

Grievance Policy and Procedure

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Who can help?

- ✔ Human Resources (HR) can provide support and advice with the application of this policy and answer any questions that you may have HumanResources@napier.ac.uk
- ✔ If you are a member of the Educational Institute for Scotland (EIS) or UNISON, you can receive support and advice from a trade union representative.

Other Support

- ✔ [ACAS Code of Practice on Disciplinary & Grievance Procedures](#)
- ✔ [Employee Assistance Programme](#)
- ✔ Guidance for Grievance Managers
- ✔ Guidance for Appeal Managers
- ✔ Grievance Toolkit – Template letters and scripts

Please Note

This policy does not form part of your contract of employment with the University and may be subject to change.

Context

We are committed to ensuring a positive and effective working environment where people are treated fairly and with respect, in line with our values and behaviours. We recognise however, that there may be occasions where employees may have concerns about their work, working environment, relationships with their colleagues or behaviour of others towards them.

It is expected that the majority of concerns will be resolved informally. We encourage employees to resolve issues informally in the first instance through discussions with their manager. If an employee feels unable to approach their manager directly, they should either approach another manager or seek support from HR, who will discuss ways of dealing with the matter and outline support mechanisms.

Where attempts to resolve the matter informally have been unsuccessful or if the matter is so serious, it may be appropriate for a formal grievance to be raised under this policy. We are committed to ensuring that employees have an opportunity to raise concerns relating to their employment and that matters are dealt with efficiently and effectively.

Scope

This policy applies to all employees of the University.

Where the complaint relates to disciplinary action or another procedure, e.g. public interest disclosure or redundancy, the matter should be dealt with under the relevant procedure.

Key Principles

The purpose of this policy and procedure is to provide a means for employees to raise concerns relating to their employment and have them dealt with in a fair and consistent manner.

- ✔ Where appropriate concerns will be settled without recourse to a formal process.
- ✔ The procedure will be applied consistently with a defined process for all stages.
- ✔ All employees will be treated fairly and sensitively and supported during the process.
- ✔ Grievances will be investigated promptly, thoroughly considered and in confidence.
- ✔ Employees have the right to be accompanied at formal meetings.
- ✔ Employees have a right of appeal against the outcome of the grievance procedure.

Other resolution methods

Depending upon the nature of the grievance, there may be other ways that may help to resolve the issue.

Mediation

Mediation involves the appointment of a qualified mediator who seeks to help people in dispute reach agreement. Mediation can be particularly effective in situations involving interpersonal relationships.

Facilitated discussion

An independent third party, a manager or HR can facilitate a discussion between the parties. This is not mediation, however having someone else involved in the discussion, may aid communication.

These processes are voluntary and can only take place if all parties agree. The grievance procedure may be suspended if an alternative resolution method is deemed to be an appropriate way of attempting to resolve the issue, rather than invoking the formal process. If it is unsuccessful, the issue will revert back and be dealt with as part of the grievance procedure.

Guidance timescales

The timescales outlined within the grievance procedure are in place to ensure that issues are dealt with as quickly as reasonably practicable whilst ensuring that a fair and impartial process is followed. We will always take a reasonable and supportive approach and will adjust the timescales where this is deemed to be appropriate.

If at any stage of the grievance process it is not possible to adhere to the specified timescale, all parties will be advised of this and informed of an alternative timescale.

Reasonable adjustments

Reasonable adjustments will be considered to accommodate individual needs throughout the grievance procedure. Where appropriate, advice will be taken from the University's Occupational Health provider. Management will determine what adjustments are reasonable under the specific circumstances.

Objections

Where an employee believes that there is a justifiable reason for objecting to a particular manager being appointed to conduct a formal stage of the grievance procedure, they can raise an objection in writing with

HR stating the reasons why they believe that person's involvement may prejudice the outcome. A Head of HR will consider the reasons for the objection and may allocate an alternative manager.

Right to be accompanied

Employees attending any formal stage of the grievance procedure have the right to be accompanied by a work colleague, a trade union representative or an official employed by a trade union. Legal representation is not permitted.

