

Grievance Procedure



Grievance Procedure

1. Introduction

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- 1.1 Newcastle University aims to promote a culture where all of the University's community can play their full part in creating a positive, safe and respectful working environment for everyone.
- 1.2 This document sets out the University's procedure regarding individual and collective grievances by employees of the University.
- 1.3. Grievances are concerns, problems or complaints that employees raise with their employers. These may be, but are not limited to concerns or problems about their terms and conditions, work, or relationships with colleagues or managers.
- 1.4 The University strongly encourages informal resolution wherever possible. If this does not resolve the grievance then the next appropriate course of action may be mediation before any formal procedure is instigated.

2. General Principles

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- 2.1 **Confidentiality** – All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the University.
- 2.2 **Right to be accompanied** – 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. There is no entitlement to legal representation at any point of this procedure.
 - 2.2.1 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.
 - 2.2.2 They and the employee will have the right to request reasonable adjustments and/or adjournments during any formal meeting to have discussion between themselves. No other form of representation is permitted for either party.
 - 2.2.3 There is no statutory right to be accompanied at investigatory interviews, however it is ACAS best practice which the University is keen to reflect. Employees can choose to be accompanied by a trade union representative or work colleague so long as this does not delay the investigation unduly.

- 2.3 Right to seek advice** – any employee involved in the grievance process has the right to seek advice from a Trade Union representative at any stage in the process.
- 2.4 Time to participate** - employees, witnesses, Trade Union representatives and University work colleagues who are required to participate in this procedure will be provided with reasonable time off from their normal duties with no loss of pay.
- 2.5 Participation** – there is an expectation that University employees will participate fully, openly and honestly in this procedure when required. Employees are expected to attend meetings and hearings in person. If it is not possible for an employee to attend in person Human Resources will explore alternative methods of participation. Depending on the reason a particular witness is part of an investigation, it may not always be possible to provide anonymity should the witness request this.
- 2.6 Timescales** – every effort will be made to comply with the timescales set out in this procedure, however timescales may on occasion need to be extended, for example due to the complexity and magnitude of the situation. Where timescales are extended the employee will be made aware of the revised anticipated timescales and the reason(s) for any delay.
- 2.7 Record of meetings** – A record of any meetings will be made and meeting attendees asked to agree or make comments on the notes. These notes will be a summary of the meeting and will not be verbatim. Audio recordings of meetings under the grievance procedure are not permitted.
- 2.8 Attempts to frustrate the process** - where it is felt that any employee involved in the grievance process is deliberately attempting to frustrate the process of this procedure or taking vexatious actions, they may be subject to further disciplinary action.
- 2.9 Employees who are 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.
- 2.10 Whistleblowing** - an employee who makes a complaint in good faith will not suffer any detriment even if the grievance is not substantiated. See Public Interest and Disclosure (Whistleblowing) Policy.
- 2.11 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 is considered that every effort has been made to resolve the employee's concerns by the head of academic unit or faculty. The decision of the panel will be final.
- 2.12 Collective Grievances** – In the case of collective grievances, the procedure set out above will be used by the group. 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.

2.13 Grievances in relation to other Dispute Resolution policies - a grievance may be raised by an individual who is subject to an investigation or proceedings under another Dispute Resolution policy. This grievance will only be considered prior to the conclusion of the other proceeding if the grievance allegation has a bearing on the other investigation. It may be appropriate to keep such investigations separate or to combine them depending on the circumstances.

2.14 Grievances will not be heard if they are raised after employment has ended.

3. Informal Discussion

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3.1. 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.

3.2. Where an employee believes their personal grievance relates to an immediate line manager, the employee may wish to discuss it informally with the next level of manager within the Unit/ Service. In this instance they should contact their local HR team for guidance.

3.3. An employee raising a grievance under this procedure should do so promptly. Where possible, this should be within 10 working days of the substantive issue, incident or action over which the employee feels aggrieved. Raising a grievance after this time period may affect the extent to which it is feasible or appropriate for the University to carry out an investigation.

3.4 If an informal discussion has been unable to resolve the grievance, the University encourages all parties to consider mediation as the next course of action.

4. Mediation

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4.1 A number of support measures are available to help managers and employees resolve problems informally including the University Mediation Service. Your local HR team 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 expected to do everything possible to resolve matters informally.

4.2 Although it is strongly recommended to always consider mediation it may not be appropriate for all grievance issues to be resolved in this way. Your local HR Team can advise where necessary.

