

# GRIEVANCE POLICY - SUPPORT STAFF



This document sets out the University's Grievance policy for support staff.

<b>Version Letter</b>	2
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## POLICY PRINCIPLES

This procedure has been agreed by the Joint Unions Consultative Committee in consultation with the University (to be included once agreed)

- The University will make every effort to deal with grievances promptly, consistently and at the earliest possible stage in the procedure.
- The University will carry out any necessary investigations to establish the facts and ensure that all parties have the opportunity to have their views heard.
- Following the informal stage of the procedure, an employee with a grievance has the right to be accompanied by a trade union representative or work colleague of their choice.
- Employees should refer to the guidelines for dealing with bullying and harassment for addressing complaints of this nature. <https://www2.aston.ac.uk/staff-public/documents/hr/policies-guidance/bullying-harassment-policy-and-procedure.pdf>. This does not affect an employee's right to raise a grievance under this policy and procedure at any time.
- Where necessary, and when it is in the interest of the investigation, the timescales referred to in this procedure can be treated flexibly. Meetings held at any stage can be adjourned to allow for further investigation; however, every effort will be made not to delay meetings, decisions, or confirmation of those decisions.
- This policy and procedure does not affect an employee's rights under Internal Dispute Resolution Procedures in respect of the Aston University Pension Scheme.
- Human Resources will provide advice and guidance to managers on the application of this policy and procedure.

## SCOPE OF THE POLICY

This grievance procedure applies to all staff within the University, including academic staff. For academic staff, the procedure is not intended to diminish employee rights under the Statute XXV, part VI.

This policy may be amended by the University following consultation with the Joint Unions Consultative Committee.

This policy and procedure does not apply to matters which are normally subject to national terms and conditions of service or local agreements. It should not be used for appeals against any decision reached under the disciplinary procedure, appeals against re-grading decisions, non-renewal of fixed-term contracts on their expiry, redundancy selection or appeals against 'other employment' decisions. Any such appeals should be raised under the separate and distinct policy and procedure agreed for such matters.

