



THE UNIVERSITY *of* EDINBURGH

Grievance Policy

1. Policy Statement

The University is keen to provide a positive and supportive working environment for all of its employees, and as such will take every step to resolve issues in the workplace quickly and efficiently, at the lowest possible level.

The grievance procedure is not a substitute for good day-to-day communication where employees are encouraged to discuss and resolve daily working issues. Many problems can be resolved informally if channels of communication are kept open and work well. If problems cannot be resolved informally a grievance may be raised and will be investigated as quickly as possible so that it can be resolved within a reasonable timeframe.

The University will deal objectively and constructively with all grievances, and employees who decide to use the procedure may do so with the assurance that the matter will be considered fairly and in confidence. However, it must be recognised that it is not always possible to resolve grievances to everyone's satisfaction.

The University recognises that formal grievances can have a serious detrimental effect on employees and relationships at work, whether they are upheld or not, and will provide appropriate support to any employee involved in a grievance process from the outset to help minimise any impact.

All employees are expected to adhere to the University's Dignity and Respect Policy, and may refer to the Dignity and Respect procedure when considering making complaints in certain circumstances.

2. Scope and Purpose

A grievance is defined as 'a concern, problem or complaint that employees raise with their employer'. This may include a complaint from an employee about their treatment by managers or colleagues, changes to working practices, or a failure to fulfil duty of care obligations.

This Policy applies to all employees of the University. Should an employee raise a formal grievance during their notice period, every effort will be made to investigate and hear their grievance before their employment comes to an end. Where there is insufficient time to do so, the University will investigate the issues raised and provide the employee with a written response.

The purpose of the Grievance Policy is to resolve issues in the workplace in the most effective manner and at the lowest level possible. It provides a framework within which to deal with complaints, and allows for complaints to be resolved informally where possible, or through a formal grievance procedure where necessary.

Where employees have a complaint about the outcome or management of other formal internal processes, e.g. disciplinary or capability procedures, promotion processes, or requests for flexible working, they should always pursue such complaints through the appeals / review procedure set out in the relevant policy. Exceptionally, this Grievance Policy may be used where employees believe that University policies and procedures have not been complied with and there is no appropriate appeal mechanism through which they can make their complaint.

The procedure outlined below should be used where individual employees, or groups of employees, have a concern they wish to address. It is not for use in situations covered by a collective bargaining process, when the issue should be raised either with the relevant Trade Union, or directly with University HR Services.

In what follows, the term 'employee' should be taken to read either an individual employee or a group of employees as appropriate.

3. Principles of the Policy

The University will observe the following principles in all grievance related matters:

- The University will make every effort to deal with grievances as quickly as possible, at the appropriate management level
- No decisions on the outcome of a formal grievance will be made before the case has been investigated
- Employees raising a grievance may only do so on their own behalf; they cannot raise a grievance on behalf of a colleague
- Where working relationships are a factor in any grievance, support will be given where employees wish to take part in mediation to resolve a difficulty
- At formal stages of the grievance process, all parties have the right to be accompanied by a Trade Union representative or workplace colleague
- Formal grievances must normally be submitted in writing; if complaint is made verbally which is to be taken forward as a formal grievance, the details must be recorded in writing before proceeding
- During the formal Grievance Procedure, the complainant, and any person against whom a grievance has been submitted, will have the opportunity to state their case before any decision is made.
- At no stage in the procedure can any party record a meeting or hearing, using audio or video recording equipment, without the prior written agreement of all present.
- Employees have the right of appeal against the outcome of the Grievance Procedure
- The University's Dignity and Respect Policy will be observed in relation to all grievance related processes.

4. The Informal Procedure

If employees have a concern, problem or complaint, they should try and resolve it informally first. Employees do not have to submit an informal grievance in writing and it will not be recorded on official files.

The following steps should be followed in order to find a resolution:

- The employee should request a meeting with their manager ¹or, if this is not appropriate because their manager is involved, a more senior manager or a member of their College / Support Group HR Team
- During this informal meeting, the employee should explain the nature of their complaint to the manager and their desired outcomes
- The manager and employee should explore how the issue could be resolved informally
- Both parties will seek to reach agreement on how to take any actions forward. These could involve arranging further meetings with relevant third parties
- An informal record should be kept of the steps taken and any agreement reached, e.g. an email or note to file.

The employee and manager will arrange to meet as regularly as necessary to monitor progress throughout the informal procedure, and should meet once all agreed actions have been taken to assess if the matter has been resolved.

If the complainant feels unable to tackle their complaint informally, or they have not reached a satisfactory conclusion through the informal process, then they may pursue a formal grievance. If this is the case, the procedure outlined below should be followed.

5. The Formal Process

If employees wish to raise a formal grievance, they should put their complaint in writing and address it to their manager. Where the grievance relates to the employee's manager, they should send it to their manager's manager, or the College / Support Group Head of HR.

When submitting a formal grievance, the employee should include a concise summary of the issue, specify the outcome they are seeking and what, if any, actions they have taken to resolve the issue informally.

