GRIEVANCE RESOLUTION PROCEDURE

HUMAN RESOURCES
GRIEVANCE RESOLUTION PROCEDURE

AIM

The University of Essex aspires to create a supportive workplace where there is open and honest discussion and fair and transparent procedures. Where issues arise, we expect employees and line managers to do their best to settle them promptly and as close to the source as possible, usually at Departmental level. The formal grievance procedure sets out the process to follow where it has not been possible to resolve things informally. The aims of the formal process are to ensure effective communication between parties, a fair hearing for those bringing a grievance, and an appropriately quick resolution.

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GUIDELINES FOR DEALING WITH BULLYING AND HARASSMENT
**INTRODUCTION**

1. **INTRODUCTION**

1.1 It is the University’s aim that all employees feel able to raise concerns about their employment and have them dealt with promptly and fairly. As issues arise, they should be raised with the individual concerned and resolved quickly without recourse to formal proceedings. However, where this is not possible, this procedure provides employees with a means to resolve complaints promptly, fairly and consistently.

Where possible, issues of concern to individuals should be resolved informally without recourse to formal procedures.
2. SCOPE AND EXCLUSIONS

2.1 The University’s grievance procedure applies to all permanent and fixed-term employees. Some employees may also have the option to use the procedures under Ordinance 41. Ordinance 41 applies to academic staff, the Registrar and Secretary, the Librarian, and professional services staff grade 7-11 employed before September 2016. It is expected that these employees would normally use Stages 1 and 2 of this procedure before applying to the Vice-Chancellor for redress.

2.2 Employees may use this procedure to seek resolution of any problem or grievance in relation to any employment-related issue. Matters which are outside the authority of the University are excluded e.g. rules of pension schemes, income tax and national insurance. Some other areas are excluded because there are separate processes and have their own rights of appeal:
- Issues relating to capability or discipline.
- Complaints about harassment and bullying.
- The process for managing structural change, including dismissals on the grounds of redundancy.
- Job grading decisions e.g. HERA.
- Decisions of Academic Staffing Committee.

2.3 If the subject of a grievance relates to the handling of personal information, the Information Assurance Manager should be involved at an early stage.

2.4 Generally, problems that can lead to a grievance fall into other or both of two main categories:
- Management decisions: taken by an employee’s line manager or Head of Department which personally affect the employee, for example, decisions on workload.
- The behaviour of a colleague or colleagues: for example, when an employee has considered that a colleague has acted in an unreasonable way towards them.

2.5 References to “manager” in this procedure refer to those with management responsibility for others and to the appropriate officer as set out in this procedure.

3. TIME LIMITS

3.1 It is important that concerns and potential grievances are dealt with promptly. Individuals should raise concerns as soon as possible and within 28 days of the occurrence. If the grievance is being raised as a result of a series of incidents going back further than 28 days but reaching a point where an individual feels it necessary to take a grievance, then reference can be made to the full history. However, prompt action ensures that issues do not escalate and become more difficult to resolve, potentially causing individual distress. Grievances submitted after 28 days could be considered in exceptional circumstances, for example if the individual has been on sickness absence.

3.2 The formal procedure sets time limits for each stage to ensure that problems are resolved as quickly as possible. Time limits may be extended by mutual agreement at any stage but all parties should make every effort to resolve things in a prompt manner.

4. ROLE OF MANAGERS

4.1 When considering a complaint or grievance, it is important that line managers:
- Avoid a defensive attitude and passing judgement too quickly.
- Listen carefully and give proper consideration to the concerns raised.
- Explain the grievance procedure and the support available to the individual raising the grievance, involving the link HR manager/officer where necessary.
- Seek to resolve the issues as quickly as possible – concerns that are allowed to fester can become more difficult to resolve and have a negative impact on the health and well-being of the individual raising the grievance but also the wider team.
- Provide an explanation to the individual raising the grievance of decisions reached.

5. GOOD FAITH

5.1 A grievance will be assumed to have been made in good faith unless there is evidence to the contrary.

5.2 Should a grievance be unfounded this is not in itself a reason to conclude that it was not made in good faith.

5.3 Should it be found that a grievance has been made maliciously or in bad faith, it will be dismissed and disciplinary action may be taken against the individual. A grievance made maliciously is considered gross misconduct and could result in dismissal.

