

HR Services

Employee Handbook

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Staff Grievance Procedure



1.1 Introduction

ACAS guidelines offer a definition of what is a grievance: "Grievances are concerns, problems or complaints that employees raise with their employers". From time to time, members of staff may have a grievance they wish to raise and have addressed. Where possible a grievance should be resolved through informal means in a School or Service. Where, however, a staff member feels his or her grievance has not been adequately addressed through informal means, they may raise a formal grievance under the following Procedure.

The Grievance Procedure is intended to ensure that when a grievance is identified it is dealt with fairly and quickly. In some cases the outcome will involve compromise and for that reason it will not always be possible to resolve every issue to the total satisfaction of the member(s) of staff.

In circumstances where a grievance may apply to more than one staff member and where a trade union is involved it may be appropriate for the problem to be dealt with through a collective grievance raised by the union on behalf of a number of consenting staff members using the Procedure set out in Appendix E.

1.2 General Principles

The Grievance Procedure applies to all members of UEL's staff. Where a staff member has left our employment and has not started a grievance under this procedure before he or she left our employment or where the grievance is unresolved at the time he or she leaves UEL's employment, such a grievance will only be allowed in the circumstances set out in Appendix G.

The Grievance Procedure should be used in all cases where a member of staff is encountering an unresolved problem relating to their work, their working environment or their working relationships with colleagues.

For some staff setting out a grievance in writing may not be easy especially for those whose first language is not English or who have difficulty expressing themselves on paper. In these circumstances the staff member is encouraged to seek help from a work colleague or a trade union representative. Under the Equality Act 2010 UEL is required to make reasonable adjustments which may include helping staff members to write a grievance if they are unable to do so themselves because of a disability.

A formal grievance will not normally be accepted where no prior attempt has been made to resolve the issue through informal means unless there is a strong reason for doing so. The detailed procedures for seeking informal resolution of issues (including mediation) are set out in Appendix A.

At all stages, the Director of HR Services (or nominee) may be consulted by both parties, for advice and may be asked by a manager involved to attend a formal grievance meeting. Advice may also be sought from UEL's recognised trade unions.

For most grievances the informal stage of our Grievance Procedures will be the norm. However it is recognised that for some issues, commencing at the formal stage of the grievance process may be appropriate.

Following an unsuccessful informal attempt to resolve an issue, the staff member may submit a formal grievance which will be processed using the following stages:

Stage 1: A meeting will be held with their immediate line manager (or with another line manager who is not the subject of the grievance) to discuss the grievance and the available evidence to support it. Following the meeting the manager will write to the staff member, setting out their decision on the matter (see Appendix B).

If the member of staff is not satisfied that the grievance has been fully or fairly addressed then they may elect to proceed to Stage 2 (below).

Stage 2: A meeting will be held with the Dean of School or Director of Service (or with another line manager who is not the subject of the grievance) to discuss the continuing grievance. The member of staff will be invited to outline why the grievance has not been fully dealt with and why the attempts to resolve it have been unsatisfactory (see Appendix C).

The member of staff will be notified of the Dean of School or Director of Service's decision as soon as practicable following this meeting.

If at this further stage the member of staff remains unsatisfied that the grievance has been fully or fairly addressed then they may submit an Appeal to the UEL Appeals Panel. For details of the function of the Appeals Panel see Appendix D.

1.3 Timeliness and Reporting

It is important when dealing with all grievances, at any level, that the matters are investigated expeditiously and without undue delay. The timelines for each element of the formal procedures set out in the attached Appendices is therefore of considerable importance. The time limits in the Procedure are provided to ensure prompt decisions and are in the interests of both parties. However, time limits may be modified by mutual agreement.

Staff who submit a grievance, and their line managers who are involved in the process, may be asked to account for any delay in bringing the matter to an appropriate conclusion. The progress of all formal grievances will be reviewed by PVC (Services & Infrastructure) (or nominee) on a monthly basis.

To comply with UEL's equality and diversity policies, HR Services will record and periodically report on the number of formal grievances raised during a year by on such data as is available for the protected groups under the Equality Act 2010 e.g. age, gender, ethnic origin and disability to UEL's equality committees and groups.

1.4 Representation

A staff member may be accompanied by a Friend acting in a non-legal capacity or by their trade union representative at any of the stages of the Grievance Processes and at the Appeal Panel. A Friend may be a fellow worker or a trade union representative.

It is the responsibility of the staff member to ensure that his or her Friend is able to attend the meeting on the proposed date. Only in exceptional cases will the date of the grievance meeting be postponed because the Friend is unable to attend.

