

HR Services

Staff Grievance Procedure

Part of the UEL Employee Handbook

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Staff Grievance Procedure

1. Introduction

1.1 The provisions of this procedure are in accordance with arrangements set out in the ACAS code of practice. ACAS guidelines define grievances as "concerns, problems and complaints that employees raise with their employers."

1.2 This procedure applies to all staff who are directly employed by the University of East London (UEL) not to e.g. agency workers or self-employed contractors.

1.3 This procedure will not apply where the problem concerned is covered by a specific alternative procedure. If there is any uncertainty about which procedure does apply, the Director of HR Services (or nominee) will decide.

1.4 All information and disclosures made under this procedure will be treated in confidence and in accordance with the university's legal obligations to include the General Data Protection Regulation (GDPR).

1.5 This procedure refers to timescales in calendar days and these periods specifically exclude bank and public holidays and UEL closure periods.

1.6 Staff may wish to seek support from the Dignity Advisor Network, which is a core group of staff that can provide support, be a listening ear and signpost to relevant reporting processes. Details can be located within the Dignity at Work policy.

2. Key Principles

2.1 UEL is committed to creating a positive working environment and promoting effective working relationships. UEL encourages open and transparent communications so that difficulties arising during employment can be resolved quickly and fairly. The grievance procedure is not a substitute for good day to day communication where staff are encouraged to discuss and resolve working issues daily. It is expected that the majority of issues will be resolved through discussion or through the use of mediation without recourse to formal procedures. The HR Services team can provide advice and guidance on resolving issues informally.

2.2 A formal grievance will not normally be accepted where no prior attempt has been made to resolve the issue through informal means.

2.3 Grievances should normally be dealt with informally and promptly within the School/College/Service management structure. However, in exceptional cases, in order to resolve a grievance, it may be appropriate for a relevant manager from outside of the School/College/Service to be appointed by the Director of HR Services (or nominee).

2.4 No action will be taken against staff who raise a grievance in good faith. UEL reserves the right however if on investigation, the grievance is demonstrated to be vexatious or malicious and without any reasonable foundation, or where there is a continued pattern of unfounded complaints by the same employee, to instigate disciplinary proceedings.

2.5 An employee has the statutory right to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union at the formal stages of this procedure (stage two and three). An employee may be accompanied by a friend acting in a non-legal capacity or a trade union representative during the informal stage (stage one). They may ask questions and make representations but should not answer questions on the employee's behalf. A HR Business Partner (or nominee) may also attend all stages to provide advice.

2.6 If a worker's chosen companion will not be available at the time proposed for the hearing by UEL, UEL will postpone the hearing to a time proposed by the worker, provided that the alternative time is both reasonable and normally not more than seven calendar days after the date originally proposed.

2.7 All staff relevant to the grievance must cooperate fully and promptly with any investigation including informing the manager in a timely manner the names of any relevant witnesses, disclosing any relevant documents and attending any interviews. However, if, for any reason, the employee raising the grievance decides not to cooperate, the manager (depending on the circumstances) may decide to treat the grievance as having been concluded. In these cases, the manager will confirm the position to the employee in writing.

2.8 All grievances must be raised within 12 weeks of the issue or event unless there are exceptional justifiable reasons for not doing so. This will be determined by the Director of HR Services (or nominee).

2.9 New complaints or evidence may not be introduced at the formal stage, unless there are specific reasons why they were not raised informally first.

2.10 Whilst the process should be expedited as quickly as possible, due to the complexity and specific nature of the case, timescales may be extended, in which case all relevant parties should be kept informed. Unless there are exceptional circumstances, commitment should be given to conclude the outcome of a formal grievance investigation within a 4-week timescale.

3. Detail of Procedure

3.1 Stage One – Informal Resolution

3.1.1 Most grievances can be resolved quickly and informally through discussion with the immediate supervisor or line manager. Accordingly, UEL expects a staff member to attempt, in the first instance as far as is reasonably practical and appropriate, to raise issues informally with their immediate line manager. If this is not possible, then issues should be raised with a more senior manager who will ensure the complaint is addressed appropriately at this stage.

