- 3.3 If the stage one decision is unacceptable to the employee, then the matter must be committed to writing and formally referred to the reporting line manager who will immediately pass it on to the appropriate level within the department in order to progress the matter further.

#### ***Stage Two - Grievance Meeting***

- 3.4 The matter will be then further fully investigated by the line manager which may include formal interviews with all personnel affected. The line manager will arrange to hear the grievance if possible within six working days from receipt of the written complaint and will inform the employee of his/her statutory right to be accompanied. A decision will normally be given by the senior member of staff responsible for the investigation as soon as possible and usually within six working days of the hearing. If it is not possible to respond within the specified time period the employee will be given an explanation for the delay and told when a response can be expected.

### **4.0 Right of Appeal**

- 4.1 If the decision of the Grievance Hearing is unacceptable to the employee, he/she can refer the matter in writing to the Chief Executive Officer within 5 working days on receiving the second stage appeal decision. The employee will be invited to present his/her grievance at an appeal meeting which is chaired by the Chief Executive Officer or nominated representative.
- 4.2 The appeal panel shall consist of the Chief Executive Officer or nominated representative and another manager not linked to the grievance in any other way. After the meeting the Chief Executive Officer will give a decision in writing, normally within 6 days. If it is not possible to respond within this time period, the employee will be given an explanation for the delay and told when a response can be expected.
- 4.3 If the employee wishes to attend an appeal meeting, he/she will be informed of his/her right to be accompanied.

- 4.4 If however, the Chief Executive Officer considers that the matter raised by the employee affects Students' Union Policy, a grievance hearing must be held by a subcommittee of the Board of Trustees consisting of three members, which will be arranged by the Chief Executive. The Trustees decision in this circumstance is the final right of appeal through the Union.

Approved by: Board of Trustees Date: 15<sup>th</sup> June 2012

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