5.4 It is expected that those raising a grievance using these procedures will refrain from initiating industrial action arising from their grievance until these procedures have been exhausted, or they have an honestly held belief that the procedures have failed to resolve the grievance effectively, or in a timely manner.

6. REPRESENTATION

6.1 Employees have a right to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union at any stage of the grievance procedure. Advice should be sought from a HR Manager/Officer at all stages of the formal grievance procedure.

7. RECORDS

7.1 Records of grievance cases will be placed on the individual’s personal file.

8. COLLECTIVE GRIEVANCES

8.1 Where a group of employees 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 or a trade union representative. The procedure will be followed as for individual grievances, and communications will normally pass through the appointed spokesperson or trade union representative. In such cases, it is not necessary for all those involved to be present at meetings, and appropriate representative numbers should be agreed at each stage.

8.2 The collective grievance can be submitted on one document but it must:
- Identify you and each of your colleagues who wish to raise the grievance
- State that you have all voluntarily consented to make a collective grievance
- Confirm that you understand that the grievance will give each of you the right to only one collective grievance meeting, one identical outcome and (if applicable) one appeal meeting and one identical appeal outcome.

8.3 The issue should be raised with the manager(s) responsible for the employees concerned.

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This procedure complements Ordinance 41, providing more opportunities for individuals to have their grievance heard and resolved.

Grievances must be raised in relation to any workplace problem or concern, with some exclusions.

Grievances can be raised in relation to any workplace problem or concern, with some exclusions.

The role of the line manager is crucial – avoiding a defensive attitude and listening carefully to the concerns raised may help to resolve the issue promptly and informally.

Employees have the right to be represented at any stage of the grievance procedure.

It is possible for a group to take a collective grievance but this will give the right to only one collective grievance meeting and one outcome.
9. INFORMAL RESOLUTION

9.1 The overall aim is that, wherever possible, problems should be resolved locally and informally. Nonetheless, an employee has the right to pursue a grievance formally.

9.2 Employees should discuss any concerns or complaints informally with their manager in the first instance. If the concerns are about the line manager, it may be appropriate to involve their manager or a more senior employee but it would be preferable to raise issues first with the individual concerned. Employees may also discuss the matter with their trade union representative. Concerns may be set out verbally or in writing.

9.3 Line managers involved in this informal stage have a responsibility to take concerns seriously and to seek to find resolution. It is important that line managers do not become defensive at this early stage or pass judgement too quickly.

9.4 Line managers should take advice from the link HR Manager/officer at the earliest stage. The link HR Manager / officer should always be involved where they become aware of any case involving a breach of the law, or which appears as if it may result in an individual being subject to a formal disciplinary sanction.

9.5 Line managers hearing a grievance should arrange a meeting with the individual as soon as possible to go through concerns in detail, with the aim of responding within 14 calendar days of the initial complaint.

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10. STAGE ONE – MANAGER

10.1 If it has not been possible to resolve a grievance informally, employees may make a formal grievance.

10.2 A written statement outlining the basis for the complaint with any evidence should be submitted to the link HR manager / officer. If the grievance is about the line manager, then it may be submitted to their manager.

10.3 The statement should set out the issues in a concise manner (two A4 sides is usually sufficient). It should cover:

• The nature and grounds of the grievance, including the detriment suffered by the individual.
• The name(s) of any individual(s) being complained of.
• The evidence for the grievance – either in full or summary form. This should include references to documents and, where appropriate, details of incidents and names of witnesses.
• The resolution being sought e.g. an apology, a change to a management decision.

10.4 It is the responsibility of the individual bringing the grievance to provide evidence – it is not for the person hearing the grievance to try and find evidence. If evidence is not provided by the aggrieved, then the grievance is unlikely to be upheld.

10.5 The line manager will arrange a hearing to take place within 21 calendar days of the complaint. The line manager may, at this stage, request additional evidence to be provided.

10.6 Written statements together with oral representations will be considered as appropriate. The manager will arrange for a summary note or recording to be taken at the meeting and for this to be shared. A member of HR will be present.