3.1.2 It is the manager's responsibility to discuss the employee's concerns in confidence with her/him, and attempt to address the concerns fairly and promptly, which may include the manager needing to make further enquiries before reaching a decision. The manager should notify the individual of the outcome orally or in writing. It is hoped and expected that most cases will be resolved at this stage.

3.1.3 If the grievance is not resolved successfully, the staff member should advise their line manager within 14 calendar days of receipt of the oral or written outcome.

3.1.4 Where reasonable attempts to resolve the complaint have been made and the informal stage has been unsuccessful, or circumstances make the informal stage inappropriate, the employee can raise a formal grievance by completing the Grievance Notification Form, to be pursued at Stage Two.

3.2 Mediation

3.2.1 At any stage in this procedure, UEL or the employee may request that the matter be dealt with via mediation. In such circumstances, the Director of HR Services (or nominee) should be consulted and if all parties are in agreement the grievance procedure would be put on hold. Mediation offers support to resolve interpersonal disputes between parties, and can be particularly effective where a relationship has broken down between colleagues. Where both parties are in agreement with this option, trained independent mediators can facilitate this process.

3.2.2 Mediation is optional and strictly confidential. If no mutually acceptable solution is reached through mediation then the grievance procedure will be reconvened from the stage it was put on hold.

3.2.3 If the mediation process achieves an outcome agreeable for all parties then the formal grievance process can be closed, with this being confirmed to the employee in writing.

3.3 Stage Two – Formal Grievance

3.3.1 The employee should submit their written grievance, on the grievance form, with relevant supporting documentation, to either their line manager or other senior manager within 14 calendar days of receipt of notification of the outcome from the informal stage of the procedure. The employee should state that they wish for the matter to be considered under the formal process. If this grievance form is not submitted or is incomplete, then the matter will be referred back to the employee and the grievance process will not commence until sufficient information is provided, using the correct format (i.e. the Grievance Form).

3.3.2 Following receipt of the written grievance, an investigation into the detail of the grievance will be conducted by an appropriate manager, as advised by the Director of HR Services (or nominee), e.g. the investigation would normally be carried out by the line manager's manager.

The investigation will normally involve a meeting with the complainant within 14 calendar days of receipt of the formal written grievance, after which the manager, in consultation with HR Services, will decide how best to proceed based upon the specific issue(s) raised. The manager will receive guidance from HR Services on how to conduct the investigation.

There are two routes:

Stage Two Route 1 – Formal Investigation

3.3.3 A formal investigation will either be carried out by the manager of the staff member raising the grievance, or where deemed necessary another nominated manager. The investigation will be impartial and objective and may include:

- i) Gathering relevant information by interviewing the complainant, the person(s) against whom the complaint has been made, any supervisor/line manager who has been involved in earlier stages and any witnesses
- ii) Gathering relevant documentary evidence and taking statements, as appropriate.
- iii) The production of an investigation report summarising the key facts.

3.3.4 Following the investigation, the manager considering the grievance will decide what action, if any, to take, which may be one of the following:

- a) The complaint should be upheld and further action will be taken as a result of it.
- b) The complaint should not be upheld, and no further formal action will be taken.
- c) The complaint is partially upheld and appropriate action will be taken as a result of it (this could include where a number of complaints were made within the grievance but not all were upheld).

3.3.5 The manager will confirm to the staff member raising the grievance, the decision in writing by letter, and the right of appeal in accordance with UEL's Staff Appeal Policy, within 14 calendar days of the grievance meeting. If the grievance was against another employee, she/he will also be notified of the decision. The manager will ensure any specified action taken is implemented, monitored and reviewed as appropriate.

Stage Two Route 2 – Grievance meeting

3.3.6 In some cases it might be appropriate to hold a grievance meeting with the aggrieved individual and the person against whom the complaint has been made (i.e. hold a stage two grievance meeting). Both parties will be informed by the investigating manager (para 3.3.2 refers) of which process will be followed.

3.3.7 If it is decided that a Stage 2 meeting will take place, the manager with advice from HR Services, will decide who is best placed to hear the stage 2 grievance. It could be the investigation manager or another appropriate manager.