Upon receipt of a formal grievance, the manager may initially arrange a meeting with the employee to ascertain whether it could be resolved through an informal route, if attempts have not been made already for informal resolution.

Following an investigation into the facts of the case, the manager may give consideration at this stage as to whether the case should be progressed as a disciplinary matter. In these circumstances, advice must always be sought from the College / Support Group HR Adviser.

¹ For the purposes of this policy the term 'manager' will be defined so as to include the nominated or line manager or another designated person of suitable seniority and responsibility within the relevant work unit or group

6. Appointing an Investigating Officer

The manager who will Chair the grievance hearing will appoint an Investigating Officer, taking into account the need to avoid any potential conflict of interest. The Investigating Officer will:

- Not be part of the management structure of the person being complained about
- Normally be at least at a grade equal to that of the complainant's manager
- Will have had no prior involvement in the case
- Normally be at least one grade higher than the person being complained about.

In addition, their appointment should give no rise to any potential conflict of interest.

If the grievance is made against a member of the Senior Management Team or Head of School, College or Support Group, the College / Support Group Head of HR will discuss the matter with the Director of Human Resources before agreement is reached on how to proceed in appointing the Investigating Officer and identifying the manager who will Chair the hearing.

Both the complainant and respondent will, where appropriate, have the opportunity to challenge the selection of the Investigating Officer where they believe that there is a conflict of interest.

Further information on the role of the Investigating Officer is contained within the document 'Guidance for Managing Investigations'.

7. The Investigation

The Investigating Officer will initially invite the complainant to a meeting to discuss their grievance and this will take place as soon as reasonably possible. The Investigating Officer may wish to interview others in connection with the grievance, and this will be done through separate meetings.

Guidance on carrying out investigation is available in the document 'Guidance for Managing Investigations' which can be found at: <https://www.ed.ac.uk/human-resources/policies-guidance/a-to-z-of-policies-and-guidance>

Where formal meetings are arranged in relation to a formal grievance procedure, the guidance contained within the document 'Guidance for Handling Formal Meetings' should be followed. This can be found at: <https://www.ed.ac.uk/human-resources/policies-guidance/a-to-z-of-policies-and-guidance>

If the grievance is against another employee ('the respondent'), the Investigating Officer must also write to the respondent letting them know that a grievance has been submitted, enclosing either a copy of the written grievance or a concise summary of the main issues, and outlining the stages involved in the process, so that the respondent is fully informed of the case against them.

The Investigating Officer must recognise the potential distress that a formal grievance can cause for a respondent, and therefore must act with sensitivity when letting them know

about the case made against them for the first time. A conversation with the respondent before they see the formal grievance is advisable where possible.

The respondent should also be made aware of their right to seek support from their Trade Union, their local HR Team and where appropriate, the Staff Counselling Service.

At all stages of a grievance, those involved in the investigation must bear in mind the need for confidentiality in order to preserve the integrity of the process and out of respect for any other colleagues involved. Any breach of this may lead to disciplinary action for the employee concerned. However, this does not preclude employees from discussing the matter with their representative, or with the Staff Counselling Service.

8. The Right to be Accompanied

All employees (whether complainant, respondent or witness) have the right to be accompanied to meetings forming part of the formal grievance process (including investigation meetings and appeals) by either a Trade Union representative or workplace colleague, whose role is to act as the employee's witness and support person at the meeting. They will be permitted to address the meeting and confer with the employee during the meeting, but will not be entitled to answer questions on behalf of the person they are supporting.

9. Confirming the Outcome of an Investigation

Once the Investigating Officer has completed their investigation, they must summarise their findings in a written report, with any recommendations, and should forward their report to the manager who appointed them, with a copy being made available to the complainant. This report will normally be made available within one week of the last investigation meeting. If it is not possible to respond within this time period, an explanation for the delay will be given by the investigating officer, along with a revised timescale

On receipt of the report and supporting documentation the manager (Chair) will arrange the hearing, ensuring that the complainant is given one weeks' notice. The investigating officer will attend in order to present the report, and the employee will have the right to representation.

The outcomes associated with this hearing could be:

- That the grievance is not upheld, and no further formal action will be taken
- That the grievance is partially upheld, and appropriate action will be taken. (This could be where a number of complaints were made within the grievance, but not all were upheld.)
- That the grievance is upheld, and that further action will be taken as a result of it. The specific action will be discussed only where the grievance is not against a specific individual.

The complainant will be informed of the outcome in writing, by the Chair of the hearing. They will also be notified of their right of appeal against the outcome if they are not satisfied with it.

Where the grievance has been submitted against another University employee, and it is found that the grievance is not upheld, the person against whom the grievance was raised will be written to advising them of this.

Furthermore, the Investigating Officer must make recommendations to the Chair of the hearing to minimise damage to working relationships, and to ensure that employees are able to work together effectively. Specifically, any available support must be offered to any respondents involved in the case, whether a grievance has been upheld or not.

In all circumstances where a grievance is not upheld, managers should ensure that all employees involved in the process are aware that it has been brought to an end.

