

## Grievance Procedure

### 1. General Principles

- 1.1 The provisions of this procedure are in accordance with arrangements relating to grievances as set out in ACAS guidelines, which will prevail in the event of any conflict of provision.
- 1.2 It is the policy of the University of Manchester Conferences Ltd (UMC Ltd) (“the company”) to ensure that all employees have access to a procedure to help resolve any grievances, relating to their employment, fairly and without undue delay.
- 1.3 This does not prevent parties from attempting to seek resolution to grievances informally outside this procedure.
- 1.4 Grievances may be concerned with a wide range of issues, including the allocation of work, working environment or conditions, the opportunities that have been given for career development or the way in which staff have been managed.
- 1.5 The Grievance Procedure cannot be invoked in respect of dissatisfaction with the outcome of other procedures, or for matters where provision to appeal is made in other procedures. (Paragraphs 9-10 provide details of procedures for dealing with matters beyond the scope of this procedure.)
- 1.6 This procedure applies to all employees regardless of length of service.
- 1.7 Any steps under this procedure should be taken promptly unless there is a good reason for deferment or delay. However, in the interests of clarity, in this procedure guidelines have been set out regarding the timeframes that would normally be expected for the various stages of dealing with the grievance process. Whilst all parties should comply with these time limits, exceptionally, this may not always be possible and therefore it may be necessary to extend the time limits contained within this procedure. Both parties should keep each other informed regarding any circumstances that are likely to result in delays.

- 1.8 The person or Panel who is dealing with the Grievance on behalf of the University may, where appropriate, defer consideration of the Grievance if other internal proceedings which are relevant to the substance of the grievance are pending or are in progress.
- 1.9 Managers who are involved in dealing with grievances should consult with Human Resources at all stages in the procedure.
- 1.10 The procedure may be discontinued if it becomes impracticable for either party to continue. In any case the complainant will be informed in writing of the final outcome of their Grievance.
- 1.11 Documentation arising from written grievances will be held on the complainant's personal file along with a record of any decisions taken, any appeal notice, the outcome of any appeal and other relevant documents compiled during the Grievance process.
- 1.12 All Grievance meetings and Hearings will take place in private. All persons involved in the proceedings or receiving reports of the proceedings will keep their nature and content confidential except as required by law or for the purpose of taking advice.
- 1.13 There may be instances where it is inappropriate to share confidential or sensitive documents or information.
- 1.14 The procedures followed should not infringe or prejudice the rights of any person whose conduct is the subject of the Grievance being brought.
- 1.15 Provided that a grievance is brought in good faith, the complainant should not suffer any victimisation or reprisal as a result of bringing a grievance if the grievance is not upheld, which in themselves would be considered to be a matter for disciplinary investigation.
- 1.16 However, if, after any stage of this Grievance procedure has been concluded, it is the view of the Grievance Manager/Appeal Panel that a complaint had no merit and was raised in bad faith – i.e. the Grievance is potentially 'vexatious', the Grievance will be rejected and may thereafter form the basis for disciplinary action to be taken against the Complainant/Appellant.

## **2. Resolving Grievances: Mediation**

- 2.1 At any stage in this procedure any party may request that this matter be dealt with via referral to mediation. Mediation offers support to resolve interpersonal disputes between parties; it cannot mediate between an individual and the UMC organisation.
- 2.2 Mediation is voluntary and will only take place if all parties agree. However, it is hoped that Complainants will be amenable to any suggestion made by the organisation to refer

grievances to the University's Mediation Service, and it is hoped that complainants will cooperate with all efforts to resolve their complaint. The use of external mediators may be considered in exceptional cases.

- 2.3 If both parties agree that mediation can go ahead, the grievance procedure will be put on hold whilst the mediation takes place. In the event that no mutually acceptable solution is reached through the mediation process, the procedure will be reconvened from the stage at which it was put on hold.

### **3. Stage One: Resolving Grievances Informally**

- 3.1 Most grievances can be resolved quickly and informally through discussion with the immediate supervisor or line manager. Accordingly, if a complaint arises, the organisation will normally expect the person with the Grievance to attempt, as far as it is reasonably possible and appropriate, to resolve the Grievance informally through discussions. This may involve speaking to the supervisor/manager about their concerns, and, where appropriate, discussing those concerns with any person to whose conduct the Grievance relates. It is expected that such informal resolution will be attempted before moving to Stage Two of this procedure.
- 3.2 If it is inappropriate to speak to the manager, for example, because the complaint concerns him or her, then the matter should be raised informally with the Head of the Organisational Unit. If the Grievance relates to the Head of the Organisational Unit, the complaints should be raised with another appropriate senior manager, or referred to Human Resources for advice, before following the formal procedure set out at Stage Two, below.