3.3.8 The procedure for a stage two grievance meeting can be found in Appendix 4. A summary record of the meeting will be taken by a note-taker and will be provided in the outcome letter. The staff member, their trade union representative, or work colleague may also take their own notes at the meeting.

3.3.9 Following the grievance meeting the manager who chaired the stage 2 meeting will confirm to the employee the decision and their right of appeal, as per para 3.3.5.

3.3.10 In certain circumstances during the investigation it may become apparent that it is more appropriate that the formal Staff Disciplinary Procedure is invoked, for example, where there is evidence following investigation that misconduct has potentially been carried

out by the person whom the grievance allegation is against. In such circumstances consideration would be given to the resolution sought by the employee.

4. Stage Three - Appeal

4.1 If the complainant is dissatisfied with the outcome of Stage Two and the matter is not resolved they must complete the UEL Appeal form and send it to the HR Business Partner within 14 calendar days of receipt of the written outcome of Stage Two.

4.2 Please refer to UEL's Staff Appeal Policy for guidance on how the staff member's grievance will be dealt with.

5. Clarification of associated matters

5.1 Where a staff member raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

5.2 This procedure shall not apply to any grievance raised by a member of staff after termination of their employment, and shall cease to apply if, during the course of the procedure, employment terminates. In such circumstances, the Grievance procedure for former staff members will apply (see Appendix 8). Note: if the Director of HR Services (or nominee) agrees the process is sufficiently advanced prior to termination of employment, the internal grievance procedure can conclude.

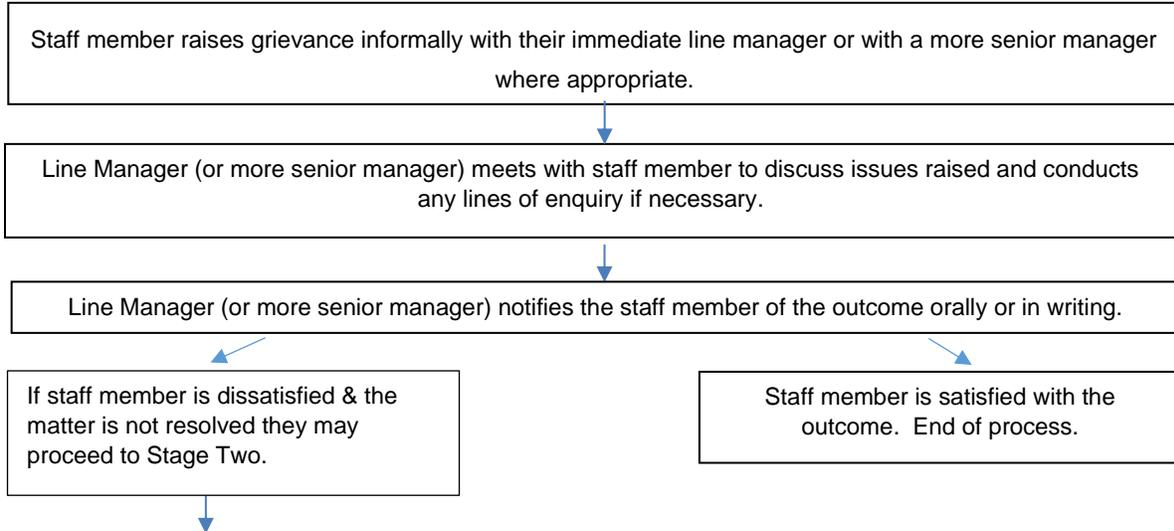
5.3 The Dignity at Work and Study policy may be used for issues or concerns in relation to bullying, harassment and victimisation. These matters will be formally investigated using the Staff Disciplinary procedures.

