

Grievance Procedure

1. Introduction

- 1.1 It is the policy of the University to ensure that all members of staff have access to a procedure to help resolve any grievances relating to their employment fairly and without undue delay. This does not prevent parties from attempting to seek resolution to grievances informally outside this procedure. 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. 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. (More details is provided within this Procedure for dealing with matters beyond the scope of this procedure.)
- 1.2 The provisions of this procedure are in accordance with arrangements relating to grievances as set out in ACAS guidelines and the University's Statutes and Ordinances, which will prevail in the event of any conflict of provision.

2. Scope

- 2.1 This procedure applies to all staff.
- 2.2 This Policy is non-contractual and may be amended at any time.

3 General Principles

- 3.1 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. Both parties should keep each other informed regarding any circumstances that are likely to result in delays.

- 3.2 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.
- 3.3 Managers who are involved in dealing with grievances must consult with Human Resources at all stages in the procedure.
- 3.4 The procedure may be discontinued if it becomes impracticable for either party to continue with it. In any case the complainant will be informed in writing of the final outcome of their grievance.
- 3.5 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.
- 3.6 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.
- 3.7 There may be instances where it is inappropriate to share confidential or sensitive documents or information.
- 3.8 The procedures followed should not infringe or prejudice the rights of any person whose conduct is the subject of the grievance being brought.
- 3.9 Provided that a grievance is brought in good faith, a complainant should not suffer any victimisation or reprisals as a result of bringing the grievance if the grievance is not upheld.

4. Resolving Grievances: Mediation

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

by the University to refer grievances to the University mediation service and it is hoped that complainants co-operate with all efforts to resolve their complaint.

- 4.3 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.
- 4.4 For more information please refer to the University's mediation service.

5. Stage 1: Resolving grievances informally.

- 5.1 Most grievances can be resolved quickly and informally through discussion with the immediate manager. Accordingly, if a complaint arises, the University 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 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 2 of this procedure.
- 5.2 If it is inappropriate to speak to the manager, for example, because the complaint concerns them, 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 2 below.

6. Stage 2: Resolving grievances formally.

- 6.1 The grievance must be put in writing and submitted to the manager or other appropriate senior manager in accordance with the provisions in paragraph 5.2.
- 6.2 The written grievance should:
- state clearly that the grievance procedure is being invoked;
 - contain a brief description of the reasons for the complaint, including any relevant facts, dates, and names of individuals involved;

- indicate what steps have been taken to try and resolve the grievance informally; and
- indicate what outcome is being sought as a result of raising this grievance.

6.3 If, at any time, the complainant wishes to withdraw a lodged grievance, they must make their intentions known, in writing, to the manager in 6.1. The University reserves the right to investigate the original complaint if it is considered to be in the best interests to do so.

7. Investigation and Meetings

Investigation

- 7.1 The manager receiving the grievance will be responsible for providing acknowledgement of receipt of the formal grievance and undertaking or commissioning an investigation by appointing another suitable manager if appropriate (the grievance manager). To avoid conflict of interest, any manager investigating a grievance will not have had previous involvement with the issue of complaint. The grievance manager will be responsible for determining the grievance.
- 7.2 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.
- 7.3 The investigation may include:
- interviewing the complainant, the person/s against whom the complaint has been made, any 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.
- 7.4 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.

- 7.5 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.

Grievance meeting

- 7.5 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.
- 7.6 The complainant may be accompanied at any of the grievance meetings under this procedure
- 7.7 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 all the University's policies are complied with and to record the meeting.
- 7.8 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 or work colleague at any time during the meeting by asking for an adjournment.
- 7.9 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 three working days before the grievance meeting.
- 7.10 After the grievance meeting, the grievance manager will carry out such further investigations, if any, as they considers appropriate.

Notification of the Decision

- 7.11 The grievance manager will inform the complainant in writing of the outcome of the grievance and of their right of appeal normally within ten 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.

8. Stage 3 – Appeal Procedure

- 8.1 Appeals should be made in writing to the Registrar, Secretary and Chief Operating Officer, within 10 working days of the date on which the decision was communicated in writing. The written appeal should 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.
- 8.2 The appellant will receive at least ten working days' notice of the appeal hearing including copies of any relevant papers to be considered.
- 8.3 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 four weeks after receipt of the appeal notification and grounds for appeal.
- 8.4 The appeal hearing will be comprised of a panel of three persons who are independent of any previous involvement in the case and will be chaired by a lay Member of the Board of Governors. One panel member will be drawn from a list agreed from time to time by Senate or the Board of Governors, where appropriate. The appellant will have the right to be accompanied at the appeal hearing.
- 8.5 A member of Human Resources will attend the appeal hearing. The purpose of their attendance is to support and advise the appeal panel, to ensure that all the University's policies are complied with and to record the meeting.
- 8.6 The procedure to be followed in preparation for and at the appeal hearing, including considering whether third parties associated with the grievance should be notified or attend, shall be at the discretion of the panel.
- 8.7 The decision of the appeal hearing will be notified to the appellant and their representative in writing, normally within ten working days of the appeal hearing. The Board of Governors will be notified where appropriate. Any recommendations for further action will be clearly stated in this letter.
- 8.8 This is the final stage of the formal procedure and there is no further right of appeal.