### **4. Stage Two: Resolving Grievances Formally**

- 4.1 The Grievance must be put in writing and submitted to the line manager or other appropriate senior manager in accordance with the provisions in paragraph 3.2.
- 4.2 The written Grievance should state clearly:
- that the Grievance procedure is being invoked;
  - a brief description of the reasons for the complaint, including any relevant facts, dates, and names of individuals involved;
  - steps that have been taken to try and resolve the Grievance informally; and...
  - the outcome that is being sought as a result of raising this Grievance.

- 4.3 If, at any time, the Complainant wishes to withdraw a lodged Grievance, they must make their intentions known, in writing, to the manager in 4.1. The organisation reserves the right to investigate the original complaint if it is considered to be in the best interests to do so.

## **5. Investigations and Meetings**

- 5.1 The 'Grievance Manager' in 4.1 will be responsible for providing acknowledgement of receipt of the formal grievance, undertaking or commissioning an investigation and determining the Grievance. To avoid conflict of interest, any 'investigation manager' will not have had previous involvement with the issue of complaint.
- 5.2 The amount of investigation required will depend on the nature of the complaint. The investigation will be thorough, impartial and objective and will be carried out with sensitivity and respect both for the Complainant and the person/s against whom they have made their complaint.
- 5.3 The investigation may include:
- interviewing the Complainant, the person/s against whom the complaint has been made, any supervisor/line manager who has already been involved with earlier stages of the Grievance and any witnesses if appropriate; and
  - gathering relevant documentary evidence from the Complainant and any other relevant individuals.
- 5.4 The Complainant must cooperate fully and promptly in any investigation. This will include informing the Grievance Manager of the names of any relevant witnesses, disclosing any relevant documents and attending any investigative interviews. However, if, for any reason, they decide not to cooperate, the investigation may still continue.
- 5.5 The Grievance Manager may commence an investigation prior to holding a Grievance meeting with the Complainant. Should any investigation reveal further information that needs to be put to the complainant, it may be necessary to hold a further Grievance meeting before reaching a decision.

- 5.6 The Complainant will be invited to a Grievance meeting, which will normally take place no more than ten working days following receipt of the written grievance. He or she may be accompanied at any of the Grievance meetings under this procedure (see 7. *Attendance at meetings*).
- 5.7 A member of Human Resources will also attend the Grievance meeting. The purpose of their attendance is to support and advise the Grievance Manager to ensure that the relevant policies and procedures are complied with, and to record the main details discussed and agreed at the meeting.
- 5.8 The purpose of the Grievance meeting is to enable the Complainant to explain and discuss the Grievance with the Grievance Manager. If the Complainant is accompanied at the meeting, the Representative may make representations and ask questions, but will not be permitted to answer questions on the Complainant's behalf. The Complainant may confer privately with their Representative at any time during the meeting by asking for an adjournment.
- 5.9 If the Complainant has any evidence in support of their complaint that they wish to have considered they must ensure that it is provided to the Grievance Manager at the earliest possible opportunity and no later than 3 working days before the Grievance meeting.
- 5.10 After the Grievance meeting, the Grievance Manager will carry out such further investigations, if any, as s/he considers appropriate.
- 5.11 The Grievance Manager will inform the Complainant in writing of the outcome of the Grievance and of their right of Appeal, normally within 10 working days of the conclusion of the investigation. Any recommendations for further action will be clearly stated in this communication. This may involve invoking the Disciplinary Procedure in the event that the Grievance Manager concludes that there is a potential disciplinary case to answer.

## 6. Stage Three: Appeals

- 6.1 Appeals should be made in writing to the UMC-designated Human Resources Partner no later than 10 working days after the date of the letter confirming the outcomes of the Grievance, and this will be referred to and considered by the UMC Ltd Board of Directors in conjunction with the University of Manchester's Registrar and Secretary.
- 6.2 The letter of Appeal can be submitted by either the employee or the colleague or trade union representative acting on her/his behalf, and it must include:
  - full details of the Grievance
  - full details of the steps taken so far to resolve the Grievance, including copies of correspondence with the manager who dealt with the Grievance;
  - Grounds for the Appeal, i.e. reasons for why the appellant is dissatisfied with the outcome of the formal stage of the procedure.
- 6.3 An Appeal Hearing will be held, where the Appellant will have the opportunity to discuss the Grounds of the Appeal against the original findings. The Appeal Hearing will take place as soon as reasonably possible and normally no more than 4 weeks after receipt of the Appeal notification and Grounds for Appeal.
- 6.4 The appellant will receive at least ten working days' notice of the appeal hearing including copies of any relevant papers to be considered.
- 6.5 The composition of the Panel will be agreed by the UMC Ltd Board of Directors in conjunction with the UMC-designated HR Partner, and will be comprised of two senior University staff, one of whom should be a member of the UMC Ltd Board of Directors.
- 6.6 An appointed member of Human Resources will also attend the Hearing and, without having any previous involvement with the case, s/he will advise the Panel accordingly with regards to matters of policy and procedure in preparation for, and during, the Appeal Hearing, including considering whether third parties associated with the Grievance should be notified to attend.
- 6.7 The Appellant will have the right to be accompanied at the Appeal Hearing (see 7. *Attendance at meetings*)
- 6.8 The decision of the Appeal Panel, along with recommendations for further action, will be notified to the Appellant and his/her Representative in writing normally within 10 working days of the Hearing. This is the final stage of the formal procedure and there is no further right of Appeal.

