

Newcastle University Grievance Procedure

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A Manager’s Code of Practice is available and should be read in conjunction with this procedure before commencing any informal or formal action.

1. INTRODUCTION

This document sets out the University’s procedure regarding individual and group grievances by employees of the University.

Grievances are concerns, problems or complaints that employees raise with their employers. These may be concerns or problems about their terms and conditions, work, or relationships with colleagues or managers.

If an employee raises a grievance after their employment has ended, the grievance procedure may be modified (with the agreement of the former employee) and completed in writing without the need for a meeting to discuss the grievance.

2. SCOPE

This procedure is designed to be compliant with the ACAS Code of Practice and employment legislation.

If the primary substance of the matter raised involves harassment or bullying, then the employee should be referred to the Dignity at Work Code of Practice which specifically deals with those issues.

3. AIM OF THE PROCEDURE

It is the University's aim to set out procedures that encourage good working relationships between colleagues and between employees and management, thereby fostering a positive work environment.

It is expected that most problems concerning an individual employee and their employment will be dealt with in the course of the normal working relationship. Should this fail, this procedure exists to help resolve and deal with grievances, quickly, consistently and fairly.

4. INFORMAL APPROACH TO DEALING WITH GRIEVANCES

Any employee who has a personal grievance should initially discuss it informally with their immediate manager or with any individual to whom the grievance relates. Human Resources may become involved in seeking to resolve the grievance in an informal manner. An employee raising a grievance under this procedure should do so promptly. Where possible, this should be within 10 working days of the substantive incident or action over which the employee feels aggrieved. Raising a grievance after this time period may affect the extent to which the University can carry out an investigation.

A number of support measures are available to help managers and employees resolve problems informally. Staff in Human Resources can advise on appropriate measures. Resolving problems informally as quickly as possible can often prevent any deterioration in working relationships which may ensue as a result of moving to the formal procedure. Managers and employees are strongly encouraged to engage in the informal approach wherever possible.

[Mediation](#) is one support measure which can be effective in rebuilding working relationships and it is most effective when utilised as early as possible.

If the grievance is not resolved, or cannot be resolved satisfactorily using informal mechanisms, the formal procedure should be followed.

5. RIGHT OF REPRESENTATION

Employees are entitled to be accompanied by their trade union representative or a work colleague during any hearings, formal meetings, or appeals relating to this procedure. The trade union representative or work colleague will be allowed to put the employee's case, sum up the employee's case, respond on the employee's behalf to any view expressed at the meeting or appeal hearing, and ask questions on the employee's behalf. However, they will not be allowed to answer questions on behalf of the employee. He/she and the employee will have the right to request reasonable adjournments during any formal meeting to have discussion amongst themselves. No other form of representation is permitted for either party. The employee shall be entitled to provide oral and/or written evidence, and to call such witnesses as s/he thinks appropriate. The trade union representative or work colleague and any witnesses called will be provided with reasonable time off from their normal duties with no loss of pay in order to prepare for and attend the meeting or appeal.

6. TRADE UNION REPRESENTATIVES

No formal action under this procedure will be taken against an employee who is a recognised trade union representative until the circumstances of the case have been discussed with a full-time trade union officer or their nominee of the trade union concerned.

7. SCHEDULING OF FORMAL MEETINGS AND APPEALS

Managers will make every effort to provide as much notice as possible to allow an employee and where appropriate their representative sufficient time to prepare for the meeting, which should be arranged at a mutually convenient time for all parties with a minimal period of notification of 5 working days. Notification of meetings must be provided in writing, at which time the employee will be given a copy of the relevant procedure, written details of the matter to be considered at the meeting, any supporting documentation that will be relied upon by the employer's side during the meeting/appeal, and the names of any witnesses that the employer's side may call. In the event that one of the parties is unexpectedly unable to attend the meeting at the notified time, the meeting will be postponed and rescheduled to an alternative time normally within 5 working days after the date initially proposed. The employee in turn must submit any documentation they wish to be considered at the meeting, and the names of any witnesses they wish to call, at least 3 working days before the meeting. Written notes of meetings will be taken by a non-participating individual [usually a

representative of HR] and agreed with the employee wherever possible. They will be made available to the employee and where the employee was accompanied during the hearing by a trade union representative also made available to that representative, but otherwise treated as confidential. If an employee disagrees with the notes then s/he shall set out their disagreement to the relevant HR representative and the manager or panel as appropriate.