10.7 An individual who is the subject of a formal grievance has the right to see the allegations against them in full and have the opportunity to respond. Therefore, the employee submitting a grievance automatically gives permission for anyone named in the grievance to be given a copy of the grievance (suitably redacted to remove personal information about others). The individual(s) to whom the grievance refers (if applicable) will be asked to provide a written response within 14 calendar days. This will be shared with the individual raising the grievance at least 7 calendar days in advance of the meeting.

10.8 The employee has a right to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union at the hearing. If the chosen companion is not available at the time of the hearing, then the employee must rearrange the hearing for a time that is reasonable and not more than 5 working days after the original date. If this cannot be done, then the hearing will take place at the original time proposed.

10.9 The line manager should give a decision to the employee as soon as possible, and in any case within 14 calendar days of the hearing. For complex grievances this may be longer and if this is the case the employee must be notified and told when a response can be expected.

11. STAGE 2 - APPEAL TO THE NEXT LEVEL

11.1 If the employee remains dissatisfied with the outcome of the hearing and wishes to pursue the matter further, they may raise the grievance with the next level of management.

11.2 The Head of Section or Executive Dean, in consultation with the link HR manager / officer, will appoint an independent senior manager (e.g. a Head of Department from another Faculty (academic) or senior manager from another Department) to form part of a panel and will arrange for a hearing to be held promptly and within 21 calendar days. Written statements from both the manager and the employee will be considered, together with oral representations as appropriate. The manager involved in the previous stage will need to attend the hearing, if possible.

11.3 The Head of Section or Registrar and Secretary or Executive Dean should give a decision to the employee as soon as possible and within 14 calendar days of the hearing, indicating how and why the decision was reached. If this is not possible, the employee will be informed within the 14 day period of the reason for any delay and when a response can be expected.

12. ORDINANCE 41

12.1 Some employees have the right to take a grievance through the procedures set out in Ordinance 41. This would include academic staff, the Registrar and Secretary, the Librarian, and any professional services staff at grades 7 – 11 employed before October 2016.

12.2 Ordinance 41 provides for individuals to apply in writing to the Vice-Chancellor for redress of their grievance once other remedies have been exhausted. This would mean that individuals will usually need to go through Stages 1 and 2 of this grievance process before any appeal to the Vice-Chancellor.

12.3 The Vice-Chancellor may then take one of the following options; full details in Ordinance 41:

• Dismiss the matter if he or she considers that the matter has been finally determined under separate processes in Ordinance 41 for disciplinary action, removal for incapacity on medical grounds, or regarding an appeal, or if grievance is trivial or invalid.
• Refer action until a determination has been made on a disciplinary matter, removal for incapacity on medical grounds, or an appeal.
• Decide to deal with the matter informally.
• Refer the matter to a Grievance Committee.

Grievance hearings must be held promptly – the aim is to resolve the concern before matters worsen and relationships are damaged.

An individual who is the subject of a grievance must be able to see the allegations against them and be able to respond.

If the employee bringing the grievance is dissatisfied with the outcome at Stage 1, they may take their grievance to the next level of management.

Refer the matter to a Grievance Committee.
ANNEX A:
RESPONSIBILITIES OF MANAGERS AND EMPLOYEES UNDER THE GRIEVANCE PROCEDURE

<table>
<thead>
<tr>
<th>STAGE</th>
<th>EMPLOYEE</th>
<th>MANAGER</th>
</tr>
</thead>
<tbody>
<tr>
<td>INFORMAL</td>
<td>Employee raises initial concern as soon as possible with their manager.</td>
<td>Meets with the employee as soon as possible with a view to resolving within 14 calendar days.</td>
</tr>
<tr>
<td>STAGE 1</td>
<td>Written grievance with evidence submitted to their manager.</td>
<td>Arrange a hearing to take place within 21 calendar days of receipt of the complaint. Evidence to be submitted by the employee, with oral representations as necessary. Summary note to be taken and shared. Written response to the employee within 14 calendar days.</td>
</tr>
<tr>
<td>STAGE 2</td>
<td>Appeal to the next level of management within 7 calendar days. Written appeal sets out details of nature of the grievance and why they remain dissatisfied.</td>
<td>Arrange a hearing to take place within 21 calendar days of receipt of the complaint. Written response to the employee within 14 calendar days.</td>
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