## **7. Attendance at meetings**

- 7.1 A Complainant/Appellant, or a person about whom a Grievance had been raised, may be accompanied by either a trade union representative or a work colleague to any meetings held under this procedure, and the name of the Representative should be notified to the Grievance Manager at least 48 hours in advance of any meeting where possible.
- 7.2 The choice of Representative will not be suitable if they have a conflict of interest, or if their presence may prejudice the meeting.
- 7.3 The Complainant/Appellant must take all reasonable steps to attend any meetings, and if the specified meeting time/date is not suitable, he/she should inform this immediately and reasonable efforts will be made to agree an alternative time/date.
- 7.4 Where a date for a meeting has been agreed and the Complainant/Appellant is subsequently unable to attend due to an unforeseen reason, attempts will be made to try to agree a mutually convenient time and date on which to rearrange the meeting.
- 7.5 However, if the Complainant/Appellant fails to attend the rearranged meeting, there will be no obligation to rearrange the meeting for a second time and, depending on the circumstances, the meeting may proceed in the absence of the Complainant/Appellant, or it may be decided to treat the Grievance procedure as having been concluded. In all cases the Complainant/Appellant will be notified in writing of the outcome.
- 7.6 If a Representative is unable to attend a meeting, the Complainant/Appellant must notify this and suggest an alternative date for the meeting no more than 5 working days later than the date on which the meeting was originally scheduled to take place. Provided the proposed date can be accommodated, the meeting will be rearranged.
- 7.7 If the meeting would have to be delayed for more than 5 working days because a Representative is unavailable, the organisation reserves the right to request that a different Representative accompanies the Complainant/Appellant to enable them to attend the meeting on the date on which it was originally scheduled to take place.
- 7.8 At a Grievance meeting or Appeal Hearing (as applicable) a Representative may speak on behalf of the Complainant/Appellant or on behalf of a person about whom a Grievance had been raised, but may NOT answer questions on behalf of the employee, which relate to matters under consideration within the Grievance or Appeal (as applicable).
- 7.9 A Representative must not act in a way which prevents any person at a meeting or Hearing from explaining their case or making a contribution to the hearing, although this

does not preclude the employee's rights under arrangements that may be made under the Equality Act 2010.

- 7.10 If the Complainant/Appellant is unable to attend the meeting he/she may, with the agreement of the organisation, invite their Representative to attend and respond on their behalf. In this circumstance, the Representative will be regarded as acting with delegated authority from the Complainant/Appellant to participate fully in the meeting.

## **8. Collective Grievances: General Principles**

- 8.1 Where a group of employees wish to raise a shared Grievance and feel that it can be dealt with collectively, they may opt to appoint a spokesperson for the group; this may be a trade union representative or a colleague from within the group.
- 8.2 The issue of Grievance should be raised by the spokesperson with an HR Partner, who will consider whether it should be dealt with by a manager or Head of Organisational Unit, in following the same process and procedure as for an individual grievance.
- 8.3 All communications with the group about the progress of the case will be passed through the appointed spokesperson. In such cases, it is not necessary for all those involved to be present at meetings, and appropriate representative numbers must be agreed at each stage.
- 8.4 The involvement of the full-time officer of the relevant trade union in Collective Grievances shall be at the discretion of the local trade union branch.
- 8.5 It is not permitted for a Grievance to be raised under the Collective and Individual route simultaneously. A particular Grievance may only be considered once, through either route; this does not preclude changing route at any stage part way through the consideration of a Grievance. Agreement to change route must be obtained from both parties.

## **9. Bullying and Harassment**

- 9.1 The organisation operates a separate Dignity at Work Policy to enable employees to report allegations of bullying and harassment.
- 9.2 However, where an employee wishes the matter to be considered as a Grievance, they may use this Grievance Procedure as appropriate.



## 10. Where the Grievance Procedure cannot be applied

- 10.1 The Grievance Procedure cannot be used to complain about the outcome resulting from another informal or formal procedure within the organisation.
- 10.2 Dissatisfaction with outcomes from other procedures must be expressed under the appeals process relating to that specific procedure.
- 10.3 This does not, however, prevent an individual from bringing a Grievance about the manner in which another procedure is being or has been undertaken.

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