5.4 Collective grievances should be addressed using the Collective Grievance procedure (see Appendix 5).

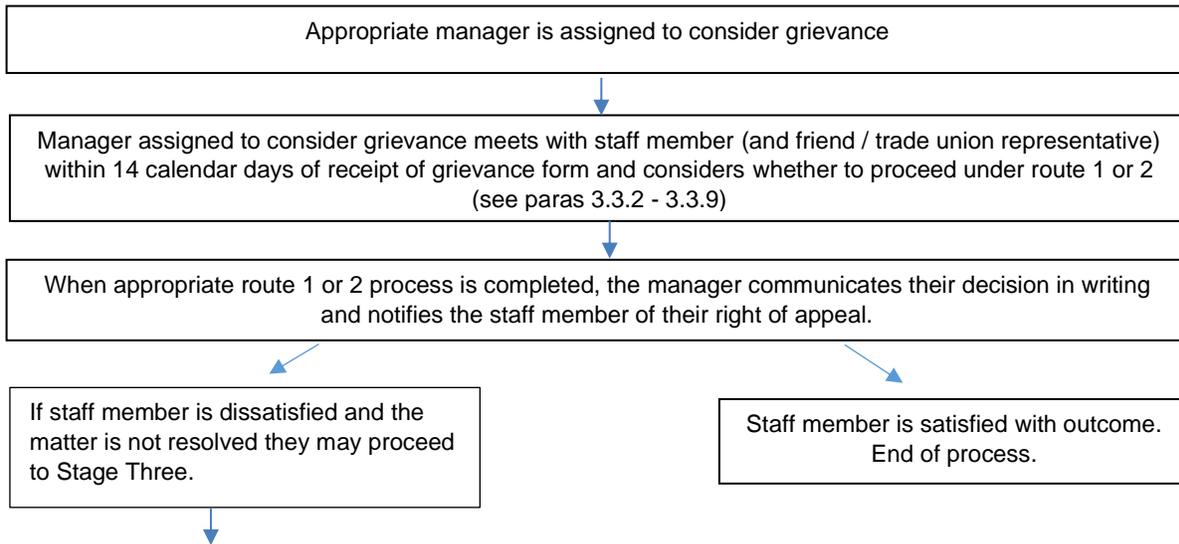
5.5 Grievances against the Vice-Chancellor and President should be addressed to the Registrar and University Secretary (see Appendix 7).

GRIEVANCE POLICY AND PROCEDURE FLOWCHART

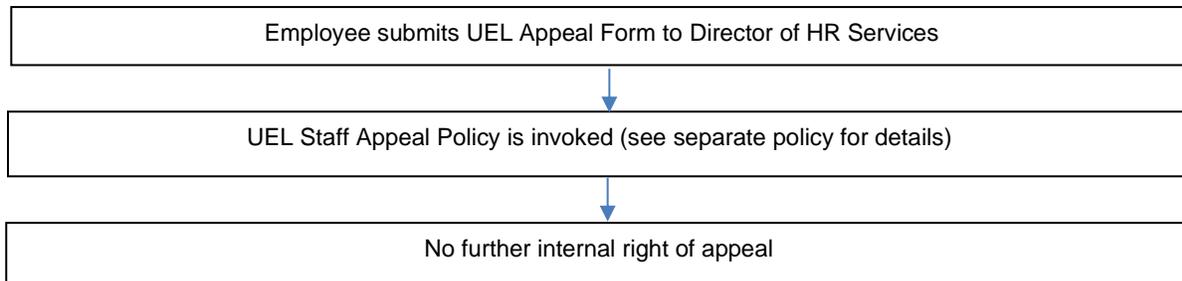
Stage One - Informal Resolution



Stage Two - Formal Grievance



Stage Three - Appeal



NOTIFICATION OF GRIEVANCE FORM

Name				
Job title				
School / Service				
Please describe briefly the nature of your grievance. This should provide sufficient information for the reader to understand the background and circumstances of why you are aggrieved, attach any relevant supporting documents.				
Please confirm what action you have taken to resolve your grievance informally.				
Please outline details of why you are not satisfied that this matter has been resolved informally.				
Please describe the outcome / remedy you are seeking.				
Signature of employee			Date	
Please now submit this form to your line manager or more senior manager, if you feel it inappropriate to submit it to your manager, due to reasons outlined in your grievance.				
Received by			Date	