Where specific timetables are given in this procedure, they must be subject to reasonable arrangements.

8. FORMAL GRIEVANCE PROCEDURE

Human Resources will provide support and advice throughout the following formal grievance procedure:

8.1 Stage One - Written Statement

The employee should set out the details of the grievance as clearly and fully as possible in writing to their immediate line manager (unless the grievance relates to them, in which case it should be referred to the next level of management), indicating that the formal grievance procedure is being invoked. If there is a specific outcome being sought this should also be stated in the letter. The employee may choose to set out their grievance on the attached pro-forma.

The employee's grievance will be acknowledged in writing within 5 working days of receipt by the manager dealing with the grievance.

8.2 Stage Two – Meeting

A meeting to discuss the grievance will be arranged taking account of the requirements set out in section 7 on scheduling of meetings and the right of representation set out in section 5.

The meeting will be held within 15 days of the grievance being raised.

The employee must take all reasonable steps to attend the grievance meeting.

It is the responsibility of the manager hearing the grievance to advise other staff of any involvement in the meeting and who will be present.

After attending the grievance meeting, making further necessary enquiries and reviewing all of the evidence relating to the grievance, the manager dealing with the grievance will report the outcome in writing to the employee. The report will give a full written explanation of the reasons for the outcome, and confirm that the employee has a right of appeal and to whom the appeal should be addressed. The report will be sent to the employee within 10 working days from the date of the grievance hearing, unless an extended period of time is required to complete

further investigation, and if this is the case then the employee will be kept informed.

Information connected to the grievance will as far as practicable be kept confidential to the parties and their representatives and will be disclosed as appropriate in the circumstances having regard to the need to fairly resolve the grievance.

8.3 Stage Three - Appeal

An employee who wishes to appeal against the decision of the manager hearing the grievance shall submit notice of appeal in writing to the Executive Director of Human Resources within 10 working days of a formal meeting or hearing, setting out the particular grounds for the appeal. The employee may choose to set out their appeal on the attached pro-forma.

An appeal hearing will be held within 15 working days of the appeal being requested and account will be taken of the requirements set out in section 7 on scheduling of meetings and the right of representation set out in section 5.

The appeal will be heard by a single person (adjudicator) nominated by the Executive Director of Human Resources (or an Assistant Director of Human Resources) who will be a manager senior in authority to, or at the same level as, the manager who applied the sanction and will not have been previously involved in the case.

A member of the Human Resources Section shall attend the appeal hearing in an advisory and secretarial capacity.

The adjudicator/panel shall determine the conduct of the hearing and shall ensure that both sides of the case are fully considered, and that the employee and/or representative and the manager are given full opportunity to put their case and to put questions to any witnesses.

The following procedural guidelines shall apply during the hearing, which may be adjourned at any time at the discretion of the adjudicator/panel:

- There will be no legal representation at an appeal hearing.
- The adjudicator shall review both the proceedings to date and the evidence relied upon together with any further evidence submitted and may put questions to the employee and any representative and/or call witnesses, and shall allow the employee and any representative to put questions to witnesses.
- Normally, the employee will open the appeal hearing by way of representations in support of his or her appeal, and shall be entitled to provide written and oral evidence in relation to his/her appeal and to call such witnesses as s/he thinks appropriate.
- The manager who took the formal decision will, if requested by the adjudicator, be available to attend the appeal hearing and will outline at the hearing, in the presence of the employee and his or her representative, the reasoning behind his