5. Formal Procedure

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- 5.1. If it is not possible to resolve the grievance informally a formal grievance can be submitted to the immediate line manager. Where an employee believes their personal grievance relates to an immediate line manager the employee should submit their grievance to the next level of management within the Unit/ Service.
- 5.2. The employee should set out the details of the grievance as clearly and fully as possible in writing indicating that the formal grievance procedure is being invoked and advise of the specific outcome being sought. If an employee is to raise a formal grievance they should set out their grievance on the [grievance proforma](#) wherever possible.
- 5.3. The employee's grievance will be acknowledged within 5 working days of receipt by the manager dealing with the grievance. The manager will forward a copy of the acknowledgement to HR plus the initial grievance that was raised.
- 5.4 Raising of vexatious grievances, victimisation and/ or retaliation as a result of action being taken under this procedure are unacceptable and may lead to [disciplinary](#) action. Victimisation may also be unlawful.

6. Grievance Meeting

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- 6.1 Managers should consult with their [local HR team](#) on receipt of a formal grievance who will advise if they are the most appropriate person to hear the grievance.
- 6.2 An HR representative may be present at all formal meetings and any witness interviews to advise on procedure.
- 6.3 The manager hearing the grievance will arrange a grievance meeting to discuss the matter which shall be held without unreasonable delay.
- 6.4 Notification of the grievance meeting must be provided in writing, at which time the employee will be given a copy of the relevant procedure and any additional documentation to be considered at the meeting.
- 6.5 The meeting will, wherever possible, be held within 15 working days of the grievance being raised.
- 6.6 The employee will have the right to be accompanied to the grievance meeting, further details of which can be found in section 2.2 of this document.
- 6.7 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. This will normally be within 5 working days after the date initially proposed.

- 6.8 The employee should provide any relevant documentation to the manager hearing the grievance in advance of the meeting allowing sufficient time for this information to be considered.
- 6.9 In the meeting the employee should present their grievance in full.
- 6.10 A record of the meeting will be made available to the employee. If they choose to, it is the employee's responsibility to provide a copy of the record to their representative or University work colleague.
- 6.11 All meeting attendees will be asked to confirm their agreement to this record. If an attendee disagrees then they should append the record with their comments and return within 3 working days to the manager hearing the grievance. If any of the meeting attendees do not agree with the additional comments, the original and appended record will be viewed side-by-side when being used for consideration of actions. Comments can only be in relation to the discussions during the meeting and are not a means to introduce new evidence.
- 6.12 If the manager hearing the grievance deems it appropriate they may adjourn the meeting in order to undertake further investigation and/or interview witnesses or any party that may have a bearing on the grievance.
- 6.13 If the manager hearing the grievance decides further investigation is required they will discuss with the employee the scope of any investigation and the names of any potential witnesses or other staff to be interviewed. The manager shall explain the proposed next steps and an estimate of the timescales involved. The employee will have the opportunity to advise the manager of any specific questions or themes that they wish them to discuss with any witness(es) as part of the process.
- 6.14 On conclusion of the investigation the manager hearing the grievance will prepare and send an outcome letter, within 10 working days. This will outline:
 - the nature of the grievance
 - a summary of the investigation
 - the decision as to whether the grievance is upheld (in full or in part) or rejected
 - the reasons for the decision
 - any further recommendations and responsibility for implementation
 - the right of appeal

7. Appeal

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- 7.1 An employee who wishes to appeal against the decision of the manager hearing the grievance can submit an appeal in writing, within 10 working days of the date of the letter confirming the outcome to the Faculty/Service HR Manager, setting

out the particular grounds for appeal, which are:

- There was failure to follow the procedure, which had a material impact on the outcome
- New information has come to light that should be considered and was not available at the time of the investigation or hearing
- The action taken was unreasonable or disproportionate to the grievance issue.

7.2 The appeal is not a reinvestigation. It will only consider the grounds on which the appeal is based.

7.3 An appeal hearing will be held within 15 working days of receipt of the appeal.

7.4 The employee will be given a minimum period of notification of 5 working days of the appeal hearing.

7.5 An Assistant Director of HR (or nominee) will appoint a manager to hear the appeal. They will be a manager senior in authority to, or at the same level as, the manager who heard the initial grievance and will not have been previously involved in the case. HR will attend the appeal hearing in an advisory capacity.

7.6 The manager hearing the appeal will determine the conduct of the hearing and will ensure that both sides of the case are fully considered. The Manager who originally heard the grievance and the employee will be invited to attend to put forward their case.

7.7 The decision of the appeal Manager will be confirmed in writing within 5 working days of the appeal hearing or as soon as reasonably practicable.

7.8 The appeal outcome letter will state whether the grievance is upheld (in full or in part) or rejected, the reasons for the decision, any further recommendations and who is responsible for implementing the recommendations.

7.9 The appeal decision will be final and there is no further right of appeal.

8. Status of the Procedure

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8.1 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 will apply both to the University and to all of its employees.

Associated Documents

[Grievance Policy](#)

[Grievance Proforma](#)

[Grievance – Manager’s and Employee’s Guidelines](#)

[Grievance Procedure Flow Chart](#)

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