



UNIVERSITY OF ST ANDREWS STUDENTS' ASSOCIATION

STAFF GRIEVANCE PROCEDURE

The Association recognises that, from time to time, members of staff may have problems or concerns regarding their work or relationships with colleagues which they wish to raise and have addressed. The purpose of this procedure is to provide a formal mechanism for addressing such issues. It has been designed to help bring about a satisfactory resolution of grievances in a prompt and fair manner. The procedure itself should, however, only be invoked once all other less formal dispute resolution strategies have been exhausted.

Guidance on the informal resolution of grievances can be found at: <http://www.st-andrews.ac.uk/staff/policy/hr/Grievanceprocedureforallstaff/Appendix1/> and further support and advice can be sought from the HR Manager.

General principles

By raising a grievance we will look at producing a recommended resolution to the problem. Where appropriate every effort should be made to resolve grievances informally and as near to its source as possible. For example, if the grievance is between colleagues and depending on the circumstances it may be appropriate for them to discuss the issue together or with their immediate supervisor. If you are uncertain how to proceed advice can be sought from your Trade Union representative or the HR Manager. However a formal grievance may be raised from the outset at the complainant's request.

A grievance may be brought by either a single individual or a group of people. The following list indicates the types of issues that might give rise to a grievance (this list is not exhaustive):

- terms and conditions of employment;
- health and safety at work;
- work relationships;
- unfair treatment;
- new working practices;
- working environment;
- organisational changes;
- equal opportunities.

Complaints directly relating to issues concerning bullying and harassment will be dealt with in the first instance under the relevant policy. Advice should be sought from the HR Manager.

There are certain issues that will not be considered under the Grievance Procedure. These include:

- any complaints that are trivial or vexatious
- complaints which should be addressed, from the outset, by the Disciplinary Procedure;
- complaints relating directly to regrading/promotion (these matters will be dealt with under the appropriate appeals mechanisms).

The HR Manager will advise on the appropriateness of a grievance to be dealt with under this procedure in consultation with the General Manager.

To promote a prompt resolution of a grievance, it may be appropriate to suspend formal proceedings to enable further fact-finding discussions or mediation to take place, subject to the agreement of all parties concerned. This should involve getting all parties together for an informal discussion. This may be arranged by Human Resources, and is usually best facilitated by a mutually agreeable third party. Such a person could be an independent manager or senior colleague from the University. Wherever possible every attempt should be made to resolve the grievance through mediation before instigating the formal procedure.

There may be certain circumstances where it is appropriate to modify these procedures (see Modified Grievance Procedure below).

For a diagram outlining the key steps of the grievance procedures please refer to <http://www.st-andrews.ac.uk/media/human-resources/new-policy-section-documents/grievance-procedure-for-all-staff/Grievance%20flowchart.pdf>

Where, following informal discussions, it has not been possible to resolve a complaint/grievance to the satisfaction of the member of staff concerned, the formal three-step procedure should be followed:

Step 1 - Submission of written grievance

The member of staff must set out in writing the nature of his/her grievance, clearly stating the basis of the complaint, and address this to the General Manager. If the grievance involves the General Manager, the member of staff should instead address the written grievance to the Chair of Board.

The member of staff should send a copy of this letter to the HR Manager and should also retain a copy of the letter for their own records. It should be noted that if an employee fails to notify an employer of a grievance in writing and fails to wait 28 days for a response then their claim will be barred if taken to an Employment Tribunal.

Step 2 - Invitation to grievance hearing

The manager to whom the written grievance was addressed must acknowledge, in writing, receipt of the grievance and invite the member of staff to a preliminary meeting in order that the grievance can be discussed. This letter should inform the member of staff raising the grievance of the date, time and location of the hearing, and of the composition of the panel that will hear the case. It should also advise the member of staff that they have the right to be accompanied at the hearing. A template letter is available at: <http://www.st-andrews.ac.uk/staff/policy/hr/Grievanceprocedureforallstaff/Appendix3-Sampleletters/>

The hearing should take place as soon as is reasonably practicable, normally within 10 working days of the written grievance having been received, or as soon as possible thereafter. Where it is not reasonably practicable for the manager to hear the case within 10 working days, the member of staff should be provided with an explanation for the delay. The timescale in which a meeting will be held will also be advised. For the purpose of this procedure a working day is defined as a weekday (Monday-Friday) but excluding public holidays and such additional days when the Association is deemed closed.

Where a grievance (individual or group) is brought against another member of staff within the Association, the member of staff will be invited to the hearing to discuss the issue and put forward their case (depending on the nature of the case, it may be more appropriate to meet with each party separately to discuss the complaint). All parties involved will be notified of the grievance and provided with copies of any relevant paperwork.

All parties involved in a grievance have the right to be accompanied to the grievance hearing by a fellow employee of the Association, a family member or a trade union representative. The accompanying person may confer with the member of staff during the hearing and, at the member of staff's request, may address the panel and sum up the case. They are not, however, entitled to answer questions on behalf of the member of staff. Neither party nor the Association will have legal representation.

The HR Manager should be notified of the name, address and status of the accompanying person, and of any special requirements that the member of staff or his/her accompanying person may have, at least two working days prior to the hearing.

The individual against whom the grievance has been brought has the right to make a written submission to the hearing. This must be submitted to the HR Manager at least two working days prior to the hearing and will be circulated to all parties and panel members.

If appropriate, all parties may call witnesses to provide evidence at the hearing. Names of any witnesses to be called must be made available to the HR Manager at least one working day prior to the hearing. It is the responsibility of the individual to ensure that all

witnesses are advised of the date, time and venue of the hearing. Details of witnesses shall be made available to both parties.

