Title: Grievance Procedure  
Date: 12/11/2015

1.0 Purpose

The objective of this procedure is to provide an opportunity for an employee to raise formally an individual grievance on matters relevant to his/her employment or conditions of service where the normal and customary channel of discussion with their direct supervisor has been unable to resolve the issue.

2.0 Description

An individual grievance will be examined as quickly as possible by the immediate supervisor, where the immediate supervisor is the subject of the grievance the matter will be considered by a higher authority. Both parties should endeavour to reach agreement at as early a stage in the procedure as possible. Any remedies or recommendations for future action will be clearly stated, but in any event within 10 working days.

a. At all stages of the procedure the employee will be given the opportunity to state his or her case and have the right to be accompanied by a representative of a recognised Trade Union and/or University colleague.
b. Upon receipt of a grievance the appropriate manager should carry out an investigation to establish the facts promptly. A clear written record should be made of the issues raised and discussed and furthermore an accurate record of the matters still in dispute should be made for the next stage of the procedure.
c. The Grievance Procedure provides a mechanism to solve problems and no employee shall suffer any form of victimisation as a result of raising a grievance under this procedure.
d. Panels convened to hear the grievance at Stage 3 should reflect an appropriate gender balance.
e. Anyone who is responsible for hearing a grievance should receive appropriate training, including training in equality of opportunity as issues relating to discrimination may be identified under this procedure. If this occurs the case should be referred to the Director of Human Resources for investigation and action.
f. Nothing in this procedure may be construed as diminishing an employee’s rights in law.
2.1 Procedure

Stage 1
Where a member of staff is aggrieved on a matter relevant to his/her employment or conditions of service, the individual shall in the first instance discuss the matter with the immediate supervisor making it clear that he/she is invoking the first stage of the grievance procedure. The Supervisor will provide a response to the individual within 10 working days.

Stage 2
If the matter remains unresolved, or if no response is received, the employee may raise the matter in writing with the Head of School/Unit who will reply in writing, normally within 10 working days of being notified of the grievance. Before replying the Head of School/Unit should consult a member of the Human Resources Office who may attend a grievance hearing if appropriate.

Stage 3
If the matter still remains unresolved, or if no response is received, the aggrieved member of staff may report the grievance in writing to the Human Resources Office which will make arrangements for the grievance to be heard.

The meeting will normally be held within ten working days of the grievance being raised with the Human Resources Office. The panel will normally include the Director of Human Resources (or nominee), the appropriate Dean or Head of School/Unit, and will be chaired by a member of the Governing Authority not employed by the University.

The decision of the panel will be final and will be notified to the employee in writing, normally within 10 working days of the complaint being heard.

It is noted that all stages of the above procedure will normally be exhausted before other action is taken by an employee.

3.0 Responsibilities

<table>
<thead>
<tr>
<th>Name</th>
<th>Responsibility</th>
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<tbody>
<tr>
<td>Director of Human Resources</td>
<td>Policy Owner&lt;br&gt;Participate as Panel Member at stage 3 of the process</td>
</tr>
<tr>
<td>Employee</td>
<td>Where a member of staff is aggrieved on a matter relevant to his/her employment or conditions of service, the individual shall raise the matter in accordance with the Grievance Policy and stages outlined therein.</td>
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<tr>
<td>Line Manager</td>
<td>At stage 1 where a matter is raised with a Line Manager, he/she will provide a response to the individual within 10 working days. The matter should be examined as quickly as possible by the immediate supervisor. A clear written record should be made of the issues raised and discussed and furthermore an accurate record of the matters still in dispute should be made for the next stage of the procedure.</td>
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<tr>
<td>Human Resources Office</td>
<td>Ensure anyone who is responsible for hearing a grievance should receive appropriate training, including training in equality of</td>
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<tr>
<td>Role</td>
<td>Responsibility</td>
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<tr>
<td>Head of School /Unit</td>
<td>If a matter remains unresolved, or if no response is received, the employee may raise the matter in writing with the Head of School/Unit who will reply in writing, normally within 10 working days of being notified of the grievance. Before replying the Head of School/Unit should consult a member of the Human Resources Office who may attend a grievance hearing if appropriate. Participate as Panel Member where required.</td>
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<tr>
<td>Governing Authority Member</td>
<td>Chair panel where required</td>
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**4.0 Attachments & Links**