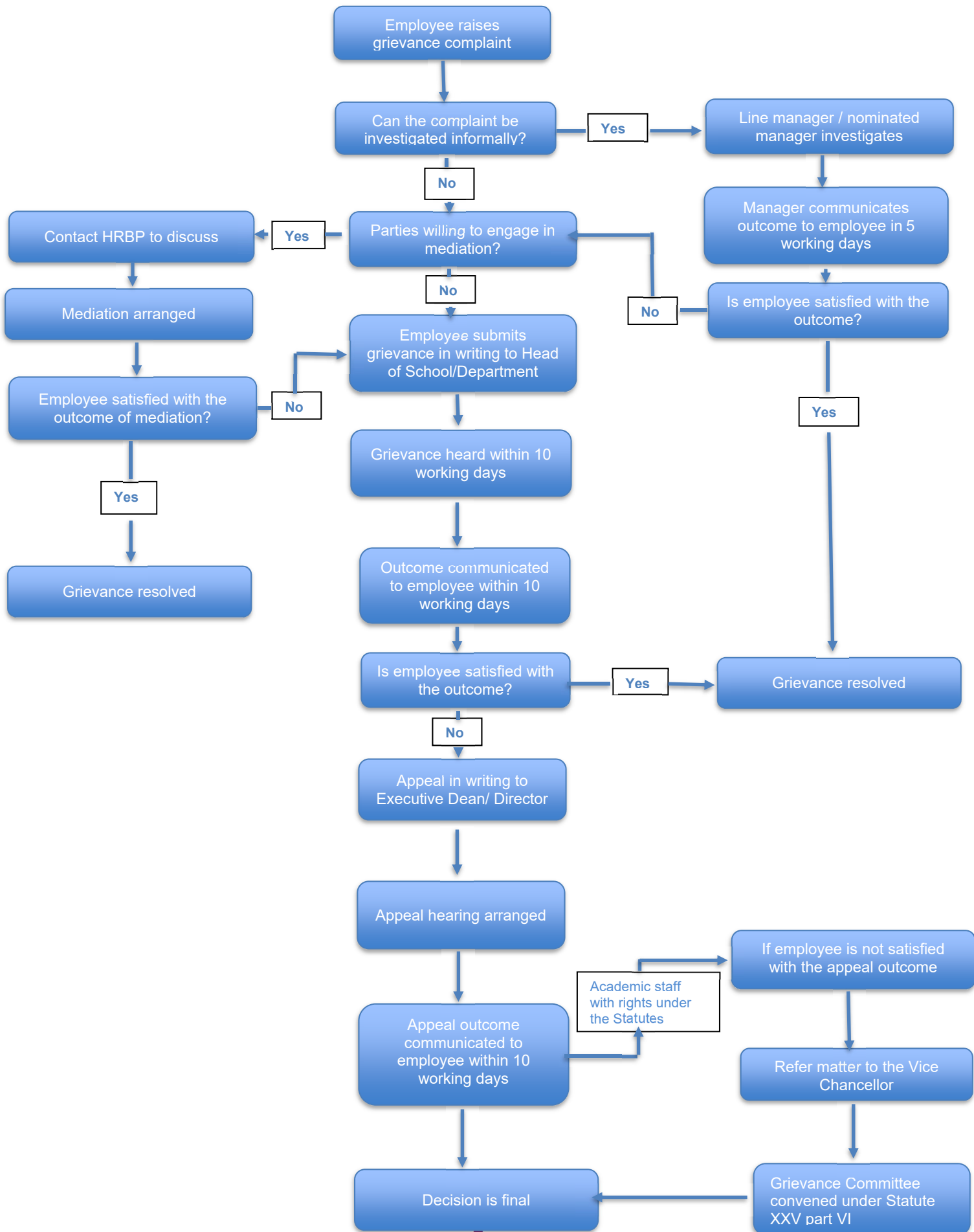
This policy and procedure does not apply to collective disputes.

# PROCEDURE

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# PROCESS OVERVIEW



## INTRODUCTION

This policy and procedure is intended to assist with the resolution of employee grievances in a fair, consistent and effective manner. Where possible, employees are encouraged to explore resolution informally before proceeding to the formal procedure.

## ROLES AND RESPONSIBILITIES

<b>Name</b>	<b>Definition</b>
Employee	The person who raises the grievance
Representative	The person who the employee appoints as their 'support' at formal meetings
Witness	People who have seen or heard events or know facts which a member of staff relies on as part of their grievance complaint
Manager	The person that the employee reports to i.e. the immediate line manager
Appeal Manager(s)	The person who investigates a grievance appeal and chairs the appeal hearing and makes the appeal decision. The appeal manager should be equivalent to or more senior than the manager involved in the original grievance meeting and decision. .
Designated HR Business Partner	The HR Business Partner who supports the College or Department

The designated HR Business Partner for the College/Department should be consulted before appointing an investigating Manager/ Appeal Manager(s). There will be an HR representative present at each formal stage of the process.

## STAGE 1 – INFORMAL PROCEDURE

- If an employee has a grievance relating to their employment, they should aim to settle their concerns informally with their manager in the first instance if possible. This allows for concerns to be addressed and resolved quickly.
- If the grievance relates to the employee's manager, it should be raised with their manager's manager or, if this is not possible, the designated HR Business Partner. An independent manager outside of the line management chain will be assigned to investigate the grievance complaint if this is necessary. The grievance can be raised verbally or in writing however, there may be occasions where it is appropriate to agree the terms in writing.
- The manager will investigate the grievance and seek to resolve it informally where possible. They will inform the employee of their decision within five working days following receipt of the grievance. Whilst every effort will be made to comply with these timescales, they may need to be extended. In such circumstances, the employee will be advised of the reasons for the delay with an indication of the expected timescale.
- The manager should provide the employee with a summary of the agreed actions following the informal discussion and outcome.
- If the grievance is serious or cannot be resolved informally, the employee can formally raise their complaint (see paragraph 11 'Stage 2 - Formal Procedure') within five working days of receiving a response.
- Where appropriate, the employee may wish to consider mediation before raising a formal grievance.