All parties should take all reasonable steps to attend the hearing on the date/time stated. If, for genuine reasons, any party or their accompanying person cannot attend on the date proposed, an alternative date may be suggested. This date must be suitable to all parties involved and should be within five working days of the original date (this time limit maybe extended by mutual agreement).

A hearing will only be deemed to have taken place if a properly constituted panel has been formed and the parties concerned have appeared before it (where appropriate). Where either party fails to attend through circumstances outwith their control (e.g. illness), the hearing should be arranged for another time. Where a member of staff fails to attend a re-arranged meeting without good reason a decision may be taken in their absence based on the evidence provided.

Panel composition

The case will normally be convened by the General Manager. The panel will also include a Head of Department who has no previous involvement in the case. The HR Manager will be in attendance. If a grievance involves the General Manager, a member of the Association Board shall be appointed by the Chair of Board to convene the panel.

Conduct of the hearing

The convener may vary the proceedings of the hearing depending on the nature of the case, with guidance from the HR Manager: however the following principles should always be observed.

- Each party to the grievance will have an opportunity to state her/his case at the start of the hearing.
- Usually the individual bringing the grievance will make the first statement followed by those against whom the grievance is brought.
- The accompanying person may confer with the member of staff during the hearing and, at the member of staff's request, may address the panel and sum up the case. They are not, however, entitled to answer questions on behalf of the member of staff.
- Each party may cite witnesses.
- Normally both parties will be present throughout the hearing, however, the Panel may vary this so long as both parties have access to all the evidence heard by the Panel.
- At the end of the hearing each party will be given the opportunity to sum up their case.
- The convener may adjourn the proceedings at any stage if this appears necessary.

For further guidance on the conduct of a grievance hearing please refer to <http://www.st-andrews.ac.uk/staff/policy/hr/Grievanceprocedureforallstaff/Appendix4-Convenerchecklist/>

Decision

On the basis of the discussion and the evidence provided, the Panel will decide how best to deal with the grievance. The Panel has the authority to:

- uphold the grievance;
- partially uphold the grievance;
- reject the grievance.

Where the decision is made to uphold the complaint (wholly or partially), the Panel will seek to offer constructive solutions to the problem/s, the implementation of which it may monitor/review for a period.

In cases relating to staff conduct/behaviour, if the ruling of the Panel is not adhered to by those involved, the matter may then be referred to the Disciplinary Procedure.

Where the Panel has made the decision to reject the complaint it may still make recommendation for resolving the difficulties identified during the hearing. Each party to the grievance i.e. the complainant and the member of staff against whom the grievance has been brought (if relevant), will be notified, in writing, of the decision and any associated action/recommendations within 10 working days of the hearing having taken place.

This written notification will advise the member of staff raising the grievance that they have the right to appeal against the decision.

Step 3 - Appeal

The member of staff raising the grievance has the right to appeal against the decision taken by the Grievance Panel if he/she is not satisfied with the outcome of the hearing. Appeals procedure

A request for an appeal hearing must be lodged, in writing, within 10 working days of the member of staff being notified of the Grievance Panel's decision.

This appeal should explain why the member of staff is not satisfied with the decision taken, and should be addressed to the Chair of Board. The member of staff should also retain a copy of this letter.

The member of staff will then be invited to a meeting in order that the appeal can be discussed.

The Appeal Hearing will normally be held within 10 working days of the appeal being lodged.

The member of staff has the right to be accompanied by a fellow employee, a family member or a trade union representative at an appeal. The accompanying person may confer with the member of staff during the hearing and, at the member of staff's request, may address the panel and sum up the case. They are not, however, entitled to answer questions on behalf of the member of staff. Neither the member of staff nor the Association will have legal representation.

The HR Manager should be notified within 5 working days of the hearing of the name, address and status of the accompanying person (if relevant) and any witnesses they may wish to call, together with notification of special requirements. It is the responsibility of the individual to inform witnesses of the date, venue and time of the hearing.

The panel members will be provided with all the material presented at the original hearing.

The Convener of the Appeal Panel will hear evidence from both parties i.e. the member of staff and the Convener of the original Disciplinary Panel. Both parties will be given the opportunity to present their case, call witnesses and cross-question.

Appeal panel composition

The Chair of Board will be responsible for convening an appropriate Appeal Panel, which will consist of the Chair plus one student and one non-student members of the Board.

The HR Manager will be in attendance to advise the Appeal Panel. It is important that the members of the Appeal Panel must have no conflict of interest in the appeal and should have had no previous involvement in any stages of the grievance.

Decision

On hearing all the evidence the Appeal Panel will adjourn to consider its decision. The HR Manager will confirm the decision of the Panel in writing within 5 working days of the hearing having taken place.

An appeal will only be deemed to have taken place if a properly constituted Appeal Panel is formed and meets with the member of staff. If the member of staff is unable to meet the Appeal Panel within the time limits, the Panel has the authority to extend the period in which the hearing must take place.

The decision of the Convener of the Appeal Panel will be final.

Modified grievance procedure

This Grievance Procedure may be modified where the employment of the member of staff raising the grievance has already ended, and it is either not reasonably practicable for one or other of the parties to use the standard procedure, or both parties agree in writing to use the modified procedure.

Where the Modified Grievance Procedure is to be applied, a two-step procedure should be followed:

1. Step 1 – The complainant must set down in writing the nature of the alleged grievance, clearly stating the basis of his/her complaint. This written grievance should then be sent to the General Manager.
2. Step 2 – The General Manager in consultation with the HR Manager must send out a written response to the complaint, normally within 10 working days of having received the written grievance.

It should be noted that if an employee fails to notify an employer of a grievance in writing and fails to wait 28 days for a response then their claim will be barred from an Employment Tribunal.