- Principles of Natural Justice (Appendix 1, below)
- [Employee Assistance Service](#)
Guidance Note on the Principles of Natural Justice

The principle of “natural justice” is recognised at law and is given constitutional protection amounting to a constitutional right. The effect of this protection is to guarantee the basic fairness of procedures.

It is imported into the employment relationship, by implication or explicitly (where there are certain agreed procedures laid down between the employee, employer/management and the trade union). In simple terms, the principle means that the employer/management must apply fair procedures and act reasonably at all times, particularly with regard to a disciplinary investigation concerning the employee. This means that if a case has potential disciplinary consequences, including and up to dismissal, the employer must do the following:

- Present the full and all allegations whether oral/written against the employee.
- Afford the employee a right to representation if they so wish, be that with an agreed union or, a University colleague.
- Allow the employee to state his/her case, by way of reply.
- Hear the case being made by the employee.
- Only form a judgement after all the facts disclosed have been considered.

The principle of natural justice can extend further in appropriate circumstances, and for example:

- Giving the employee sufficient time to prepare for any hearing/meeting.
- Allowing him/her to call witnesses on their behalf and the right to be shown any relevant documentation or written accusations that the management have in their possession.

Failure by management to grasp the importance of procedural fairness in their handling of disciplinary issues can lead to the accusation that any subsequent decision is seriously defective and open to challenge either by way of appeal or through the Industrial Relations Institutions or Civil Courts.

These principles are more vital where the stakes are higher, for example, where dismissal is a potential outcome or where a final written warning is involved. Another simple way to consider the issue is to ask yourself if it were you being subjected to a disciplinary investigation by your employer, what rights would you like to see yourself exercise? In other words, put into practice the familiar maxim, “Do unto others as you would have them do unto you.”

Therefore, to put the principle another way, the employee is entitled to the following:

- To be presented with the entirety of the case - good, bad or indifferent - being made against them in writing where possible and in a timely fashion.
- To be afforded adequate time to consider those allegations.
- To be given an opportunity to reply to same.
To have such representations heard in an impartial manner by the management (this could mean that the manager may not be the appropriate person if the allegation concerns matters between the parties personally involving this manager). For example, where the allegation is that the particular employee abused their manager personally, then the manager is not the person who should investigate the subsequent disciplinary enquiry. This flows from the simple maxim that says, “Nobody should be a judge in their own case.”

Managers, when confronted with complaints, would be well advised to seek advice from their Human Resources Department and to follow any established or written guidelines laid down between the employer and employee/trade union. [The Personnel handbook/website contains the relevant employment procedures] It does not matter if the employee concerned is not a member of any union; the principles of natural justice still apply. Therefore, they should still be afforded the rights of representation if they so wish, which could be a colleague or fellow worker or, again, a lawyer if the matter concerns a potential criminal matter. Do not rush to judgement. Take time to consider the case, be fully informed before a decision is made and resist any pressure to reach a quick decision. Employees can always be suspended on full pay and kept away from the place of employment while investigations are being carried out, where appropriate, suspension in these circumstances is purely precautionary.

Whilst the principles of “natural justice” are important, particularly at the end of a process such as dismissal, they are less critical in minor or trivial matters such as the first incidence of poor time keeping or the first incidence of absenteeism. These matters should technically be dealt with by way of counselling.

When management is moving towards any class of warning, they are well advised to follow all the principles of “natural justice” as outlined above. Applying these principles protect the management in the final analysis as it ensures the decision reached was the right and fair one in the circumstances and, therefore, it is much less likely to be challenged successfully in any arena – be it in the Industrial Relations Institutions to the Courts.