- or her original decision.
- Where an investigation was carried out, the person who carried out the investigation which led to the formal decision may also be required to attend the appeal hearing and will make representations, in the presence of the employee and his or her representative, in relation to the investigation undertaken.
 - The manager and the person who carried out the investigation will have the opportunity to put questions to the employee (or his/her representative) and his/her witnesses.
 - The employee (or his/her representative) will have the opportunity to put questions to the manager and the person who carried out the investigation and any of their witnesses.
 - The adjudicator will have the opportunity to put questions to all those present at the hearing as appropriate.
 - The employee (or his/her representative) and the Manager will have the opportunity to sum up their case.
 - All of the parties will withdraw, with the exception of the HR representative. The adjudicator will deliberate in private, accompanied by the HR representative but may recall any of the parties to clarify points of uncertainty. If recall is necessary, both parties are to return.
 - The decision of the adjudicator shall be confirmed in writing within 2 working days giving the reasons for reaching the decision.
 - Actions put in place before submission of an appeal remain in effect pending the outcome of the appeal.
 - The appeal decision will be final.
 - The employee will be entitled to receive written notes of the appeal proceedings and of the reasons for the decision of the person/panel hearing the appeal. Where the employee was accompanied during the hearing by a trade union representative, this document will also be provided, on a confidential basis, to that representative.

Where the employee (and/or his/her representative) fails to attend the appeal hearing without good reason which has been notified to the Human Resources representative by the start of the hearing, the hearing will proceed in his/her absence.

9. OUTCOMES

The normal outcome following an initial meeting or appeal meeting is that the grievance is either upheld or rejected. A grievance can, on occasion, be upheld in part. Apart from giving a full written explanation of the reasons for the outcome, the manager hearing the grievance or appeal will also indicate what should be done to address the grievance if it is upheld in full or part and who is responsible for implementing the action(s).

10. GROUP GRIEVANCES

In the case of group grievances, the procedure set out above will be used but the group must nominate one of its members to act as spokesperson and to attend the meetings outlined above. The nominated person will have the same right to be accompanied as set out in section 5.2 above.

11. GRIEVANCES CONCERNING ACADEMIC FREEDOM

Where a member of academic staff, as defined in the University statutes, raises a grievance concerning academic freedom, it will be heard by a panel comprising a senior member of academic staff nominated by senate and a lay member of council, neither of whom will have any connection with the employee concerned. The panel will only hear the grievance if it considers that every effort has been made to resolve the employee's concerns by the head of academic unit or faculty. The grievance panel will hear the grievance in accordance with the rules set out under 5.3 of this procedure. The decision of the panel will be final.

12. WITNESSES

Separate from companions, the employee (or nominated employee in the case of group grievances) may request to call witnesses (if applicable). It is the responsibility of the employee to advise the manager chairing the meeting of the names of witnesses that they wish to call and it is the responsibility of the manager to organise the attendance of witnesses. Witnesses are expected to attend a grievance meeting where clarification is necessary regarding evidence the witness has already provided, or in light of further information becoming available. If the request for a witness is refused a written explanation will be given outlining the reason.

13. ATTENDANCE AND PAY – INITIAL AND APPEAL MEETINGS

Initial and appeal meetings will be arranged at a mutually convenient time for all parties, with no loss of pay, and have regard to operational requirements.

Witnesses, University trade union representatives and workplace colleagues who accompany colleagues to a grievance meeting will be released with pay as above.

14. RECORD OF GRIEVANCE PROCESS

A member of the Human Resources Section will be present at formal grievance and/or appeal meetings to provide support and advice and keep a record of proceedings for both parties where necessary.

15. STATUS OF THE PROCEDURE

The employment relationship between the University and each of its employees is set out in the contract of employment. This procedure does not form part of the contract of employment but it shall apply both to the University and to all of its employees.

16. RELATED DOCUMENTS

- Grievance Procedure – Manager's Code of practice
- Dignity at work Code of Practice

Garry Coupland
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Approved by Council 13.12.10