Right of delay

It is expected that attendance at formal meetings will be prioritised. However, if, for genuine reasons, any party cannot attend a formal meeting, the meeting will be rescheduled. The rescheduled meeting will be held without unreasonable delay and wherever possible within five working days of the original date.

Whilst every effort will be made to find a time that is suitable for all parties, if the work colleague or trade union representative is not available at the rearranged time, then consideration will be given to insisting that the employee is accompanied by another person.

Records

Confidential records will be kept of all appropriate documentation generated during the stages of the formal process and retained by HR in line with the University's retention schedule.

Where appropriate, a HR representative will take a record (not verbatim) of the formal meetings. Written records of the grievance and investigation meetings will be given to the employee/witness to sign and return, ideally within three working days and no longer than five working days. Copies will be enclosed with the outcome letter when it is sent to the employee. Notes of any appeal hearings will be made available to the employee within ten working days of the hearing.

No parties involved in the process are permitted to attend a formal or informal meeting with a recording device. This is to encourage openness and full participation by all parties during meetings.

Management investigation

In very exceptional circumstances where an employee is reluctant to pursue a formal complaint but where the allegations are deemed serious or where there are broader issues of concern, an investigation may be instigated by the University and conducted in line with the grievance procedure.

Responsibilities

Employee	<ul style="list-style-type: none"> ✔ To be aware of their own conduct and to act in accordance with our values and behaviours when seeking to resolve issues or concerns. ✔ To seek to resolve issues or concerns informally through discussions with their manager or colleagues before escalating to the formal stage of the procedure. ✔ Where it is not possible to resolve concerns informally, raise the matter formally. ✔ To co-operate fully at all stages of the grievance procedure. ✔ Maintain confidentiality and answer questions openly and honestly.
Manager	<ul style="list-style-type: none"> ✔ Role model our values and behaviours and promote positive working relations. ✔ Adopt early intervention strategies to resolve workplace issues and avoid them escalating into formal grievances. ✔ Challenge and stop unacceptable behaviour in the workplace. ✔ Provide support to employees who raise a formal grievance.
Grievance Manager	<ul style="list-style-type: none"> ✔ Meet with the employee who has raised the grievance and carry out a thorough and impartial investigation. ✔ Review and consider all of the information thoroughly and make a decision in relation to the outcome of the grievance. ✔ Prioritise meetings and maintain confidentiality.
Appeal Manager	<ul style="list-style-type: none"> ✔ Review all documentation thoroughly and chair an appeal hearing. ✔ Carefully consider all of the information presented and make a final decision in relation to the appropriateness of the outcome of the grievance. ✔ Prioritise the hearing and maintain confidentiality.
Trade Union	<ul style="list-style-type: none"> ✔ Represent or accompany members at formal meetings. ✔ Prioritise meetings and maintain confidentiality.
Work Colleague	<ul style="list-style-type: none"> ✔ Accompany colleagues to formal meetings ✔ Prioritise meetings and maintain confidentiality
HR	<ul style="list-style-type: none"> ✔ Provide impartial advice and guidance to all parties involved on the application of the Grievance Policy and Procedure. ✔ Make the final decision in the event of an objection from an employee to a particular manager's involvement in the formal process. ✔ Where appropriate, attend formal meetings. ✔ Retain master copies of all documentation gathered as part of the process in line with our retention schedules.

Grievance Procedure

We recognise that a formal grievance procedure can be a difficult experience for all parties involved, whether the grievance is upheld or not. The purpose of the grievance procedure is to resolve issues in the workplace quickly and fairly to minimise any stress caused during the process.

Stage 1 – Informal Resolution

The primary focus of this procedure is to uphold, encourage and maintain good employee relations as well as providing a mechanism whereby workplace issues can be raised and addressed. It is important therefore, that wherever possible, concerns or potential issues or complaints are dealt with as early as possible, adopting early intervention principles.

Informal resolution will allow ongoing working relationships the greatest chance to continue in an appropriate and constructive manner.