If a grievance made against another employee has been upheld, then the Chair of the hearing must write to the manager of the respondent to confirm the decision. The respondents manager will then arrange to let the respondent know, and will consider whether there is the need for further action to be taken, as appropriate.

Further action in these circumstances may include:

- Informal counselling / mediation
- Individual development activities
- Informal or formal disciplinary action

Where necessary, managers may refer to the Disciplinary or Capability Policies if further formal action is considered necessary.

10. Appeals

In the event that the complainant feels that their grievance has not been satisfactorily resolved, they may appeal in writing, stating the grounds of their appeal, to their College / Support Group Head of HR, normally within two weeks of receipt of the grievance response.

The appeal will be heard as soon as practicable, normally not later than four weeks after the appeal has been lodged. If necessary, this time limit may be extended through mutual agreement, or where there are issues with availability.

Prior to any appeal meeting the employee will be reminded of their right to be accompanied by a Trade Union representative or workplace colleague.

10.1 Grounds of Appeal

Grounds of appeal will normally come under one of the headings set out below.

Further evidence not previously considered: This is where the employee can demonstrate that relevant evidence was not available for the original investigation.

Process or procedural aspects: This is where the employee identifies areas of the procedure which were not operated correctly or appropriately and this could have influenced the final outcome.

If they feel the grievance has not been satisfactorily resolved.

If an appeal is received which does not set out grounds of appeal, the Head of HR will contact the employee and ask them to clarify their grounds of appeal. These must be submitted in writing within the original two week timescale. The appeal will not be heard if no relevant grounds are provided.

10.2 Appointment of an Appeal Convenor

On receipt of the appeal letter, the Head of HR will make arrangements for an Appeal Convenor who will have the relevant experience and expertise to be able to deal with the case. The person appointed will be at least at the same level as the original Investigating Officer; they will have had no previous involvement in the case; and their involvement will not give rise to any potential conflict of interest.

The Appeal Convenor will be given access to all paperwork generated from the original grievance, and will meet with the Complainant. They may also decide to carry out further investigation, including further meetings with the parties involved, before they are able to confirm a decision.

An HR Adviser will provide support for the Appeal Convenor throughout the process, and may attend the appeal meeting where necessary.

10.3 Hearing the Appeal

Once any further investigation has taken place, and the complainant has attended a meeting with the Appeal Convenor, a response to the appeal will be issued as soon as possible, but normally within one month of the appeal meeting. The possible outcomes of the appeal are as follows:

- Appeal upheld - where substantial relevant new evidence has come to light since the Investigating Officer made their recommendations, and the case will be referred back to them
- Appeal upheld – where the grievance process has not been followed correctly, and the matter will be referred back to the manager involved, who may arrange for a further investigation
- Appeal upheld - where recommendations for action made by the Investigating Officer are to be changed
- Appeal not upheld.

This is the final stage of the Grievance Procedure and the decision taken at this stage will be final within the University procedure.

11. Timescales

Although it is in everyone's best interests to conclude the Grievance process as quickly as possible, in some circumstances an extension to the timescales associated with this Policy may be required. Where an extension is required, the Chair of the grievance hearing will contact those involved to advise them of the reasons for the extension and likely timescales.

12. Vexatious Grievances

The purpose of the grievance procedure is to ensure that the appropriate channels are available through which employees can raise genuine concerns.

Where, after an investigation, a grievance is found to be vexatious or malicious, or where there is a continued pattern of unfounded complaints by the same employee, the complainant may be subject to disciplinary action. Further guidance and advice can be obtained by speaking to local College / Support Group HR Advisers.

13. Policy History and Review

This policy was approved by CJCNC on 30 March 2011. It replaced the following policies/documents: Grievance Procedure: Academic and Related Staff (SAM 6:27), and Grievance Procedure: Non-Teaching Staff (SAM 5:18).

A full review of this Policy was carried out, and amended as noted at Section 13.1, and was approved by CJCNC on 27 September 2013. It was further amended in January 2017 as noted in Section 13.2.

In the event of any significant change to the legal position on grievances, relevant statutory requirements or any other related matter, this policy will be subject to immediate review in consultation with the Trade Unions. In the absence of such a change, the policy will be reviewed by November 2019.

13.1 Change control record

No.	Approval date:	Amendment made:	Approved by:
1.	27 Sep. 2013	Full Review: This Policy was reviewed which resulted in the following amendments being applied: Section 2. Noting that this Policy applies to former employees and replaces Section 12 on Former Employees. Section 4: Clarification on keeping records at the informal procedure stage. Section 6: Minor textual amendments to improve readability, Section 7 Communication and Section 8 The Investigation, combined to become Section 7: Section 7 (new): Clarification the role of the Investigating Officer. Section 10: Clarification on the process for confirming the outcome of an investigation. Section 12: Clarification on timescales for concluding a grievance.	CJCNC
2.	February 2017	Section 2: Amendment to scope, clarifying that (in line with the Acas Code) the procedure	HRPDG and CJCNC

		does not apply to ex-employees and may be curtailed for grievances raised by employees during their notice period.	
--	--	--	--