The Friend may address the meeting to put and sum up the staff member's case, respond on behalf of the staff member to any views expressed at the meeting and confer with the staff member during the meeting. The Friend does not, however, have the right to answer questions on the staff member's behalf, address the hearing if the staff member does not wish it or prevent the manager(s) from explaining their case. Staff members asked to accompany a fellow staff member to a meeting will be permitted to take paid time off during working hours to attend it.

1.5 Exclusions

Staff are not permitted to raise a grievance in regard to a disciplinary warning(s) issued against them; instead they may appeal against the warning using the Appeals Procedure in our Staff Disciplinary Procedures.

Staff may, however, raise a grievance against Informal Action, as set out in page 3 of UEL's Staff Disciplinary Procedures.

Where a grievance is raised against an immediate line manager then that line manager will only take part in the formal process where appropriate as a witness. Where there is no higher line manager to consider the grievance below the level of Dean or Director then advice should be sought from the Director of HR Services (or nominee) for a suitable alternative manager to conduct the hearing.

1.6 Grievance against the Vice-Chancellor

The procedure for dealing with a grievance raised by a staff member against the Vice-Chancellor is in Appendix F.

Procedure approved by the Employment Committee in November 2012.

Appendix A

Informal Procedure for dealing with staff grievances

1. Introduction

(1) Meeting with immediate line manager

Complaints and grievances are best resolved informally with the immediate line manager in the first instance, by putting their concerns in writing to the immediate manager, with any supporting evidence. Where necessary, the line manager will arrange for the staff member raising the grievance and the staff member against whom the grievance is raised to meet with the line manager to discuss the matter, with a view to resolving the issue.

(2) Meeting with Dean of School/Director of Service

If these complaints and grievances are not addressed to the staff member's satisfaction, he or she may raise them with their Dean or Director by putting their concerns in writing, with any supporting evidence. Where necessary, the Dean or Director will arrange for the staff member raising the grievance and the staff member against whom the grievance is raised to meet with the Dean or Director to discuss the matter with a view to resolving the issue.

2. Where the grievance relates to possible inequity of treatment or arrangements, staff may also obtain informal advice from HR Services or their trade union representative.
3. Normally the starting point of the Procedure is the informal stage (1) mentioned above. However, if a grievance is raised against an immediate line manager and there is no higher line manager to consider the grievance below the level of the Dean or Director in that school or service, the Procedure, by agreement, may be started at informal stage 2, as advised by the Director of HR Services (or nominee).

Mediation

4. Prior to proceeding to a formal stage in the Procedure, the Director of HR Services (or nominee) will ask the staff member raising the grievance if he or she wishes to use mediation as an alternative to proceeding to the next stage. Mediation is a voluntary process where the mediator helps the parties in dispute to attempt to reach an agreement. If the person against whom the grievance is raised does not wish to enter into mediation, the matter may proceed (where

appropriate) to the next stage in the grievance procedure. Mediation may only be used on one occasion in an attempt to resolve the staff member's grievance. The staff member has ten working days to decide whether or not to accept the offer of mediation. If the staff member accepts the offer, the Director of HR Services (or nominee) will assign a mediator to meet with the staff member who raised the grievance and the person against whom he or she raised the grievance with the aim of attempting to resolve the grievance. The mediator may be a UEL staff member trained and accredited by an external mediation service or they may be from an external mediation provider. ACAS guidelines on mediation will be followed. If the mediation process does not resolve the matter by the mutual agreement of both parties, the staff member may proceed to the next stage of the grievance procedure (where appropriate) if he or she wishes. Nothing that has been said or exchanged by email or correspondence during the mediation can be used in future proceedings, as it is confidential to the parties. The only exceptions are where, for example, a potentially unlawful act has been committed or there is a serious risk to health and safety.

Appendix B

Stage 1: Meeting with immediate line (or with another line manager who is not the subject of the grievance) manager

1. If, following the informal stages, the staff member still feels that their complaint or concern is not being adequately addressed, he or she may raise a formal grievance by completing the form below and submitting it to his or her line manager, including any supporting evidence and mentioning what resolution is sought to the grievance. If the grievance is against the line manager the issue should be raised with the next most senior manager.
2. A formal grievance will not normally be accepted where no prior attempt has been made to resolve the issue through informal means unless there is a strong reason for doing so.
3. The manager concerned should acknowledge the grievance in writing, normally within ten working days, inviting the staff member to a meeting as soon as possible. If the staff member's Friend cannot attend on the proposed date for a meeting to consider a grievance, the staff member can suggest another date, so long as it is reasonable and is normally not more than five working days after the date originally proposed.
4. After the meeting the manager should write to the staff member, setting out their decision on the matter. This should normally be done within ten working days. If it is not possible to respond by then the staff member should be given an explanation for the delay and told when a response can be expected (e.g. if the manager needs to conduct a further investigation by discussing matters with other staff).