Wherever possible, employees are encouraged to attempt to resolve any issues between themselves. If this is not possible, or if the employee has a complaint relating to their work, they should raise it with their manager. If the complaint relates to their manager, they should raise it with another manager. There is no need to put the complaint in writing. The manager should meet with the employee to facilitate a discussion to explore in confidence how the matter could be resolved informally. Genuine attempts should be made by both the employee and the manager to find a mutually acceptable/agreeable solution and both parties will agree on any actions to be taken, and by when.

HR and/or the trade unions are available to provide advice to employees to help them resolve any issues informally and this may include attending informal meetings with the employee and their manager if all relevant parties agree to this.

If the employee is dissatisfied with the outcome of the informal approach then the formal procedure should be followed. It may be appropriate to consider an alternative resolution method at this stage, for example a facilitated discussion or mediation.

Stage 2 – Formal Grievance

The informal approach must be fully exhausted before commencing the formal procedure, unless it is not appropriate to use the informal approach due to the seriousness of the issue being raised. At all stages, the grievance will be dealt with as sensitively as possible and the requirements of confidentiality must be fully observed.

Grievances raised during another formal process may exceptionally result in proceedings being temporarily suspended for a short period while the grievance is investigated. Where matters are related they can be dealt with concurrently or managed within the resolution methods of the other ongoing process.

Submitting a Written Grievance

If an employee wishes to raise the matter formally, they are encouraged to complete a grievance statement without unreasonable delay. Normally formal grievances will be raised within three months of the matter to which the grievance relates, or within three months of the last incident, if there has been a series of incidents.

☺ The grievance statement template is contained in the appendix.

Further attempts may be made to resolve the matter informally, depending upon the nature of the complaint. However, if the employee is not satisfied with the outcome, they can insist on the matter proceeding formally.

Formal Grievance Meeting

An appropriate manager, normally someone more senior to the employee who has raised the grievance, will be appointed to establish the facts and give full consideration to the grievance to determine the outcome. The grievance manager will not have had any involvement with the matter being raised and where feasible, they will be in the same employee group, e.g. academic or professional services, as the employee who has raised the grievance.

A meeting will be arranged without unreasonable delay for the employee to fully state their case and how they think it should be resolved. This meeting will form part of the investigation and will normally take place within ten working days of receiving the grievance.

Investigation

It is important that necessary investigations are carried out thoroughly and without unreasonable delay. In some cases, this may require holding investigation meetings and in other cases the investigation may involve collation of documentary evidence only, depending upon the nature of the grievance.

If the grievance is against another employee(s), the grievance manager should speak directly with them to make them aware that they are the subject of a grievance and share the written grievance.

The grievance manager may wish to interview other people in connection with the grievance and this will be done through separate meetings. If interviews with others are to take place, the employee should be informed of this and advised when they might reasonably expect a decision.

The grievance manager may wish to meet with the employee again to clarify any points before concluding the investigation.

Outcome of the Grievance

Once the grievance manager is satisfied that all of the facts have been established they will give full consideration to the case in order to reach a decision.

The grievance manager will notify the employee of the outcome within ten working days of concluding the investigation, unless otherwise advised. Wherever possible the grievance manager will inform the employee verbally of the outcome and follow this up in writing. The written response will include reasons for the decision and will include notes of any investigation meetings and any other evidence that was gathered. If the grievance has been against another employee(s), they will also be advised of the outcome.

It may be appropriate for the grievance manager to make recommendations about any proposed courses of action as a result of the grievance.

The outcome of an investigated grievance may lead to disciplinary action being taken in line with the Disciplinary Policy and Procedure. If a grievance is found to be vexatious or malicious, or where there is a continued pattern of unfounded complaints by the same employee, this may also give rise to action under the Disciplinary Policy.

Stage 3 - Appeal

Employees have the right to formally appeal against the outcome of the grievance if they are dissatisfied with it.

Timing

- 🕒 An employee may appeal against the outcome within ten working days of being notified of the decision. The appeal should be made in writing to the next level of manager or to HR. The appeal will then be heard within a reasonable timeframe, normally within ten working days from the date of receipt of the appeal.

