

GRIEVANCE POLICY

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Overview

This policy and accompanying guidance have been drafted to provide information on the University's approach to handling grievances.

Developed by the Legal Services and Employee Relations Unit, September 2023

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Grievance Policy

1. Introduction

- 1.1. This policy has been developed to reflect our core values and associated behaviours as described in our Staff Charter.
- 1.2. This policy does not form part of any employee's contractual terms of employment. It has been implemented following consultation with the University's recognised trade unions (UCU, NIPSA and Unite) and staff networks.
- 1.3. In respect of those employees at Grade 6/Ac1 and above, this policy is established pursuant to Statute XII Part VII of the University Charter and Statutes, and references to 'Regulation' or 'Regulations' in Statute XII shall be taken to mean policy or policies.
- 1.4. This policy should be read in conjunction with the Complaints Resolution Procedure, the Triage Procedure and the supporting guidance documents.

2. Principles

- 2.1. A grievance is any concern, problem or complaint that an employee may have that arises in the course of their employment, such as a working relationship, a decision, the work environment, the application of a particular policy, or organisational change.
- 2.2. It is the University's policy to ensure that all employees have access to a procedure to help deal with any complaints that relate to their employment fairly and without unreasonable delay.
- 2.3. Grievances are not a substitute for normal communication with your manager and colleagues. Where possible and appropriate, efforts should be made to address issues through discussion in an attempt to resolve working issues. Many problems can be resolved informally when channels of communication are kept open and work well.
- 2.4. Grievances raised under this policy and will be addressed under the Complaints Resolution Procedure which sets out a cohesive, fair and consistent framework to address and to provide an opportunity for resolution of grievances in a proportionate, straightforward and non-discriminatory manner.
- 2.5. The Complaints Resolution Procedure is confidential and all those involved (including witnesses) are required to maintain this confidentiality and respect the privacy of others. Breach of confidentiality may compromise the integrity of the procedure and any employee or student found to have shared confidential information outside of the Complaints Resolution Procedure may be subject to disciplinary action. It is also expected that any evidence (written or oral) provided to the University will be true to the best of that person's knowledge.

- 2.6. The University will ensure line managers (or nominees) involved in the process do not have a conflict of interest.
- 2.7. Employees raising a grievance may only do so on their own behalf; a grievance may not be raised on behalf of a colleague.
- 2.8. This policy may not be used to challenge a recruitment decision, nor a decision taken under another policy which provides its own right of appeal, nor may it be used to extend the appeal mechanism of another policy or procedure, unless in exceptional circumstances. Where there is a more appropriate policy or procedure for dealing with a complaint e.g. the Disciplinary Policy, Misconduct in Research, or the Raising Concerns Policy (whistleblowing), the matter will be dealt with under that policy.
- 2.9. References within this policy to 'Line manager' include a nominee; this may be a colleague more senior than the employee who has raised the grievance (i.e. with supervisory or managerial responsibility). In certain circumstances, the University may appoint a suitably trained third party such as an external investigator/consultant to investigate complaints.
- 2.10. It may be appropriate in limited circumstances to accept a grievance raised by a former employee, within 6 months of the incident complained of. If a grievance is raised by a former employee the Case Manager will decide whether it is appropriate to accept the grievance, and the manner in which it will be dealt with, on the basis of reasonableness, fairness and proportionality.
- 2.11. This policy supersedes the Grievance Procedure (for grades 1-5) and the Grievance Regulation (for grades 6/ AC1 and above).

3. Scope

- 3.1. This policy applies to all employees and should be read alongside the supporting Complaints Resolution Procedure.
- 3.2. This policy does not apply to workers. Any concern, problem or complaint that a worker has should be raised with the Hiring Manager named in their letter of engagement.
- 3.3. Where a complaint relates to a worker supplied by an external agency, supplier, auditor or any third-party company, the University will transfer the matter to that agency or company to manage. It will be the responsibility of that agency/company to investigate and conclude matters as appropriate in line with their existing policies.
- 3.4. Any complaints involving allegations against a student should be referred to Directorate of Education and Student Services to be dealt with under the Student Conduct Regulations.
- 3.5. Complaints about third parties, anonymous complaints, complaints covered by other policies, frivolous complaints or complaints about appropriate constructive

and regular line management and feedback are not deemed to constitute grievances.

4. Application

- 4.1. Grievances should be raised without unreasonable delay, at the earliest opportunity, and will be dealt with promptly. This includes not unreasonably delaying meetings or decisions.
- 4.2. Only in exceptional circumstances will the University consider allowing meetings under this procedure to be put on hold due to one of the participants being on long term sickness absence. Employees who are unfit for work may still be fit to participate in complaints (and other management) procedures. The University will be informed and guided by its occupational health advice, but in many cases unresolved or prolonged workplace disputes can have a greater negative impact on employee wellbeing than addressing and seeking resolution to the dispute.
- 4.3. Grievances brought and concluded within a reasonable timeframe have increased prospects of a satisfactory resolution. The extent to which historic grievances can be investigated will necessarily be limited by the passage of time and in some cases it may not be possible to reach a finding. Any formal complaint relating to matters that occurred more than six months ago is likely to be rejected by the Case Manager unless there are special and exceptional circumstances justifying a longer timescale.
- 4.4. The employee raising a grievance has the right to be accompanied to any formal meetings held under this policy by a trade union official (as defined by the Labour Relations Agency (LRA) Code of Practice on Disciplinary and Grievance Procedures) or by a University colleague. (Guidance for informal meetings is available in the Guide to Informal Resolution).

5. Grievances raised during another employee relations process

- 5.1. In the event a grievance is raised during a disciplinary process (or a capability process, or absence management process) it may be appropriate to either:
 - 5.1.1. temporarily suspend the disciplinary process in order to deal with the grievance
 - 5.1.2. deal with both issues concurrently, or
 - 5.1.3. take alternative action.
- 5.2. The Case Manager will make this decision on a case by case basis, having regard to principles of proportionality, timeliness and fairness.

6. Institutional investigation

As a general principle, the decision whether to progress a complaint is up to the Complainant. However, the University has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, it is considered appropriate and necessary to do so. Examples include where serious issues

have been raised which are deemed to pose a risk to health and safety of staff, or others, or a threat to property.

7. Victimisation

No member of staff or student should suffer any form of retaliation, detriment or other less favourable treatment as a result of having raised a complaint, supported a complaint or cooperated in an investigation, or as the result of the belief that they have done, so or are likely to do so. Allegations of such treatment are taken seriously and may result in disciplinary action.

8. Equality and Diversity statement

The University is opposed to all forms of unlawful and unfair discrimination. It values and promotes equality and diversity and will seek to ensure that it treats all individuals fairly and with dignity and respect in accordance with the Equality Diversity and Inclusion policy.

9. Legal obligations

None of the provisions in this policy are contractual. The University reserves the right to digress from this published policy in so far as it may be inconsistent with its legal obligations as an employer and/or the legal rights of individual employees. Any such changes will be subject to consultation with the recognised trade unions.

10. Data protection

Personal data will be managed in line with the University Staff Privacy Notice and Student Privacy Notice.

11. Policy review

This policy will be kept under regular review to ensure it is meeting its purpose and objectives and may be varied following consultation with the University's recognised trade unions.

12. Equality screening

This procedure has been screened out with mitigation as per the Equality Commission's guidance on screening with no adverse impact with regard to equality of opportunity and/or good relations for people within the equality and good relations categories.