[Grievance Procedure Formal Grievance Form](#)

FORMAL GRIEVANCE FORM

The completed form should be sent to the appropriate manager, as per the relevant stage in the Grievance Procedure. It is recommended that advice is sought from HR Services or a Trade Union Representative before completing this form.

Name of staff member raising the grievance:	
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School/Service:	
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Telephone number:	
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Details of Grievance

My grievance is against:

My grievance is made for the following reasons (please use the box below):
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Prior Informal/Formal Resolution/Mediation (if appropriate)	
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I have taken the following steps to resolve this issue prior to submitting this formal grievance (please use the box below):
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Outcome sought	
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I seek the following outcome (s) to my grievance (please use the box below):

Signed:

Date:

Appendix C

Procedure for dealing with a formal staff grievance

Stage 2: Meeting with Dean of School or Director of Service (or with another line manager who is not the subject of the grievance)

1. If the matter is not resolved at formal Stage 1 the staff member may complete the Formal Grievance form (above) and send it to his or her Dean of School or Director of Service within ten working days (unless the grievance is against the staff member's Dean of School or Director of Service see 5). The submission must outline the grievance and explain why the attempts to resolve it have been unsatisfactory, providing any supporting evidence and stating what resolution the staff member is seeking.
2. The Dean of School or Director of Service should consult the Director of HR Services (or nominee) at this stage, for advice.
3. The Dean of School or Director of Service concerned will arrange a meeting. Both parties will be informed of the date, time and location of the meeting involving the parties, the purpose of which is to seek to resolve the issue. The Dean of School or Director of Service will chair the meeting and will follow the procedure set out below. A formal record will be kept of the meeting and copies issued to both parties.
4. As soon as possible after the meeting or normally within ten working days the decision of the Dean of School or Director of Service will be notified, in writing, to both parties. If it is not possible to respond by then the staff member should be given an explanation for the delay and told when a response can be expected.
5. If, however, the staff member's grievance is against a Dean of School/Director of Service, the matter will be dealt with at Stage 3 (below) instead of Stage 2, if the Dean of School/Director is unable to resolve the matter informally with the staff member in the first instance.

Procedure for Stage 2 Grievance Meeting

6. 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) raising the grievance (s) will put forward the case for the grievance and call witnesses as to the facts.

- (4) The staff member against whom the grievance is raised will have the opportunity to question the statements made and 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 his or her case and call witnesses.
- (7) The staff member (or Friend) raising the grievance(s) will have the opportunity to question the statements made and 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.

Appendix D

Procedure for submitting an appeal to the UEL Appeals Panel

Stage 3: Review of grievance

1. If the grievance is against a Dean of School or Director of Service and it was not resolved to the staff member's satisfaction at the informal stage, the staff member may proceed to Stage 3 by completing the UEL Appeal Form (above) and sending it to the Director of HR Services (or nominee) within 10 working days of notification of the decision of the Dean of School or Director of Service, indicating that he or she wishes to take the matter to this further stage. The submission must outline the grievance and explain why the attempts to resolve it have been unsatisfactory and provide any supporting evidence and will specify what resolution the staff member is seeking.
2. Please refer to UEL's Staff Appeal Policy for guidance on how the staff member's grievance will be dealt with.

UEL APPEAL FORM

To be sent to the Director of HR Services

Personal Details

Name of staff member raising the appeal:

School/Service:

Telephone number:

Details of Appeal

My appeal is against:

The basis of my appeal is as follows:(please use the box below):

Outcome (s) sought

I seek the following outcome (s) to my appeal (please use the box below):

Signed:

Date:

Appendix E

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 below 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 Dean or Director. The Dean/Director will arrange to meet the trade union representative informally to discuss the grievance, normally within ten working days of receiving it.
3. After the meeting, the Dean/Director will notify the trade union representative (s) of his or her response as the outcome of the meeting, normally within ten working days of the meeting.
4. If the trade union representative (s) remains dissatisfied with the Dean/Director's decision, he or she should complete the Collective Grievance Form below with supporting evidence, indicating that they wish to pursue a formal grievance against the Dean/Director and what resolution is sought to the grievance and send it to HR Services, normally within ten working days of receiving the Dean/Director's decision.
5. HR Services will forward the form to another Dean or Director concerned, who will hold a meet to consider the formal grievance, in accord with Stage 2 above. The Dean or Director concerned will notify the trade union representative(s) of his or her decision regarding the outcome of the meeting, normally within ten working days of the meeting.
6. If the trade union representative remains unsatisfied with the outcome of the meeting, he or she needs to complete the form below, requesting that the formal grievance proceeds to Stage 3 (see above), normally within 10 working days. The form and supporting evidence should be sent by the trade union representative to the Director of HR Services (or nominee).
7. Stage 3, set out above, will then be followed, and if unresolved, Stage 4 (above) will be followed.