9 Attendance at Meetings

- 9.1 The complainant/appellant must take all reasonable steps to attend any meetings.
- 9.2 If the specified meeting time/date is not suitable, the complainant/appellant should inform this immediately and reasonable efforts will be made to agree an alternative time/date.
- 9.3 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. However, if the complainant/appellant fails to attend the rearranged meeting, there is 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 the University may decide to treat the grievance procedure as having been concluded. In all cases the complainant/appellant will be notified in writing of the outcome of that determination.

10. Right to be Accompanied

- 10.1 A complainant/appellant or a person about whom a grievance had been raised may be accompanied by either a trade union representative or work colleague to any meetings held under this procedure. The name of the representative should be notified to the grievance manager, at least 48 hours in advance of any meeting.
- 10.2 The choice of representative will not be suitable if they have a conflict of interest, or if their presence may prejudice the meeting.
- 10.3 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 five 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. If the meeting would have to be delayed for more than five working days because a representative is unavailable, the University 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.

- 10.4 The person accompanying the member of staff may speak on their behalf at the meeting or Panel hearing, but may not answer questions relating to matters under consideration on the member of staff's behalf, nor may the person accompanying the member of staff act in a way which prevents any person at the hearing from explaining their case or making a contribution to the hearing. This does not preclude the staff member's rights under arrangements that may be made under the Equality Act 2010 (such as a reasonable adjustment in the case of disability).
- 10.5 If the complainant/appellant is unable to attend the meeting they may, with the agreement of the University, invite their representative to attend and respond on their behalf. In this circumstance, the representative will be regarded by the University as acting with delegated authority from the complainant/appellant to participate fully in the meeting.

11. Collective Grievances

- 11.1 Where more than one members of staff wish to raise the same grievance and feel that it can be dealt with collectively, they may opt to appoint a spokesperson for the group, who may be a trade union representative. The issue of grievance should be raised by the spokesperson with a member of Human Resources, who will consider whether it should be dealt with by a manager or Head of Organisational Unit following the same process as for an individual grievance, or whether it would be more appropriate for the issue to be raised through the Trade Union Negotiating Group or other duly constituted negotiating body, and procedure will be followed as for the individual grievances.
- 11.2 All communications will pass through the appointed spokesperson and it will be for the spokesperson to communicate with the rest of the group about the progress of the case. 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.
- 11.3 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.
- 11.4 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.

12. Vexatious Grievances

- 12.1 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. Any such victimisation or reprisal would be considered to be a matter for disciplinary investigation. 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, the grievance may be rejected and may form the basis for disciplinary action to be taken against the complainant/appellant.
- 12.2 If this is the case, it will be set out in the letter to the complainant/appellant which notifies the outcome of the grievance/appeal. Any proposed disciplinary action will be dealt with in accordance with the University's Disciplinary Procedure.

13. Job Grading

- 13.1 Complaints relating to job re-grading are not covered by this procedure; see the separate policy on job re-grading <http://documents.manchester.ac.uk/display.aspx?DocID=8494>

14. Bullying and Harassment

- 14.1 The University operates a separate Dignity at Work and Study Policy to enable staff to report allegations of bullying and harassment <http://documents.manchester.ac.uk/display.aspx?DocID=2754>. However, where a member of staff wishes the matter to be considered as a grievance, they may use the grievance procedure as appropriate.

15. Reporting Illegal or Improper Conduct (Whistleblowing)

- 15.1 The University operates a separate Public Interest Disclosure Procedure to enable staff to report illegal activities, wrongdoing or malpractice within the organisation. <http://documents.manchester.ac.uk/display.aspx?DocID=28> However, where a member of staff is directly affected and wishes for it to be considered as a grievance, they should use the grievance procedure or the Dignity at Work and Study procedure as appropriate.

16. Grievances relating to outcomes determined under other procedures.

- 16.1 The grievance procedure cannot be used to complain about the outcome resulting from another procedure. Dissatisfaction with these events should be progressed under the appeals process relating to that specific procedure. This does not, however, prevent an individual from bringing a grievance about the manner in which the procedure is being or has been undertaken.

17. Health and Safety

- 17.1 Health and safety concerns should be referred initially to the University's Health and Safety Services, so that appropriate action can be taken.

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