NOTIFICATION OF GRIEVANCE APPEAL FORM

Name			
Job title			
School / Service			
<p>Please describe briefly the nature of your appeal and include any supporting information you seek to rely upon. Please confirm which of the grounds of appeal is applicable to your case.</p> <p>a) Procedural error or omission b) Decision is deemed perverse c) There is new evidence, of material relevance to the case, which was not available at the grievance hearing.</p>			
Please describe the outcome / remedy you seek.			
Signature of employee			Date
Please submit this form to the Director of HR Services.			
Received by			Date

PROCEDURE FOR STAGE 2 GRIEVANCE MEETING

The purpose of the grievance meeting is for the Chair to decide whether there is sufficient evidence to uphold the grievance(s) raised by the staff member and what action to take in the circumstances to resolve it. The Meeting procedure is as follows:

1. The staff member and the staff member(s) against whom the grievance is raised will be asked in writing to confirm which witnesses and evidence they will bring to the Meeting.
2. The Chair will detail the status of the Meeting, procedure to be followed and will decide how it will be followed.
3. The staff member (or Friend / trade union representative) raising the grievance (s) will put forward the case for the grievance and call witnesses as to the facts. Note: the trade union representative may speak and ask questions but not answer for the staff member.
4. The staff member against whom the grievance is raised will have the opportunity to question the statements made by any of the witnesses.
5. The Chair will have the opportunity to ask questions.
6. The staff member against whom the grievance(s) is raised will put her or his case and call witnesses.
7. The staff member (or Friend / trade union representative) raising the grievance(s) will have the opportunity to question the statements made by any of the witnesses.
8. The Chair may ask questions.
9. Both sides shall have the opportunity to sum up their case.
10. Both parties and witnesses shall withdraw. Both parties may be recalled if clarification on any points is required.
11. The Chair shall make their decision.
12. The Chair will notify both parties of the decision and the reasons for it in writing, normally within ten working days.
13. If the grievance is not upheld detailed reasons as to why this decision has been reached must be given.

COLLECTIVE GRIEVANCE PROCEDURE

1. Where a trade union wishes to raise a collective grievance on behalf of a number of consenting staff members, their trade union representative will complete the Collective Grievance Form (Appendix 5) and send it to the Director of HR Services (or nominee), together with supporting evidence and indicating what resolution to the grievance is sought.
2. The Director of HR Services (or nominee) will forward the request to the staff member's Executive Dean or Director (or nominee). The Executive Dean or Director (or nominee) will arrange to meet the trade union representative informally to discuss the grievance, normally within 14 calendar days of receiving it.
3. After the meeting, the Executive Dean or Director (or nominee) will notify the trade union representative (s) of her or his response as the outcome of the meeting, normally within 14 calendar days of the meeting.
4. If the trade union representative (s) remains dissatisfied with the Executive Dean or Director (or nominee's) decision, she or he should complete the Collective Grievance Form below with supporting evidence, indicating that they wish to pursue a formal grievance against the Executive Dean or Director (or nominee) and what resolution is sought to the grievance. The documentation should be sent to the Director of HR Services, normally within 14 calendar days of receiving the Executive Dean or Director (or nominee's) decision.
5. HR Services will forward the form to another Executive Dean or Director (or nominee), who will hold a meeting to consider the formal grievance; in accord with Stage Two (see section 3.3 above). The Executive Dean or Director (or nominee) concerned will notify the trade union representative(s) of her or his decision regarding the outcome of the meeting, normally within 14 calendar days of the meeting.
6. If the trade union representative remains unsatisfied with the outcome of the meeting, she or he should write to request that the formal grievance proceeds to Stage Three (see section 4, page 7), normally within 14 calendar days of receipt of the written outcome of Stage Two. The written submission should specify the reasons for the appeal and be provided with relevant supporting evidence to the Director of HR Services (or nominee).
7. Please refer to UEL's Staff Appeal Policy for guidance on how the grievance will be dealt with at Stage Three.