Grounds	<ul style="list-style-type: none"> ☑ The letter should state the specific areas which the employee remains dissatisfied. ☑ The appeal process is not a re-hearing and grounds of appeal will normally be due to: <ul style="list-style-type: none"> • New evidence coming to light which was not previously available at the time the decision was made or which was unreasonably withheld (other than by the employee) and which could have materially affected the outcome. • A flaw in the procedure which could have influenced the final outcome. • Where the outcome does not appear appropriate based on the evidence.
Appeal Manager	<ul style="list-style-type: none"> ☑ An appropriate manager, in most cases this would be a manager more senior to the grievance manager and who has not previously been involved in the case will be appointed to hear the appeal. ☑ The appeal manager will be given all of the material considered by the grievance manager, along with the outcome and appeal.
Appeal Hearing	<ul style="list-style-type: none"> ☑ At the appeal hearing, the employee will be given the opportunity to state their appeal. ☑ Where appropriate the grievance manager will have an opportunity to explain their reasons for their decision. ☑ The appeal manager may adjourn the meeting to make further investigations or seek advice/further information if necessary ensuring that they inform the employee of any additional information that is considered. ☑ The appeal manager will make a final decision and will notify the employee of their decision in writing within five working days of the appeal hearing, unless otherwise notified.
Further action	<ul style="list-style-type: none"> ☑ There is only one level of appeal within the University and therefore the decision taken following the appeal is final.

Potential Outcomes of the Formal Stages

The following are potential outcomes of the formal stages of the grievance procedure:

- ☑ Grievance not upheld
- ☑ Grievance partially upheld
- ☑ Grievance upheld

Where the grievance is upheld fully or in part, appropriate actions will be determined as a result of the grievance. Recommendations can still be made, where appropriate, even when a grievance is not upheld in order to prevent similar complaints being raised in the future.

Collective Grievances

Where attempts to resolve a matter informally have not been successful by employees with identical grievances, they can be raised via a collective grievance procedure. All of the employees raising the collective grievance must be in agreement to do this and be named on the grievance statement. In the event of a trade union raising a collective grievance on behalf of their members, individual members need not be named on the grievance statement. There will be one grievance meeting and (if applicable) one appeal hearing.

Any employees who are not represented by a trade union can nominate one spokesperson to act on their behalf at the meetings.

If there is not full agreement to this arrangement, if the grievances are not identical or if any of the employee's wish their trade union to represent them on an individual basis, the grievances will be managed individually.

Following conclusion of the formal grievance process, all employees will be notified in writing of the outcome. If some employees wish to appeal the outcome and others are satisfied with the outcome, the appeal should clearly identify those who are withdrawing from the process and those wishing to pursue an appeal.

Related Policies

- ✔ Disciplinary Policy and Procedure
- ✔ Public Interest Disclosure Policy

Document Control

Author	Human Resources
Date First Approved	1 October 2015
Last Review Date	March 2018
Review Frequency	2 years or as appropriate - an initial review will be undertaken after 6 months.

Appendix – Grievance Statement

You may find it helpful to complete this form if you wish to raise a formal grievance under the Grievance Policy and Procedure. Once you have completed the form, please email it to your manager. If your grievance is in relation to your manager, please email the form to another manager or HR.

Employee Details

Full Name:

School/Service:

Manager:

Nature of Grievance

It is impossible to give a complete list of all of the issues that might give rise to a grievance, but some of the more common issues relate to: Bullying and Harassment, application, or interpretation, of terms and conditions of employment, Health & Safety, Relationships at work, New working practices and Organisational change.

Please provide the specific details of your grievance and attach any relevant documentary evidence; justification; dates and names of witnesses.



Attempt at Informal Resolution

Blank area for recording the attempt at informal resolution.

Proposed Solution

Blank area for recording the proposed solution.

Agreement to Disclose Information

Please note that in order to fully investigate your complaint, this form may be shared with any named persons or witnesses to give them a fair opportunity to respond.

Signature _____ Date _____