[Grievance Procedure Collective Grievance Form](#)

COLLECTIVE GRIEVANCE FORM

To be sent to the Director of HR Services (or nominee)

State whether the grievance is (i) Informal or (ii) Formal

Personal Details

Name of the trade union representative (s) member raising the grievance:

School/Service:

Telephone number:

Details of Grievance

My ongoing grievance is against:

On behalf of (name the staff)

My original grievance was made for the following reason (please use the box below):

I wish the outcome (s) of my previous grievance hearing to be reviewed for the following reasons (please use the box below):

Outcome (s) sought

We seek the following outcome to the collective Grievance (please use the box below):

Signed:

Date:

Appendix F

Grievance against the Vice-Chancellor

1. In accord with UEL's Articles of Government, where a member of staff wishes to raise a grievance against the Vice-Chancellor, he or she should complete the Grievance Form form below and send it to the Head of Governance and Legal Services (or nominee), together with any supporting evidence and stating the resolution sought.
2. The Head of Governance and Legal Services (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 seek to resolve the matter, normally within twenty working days of the grievance being raised. The decision of the Panel member will be notified to all parties, normally within twenty working days.
3. If the staff member raising the grievance remains unsatisfied with the Panel member's response, the staff member may proceed to the final stage of the Grievance Procedure by completing the form in the Appendix and sending it to the Head of Governance and Legal Services (or nominee) in his or her capacity as the Clerk to the Panel of Governors, stating the grievance and providing any supporting evidence and stating the resolution sought. The Head of Governance and Legal Services (or nominee) will convene a meeting of the Governors' Grievance Panel as soon as possible, and normally within twenty working 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, 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 Panel will follow the Procedure set out in Stage 4 Section 3.12 above in regard to the conduct of the hearing. The decision of the Panel is final and there is no further right of appeal.

Appendix G

Grievance Procedure for former staff members

1. A grievance raised by a former staff member must be sent to the Dean of School or Director of Service concerned within ten working days of the staff member leaving UEL's employment, via completion of the Grievance Form for Former Staff Members (below), 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 if the grievance was raised during his or her employment, why it was not resolved to the staff member's satisfaction. If the grievance is minor and should have been raised or resolved during the former staff member's employment at UEL, the Dean or Director will inform him or her of that and that the grievance will not be considered further.
2. Where a grievance has been raised in writing with the Dean of School or Director of Service by a staff member after he or she has left UEL's employment within the timescale set out in Section 1 above or where a grievance has been raised but not resolved by the time the employee has left UEL, then subject to the written agreement of the former staff member and the Dean of School or Director of Service, the grievance will be considered by the Dean of School or Director of Service or nominee on the basis of the written grievance without a meeting being convened. In this case, a written response will normally be sent to the former staff member within twenty working days of receipt of the former staff member's written confirmation that the grievance may be dealt with on paper. If the former staff member wishes to raise a grievance against the Dean or Director or against their response to their grievance, he or she should write to the Director of HR Services, normally within ten working days of receipt of the response, setting out why he or she is dissatisfied. The grievance will also be dealt with by a Dean or Director not previously involved in the matter on the basis of written submissions. The Dean or Director's decision on the matter is final and there is no further right to raise a grievance.
3. If, however, the former staff member wishes to attend a meeting to discuss their grievance, a meeting with the Dean of School or Director of Service or nominee will normally be arranged within twenty working days of receipt of the written grievance by the Dean of School or Director of Service. The former staff member must take all reasonable steps to attend this meeting and will have the right to be accompanied as set out in section Section 1.2.1.4 above. The former staff member will normally be informed of the decision within twenty working days of the meeting. If the former staff member is dissatisfied with the decision, he or she should complete the Grievance Form for Former Staff Members (below) and submit it to the Director of HR Services, setting out why he or she is dissatisfied with the decision and including supporting evidence and stating what resolution he or she seeks, within ten working days of receipt of the Dean/Director's decision. A Dean or Director not previously involved in the matter will invite the former staff member to meet him or her to hear his or her grievance. The meeting will normally be held to hear the grievance within twenty working days of receipt of the grievance and a written decision sent to the former staff member normally within ten working days. The decision of that

Dean or Director is final and there is no further right to raise a grievance.