COLLECTIVE GRIEVANCE FORM

State whether the grievance is (i) Informal or (ii) Formal	
Name of the trade union representative (s) member raising the grievance:	
State who the grievance is against:	On behalf of (name the staff)
Please provide a summary of the Grievance and attach any relevant supporting documents	
Please describe the outcome / remedy sought	
Signed:	
Date:	
Please submit this form to the Director of HR Services (or nominee)	

APPENDIX 7

Appendix 7 will be updated in due course to reflect the changes to senior titles and the alignment to UEL's Articles of Governance

GRIEVANCE AGAINST THE VICE-CHANCELLOR AND PRESIDENT

1. In accord with UEL's Articles of Government, where a member of staff wishes to raise a grievance against the Vice-Chancellor and President, she or he should complete the Notification of Grievance Form (Appendix 2) and send it to the Registrar and University Secretary (or nominee), together with any supporting evidence and stating the resolution sought. The staff member will have the right to be accompanied by a friend (acting in a non-legal capacity) or a trade union representative at all stages of the process.
2. The Registrar and University Secretary (or nominee) will ask the Chair of our Panel of Governors to nominate a member of the Panel of Governors to meet the staff member and the Vice-Chancellor and President and seek to resolve the matter, normally within 30 calendar days of the grievance being raised. The decision of the Panel member will be notified to all parties, normally within 30 calendar days.
3. If the staff member raising the grievance remains unsatisfied with the Panel member's response, the staff member may proceed to Stage Three of the Grievance Procedure by completing the Notification of Grievance Appeal form (Appendix 3) and sending it to the Registrar and University Secretary (or nominee) in her or his capacity as the Clerk to the Panel of Governors, stating the grievance and providing any supporting evidence and stating the resolution sought. The Registrar and University Secretary (or nominee) will convene a meeting of the Governors' Grievance Panel as soon as possible and normally within 30 calendar days from the date of the receipt of the written notice of the grievance.
4. The Governors' Grievance Panel shall normally consist of three Governors who have not been previously involved in the grievance. The Vice-Chancellor and President, Staff and Student Governors shall not be eligible for membership of the Sub-Committee.
5. The Panel shall appoint a Secretary, who will be responsible for keeping a written record of the decisions made.
6. The Panel will publish annually in advance a schedule of dates upon which the Panel (s) will convene; it will normally be quarterly.
7. The decision of the Panel is final and there is no further right of appeal.

GRIEVANCE PROCEDURE FOR FORMER STAFF MEMBERS

1. A grievance raised by a former staff member must be sent to the Executive Dean or Director of Service (or nominee) concerned within 14 calendar days of the staff member leaving UEL's employment, via completion of the Grievance Notification Form (Appendix 2), otherwise it will not be considered further. It must state the reason(s) why the former staff member did not raise the grievance during his or her employment at UEL or where the grievance was raised during his or employment, why it was not resolved to the staff member's satisfaction.
2. The Executive Dean or Director will consult with their HR Business Partner for advice on whether the grievance should be considered. Where the grievance should have been raised within a timeframe in which it could have been dealt with during the former staff member's employment at UEL, the Executive Dean or Director (or nominee) reserves the right to inform her or him of this and that the grievance will not be considered further.
3. If the Executive Dean or Director decides the grievance will be considered, the former staff member may have their grievance dealt with by either: i) written correspondence, or ii) in person at a meeting.

Written correspondence

4. Subject to the written agreement of the former staff member and the Executive Dean or Director of Service (or nominee), the grievance will be considered by the Executive Dean or Director of Service (or nominee) on the basis of the written grievance without a meeting being convened.
5. In this case, a written response will normally be sent to the former staff member within 30 calendar days of receipt of the former staff member's written confirmation that the grievance may be dealt with on paper. The decision of the Executive Dean or Director (or nominee) is final and there is no further right to raise a grievance.

Meeting with the former staff member

6. If, however, the former staff member wishes to attend a meeting to discuss their grievance, a meeting with the Executive Dean of School or Director of Service (or nominee) will normally be arranged within 30 calendar days of receipt of the written grievance by the Executive Dean of School or Director of Service (or nominee).

7. The former staff member must take all reasonable steps to attend this meeting and will have the right to be accompanied by a friend acting in a non-legal capacity or a trade union representative.

8. The former staff member will normally be informed of the decision in writing within 30 calendar days of the meeting. The decision of the Executive Dean or Director (or nominee) is final and there is no further right to raise a grievance.