## MEDIATION

- There may be occasions when mediation can help to resolve a grievance. Mediation is a voluntary process between two or more people and can be used at any stage of the grievance procedure. It is advisable if a matter cannot be informally resolved, that mediation is considered as an option before progressing to the formal stage of the grievance procedure.
- Mediation is a confidential process that enables parties to resolve issues with the assistance of a trained mediator. The process encourages open communication of feelings and incidents and encourages parties to deal directly with the conflict and determine the resolution. Where relationships have been damaged, the University will provide support through mediation to help both parties to rebuild their relationship.
- Mediation may not always be suitable; advice should be sought from the designated HR Business Partner, who will first meet with the parties to determine whether the case can be mediated. Suitability will be determined by the nature of the complaint, employee circumstances and risk to the employees involved. Employees may also wish to seek advice from their trade union representative.
- Things to know before starting mediation:
  - Mediated discussions will be led by a trained mediator who may be internal or external to the University.

- Mediation is a voluntary process. All parties involved in the dispute need to agree to participate in the process before it can proceed.
- Any agreements made during mediation comes from the parties involved and not from the mediator.
- Any ongoing formal grievance process will be suspended pending the outcome of mediation.

## STAGE 2 – FORMAL PROCEDURE

- A grievance will be considered under the formal process if:
  - The matter has not been resolved under the informal process to the employee's satisfaction
  - The matter is considered serious enough to progress straight to the formal process. This includes instances where the University decides due to the type and seriousness of the grievance, that a formal investigation is required, for instance, in the case of sexual harassment or physical abuse.
- The employee should submit/forward their previous grievance in writing to the Head of School/Department
- The written grievance should provide full details of the complaint, relevant supporting documentation, and details of any witnesses.
- The Head of School/Department (or nominated deputy) will acknowledge receipt of the grievance in writing within five working days.
- A grievance hearing will be arranged to take place within ten working days. The employee will be given at least five working days' notice of the grievance hearing.

### Grievance Hearing and investigation

- The grievance will be heard by the Head of School/Department (or nominated deputy).
- An HR representative will be present at all formal meetings. In normal circumstances, and where possible, the HR representative will have had no previous involvement in the issues raised. A note-taker may also be present.
- At the meeting, the employee will be asked to state the details of their grievance and explain how they would like to see it resolved. The Head of School/Department will ask questions and may ask for additional information/evidence to support the grievance.
- The Head of School/Department will meet with any witnesses and other relevant parties to thoroughly investigate the grievance.
- Once all the relevant details have been heard and considered, the Head of School/Department will confirm their decision to the employee in writing within ten working days. Whilst every effort will be made to comply with these timescales, they



may need to be extended. In such circumstances, the employee will be advised of the reasons for the delay with an indication of the expected timescale.

- If the grievance involved allegations against an individual and this is upheld, a possible outcome of the grievance may be to refer the matter to the University's [Disciplinary Policy and Procedure](#) or [Performance Management Policy and Procedure](#). In these circumstances, the issue will be considered by an independent manager.
- If an employee is not satisfied with the decision of the Head of School/Department, they can submit a written appeal to the relevant Executive Dean/ Director. See paragraph 34 on 'Appeals.'

## Representation

- An employee who raises a formal grievance has a right to be accompanied at meetings by a work colleague or trade union representative.
- The representative may address the hearing, sum up the case, confer with the employee and respond to views expressed in the hearing on behalf of the employee; however, they do not have the right to answer questions on behalf of the employee.

## Notes

- Notes will be taken at formal grievance meetings. If employees consider that the notes do not correctly reflect the discussion, they have the right to propose amendments. Where these are agreed upon, they will be amended. If the proposed amendments are not agreed upon, the employee's comments will be attached to the record.
- Notes will be kept with the case file and may be used as evidence in formal stages.
- Audio and video recording of meetings are not permitted (other than a reasonable adjustment for a disability). Any requests to audio record a meeting as a reasonable adjustment should be made in writing to the Head of School/Department before the meeting.

## Confidentiality

- Any employee involved in the grievance process, whether they are the complainant or witness to the grievance, should ensure that they maintain confidentiality. They should only discuss the process with their trade union representative or work companion who is required to maintain the same level of confidentiality. Any failure to maintain confidentiality may be treated as a disciplinary matter.
- Any records created as part of the process will be held in accordance with the University's Records Management Policy.

## Equality and Diversity

- The Investigating Manager / Appeal Manager should check if there are any special arrangements, e.g. support/adjustments for a disability that an employee or their representative may require to enable them to fully participate in the process.

## Attendance

- The employee (and representative, where applicable) should make every effort to attend the scheduled meetings, which will only be re-arranged in exceptional circumstances.
- If the employee unreasonably fails to attend the re-arranged hearing, it may take place in the employee's absence. If the chosen representative cannot make the re-arranged meeting, a replacement should be sought. Individual circumstances will be taken into consideration.

## Grievance and other processes

- Where an employee raises a grievance during a disciplinary or performance process, the process may be suspended to deal with the grievance. Where the grievance and disciplinary or performance cases are related, it may be appropriate to deal with both issues concurrently.
- If parties involved in the dispute agree to access mediation to resolve the issues raised in the complaint, the formal process will be suspended pending the outcome of the mediation.

## Appeals

- If the formal grievance is not resolved to the employee's satisfaction, they have the right to appeal against the decision. A written appeal should be submitted to the relevant Executive Dean/ Director within ten working days of receiving the decision, outlining the reasons for the appeal.
- Reasons for appeal may include:
  - New evidence that is material to the grievance and has not already been considered is available.
  - The correct procedure was not followed and therefore impacted the grievance decision.
  - The grievance decision was not based on the evidence presented.
  - Evidence of bias or unfair treatment in the process.
- The Executive Dean/ Director will acknowledge receipt of the appeal in writing within five working days. The Executive Dean/ Director may hear the appeal or appoint an appeal manager equivalent to or more senior to the manager involved in the original meeting and decision.

- The appeal hearing will be arranged as soon as possible and without unreasonable delay. The employee will be given at least five working days' notice of the appeal hearing.
- If the employee has any written evidence they wish to discuss at the appeal hearing, this should be submitted to the appeal manager and the relevant HR representative at least two working days before the appeal hearing.
- The original grievance and related documentation will be made available to the appeal manager to review.
- At the hearing, the employee will be asked to restate the grounds of their appeal.
- The appeal manager will meet with relevant parties as necessary to investigate the statements made. This may include the manager involved in the original meeting and decision.
- Once all the details have been heard and considered, the appeal manager will confirm their decision to the employee in writing within ten working days. The Appeal Manager will have the authority to uphold or overturn the original grievance decision.

The decision of the appeal manager is final. Academic staff who have rights under the University Statutes can refer the matter to the Vice-Chancellor under [Statute XXV, part VI](#).

# APPENDIX 1

## EMPLOYEE SUPPORT

PAM Employees Assistance Programme [here](#)

Wellbeing Resources [here](#)

Mental Health First Aiders [here](#)

Bullying and Harassment Policy and Procedure [here](#)

## LINE MANAGER GUIDANCE

Disciplinary and Grievance Hearings, a managers guide [here](#)

A managers guide to investigations [here](#)

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