



ROBERT GORDON UNIVERSITY ABERDEEN

Grievance Policy/Procedure

Approved by	The Executive		
Date approved	October 2015	Status	Approved
Policy owner	Head of HR Operations & Support	Impact assessed	Yes
Version	4	Date of next review	November 2023

1.0 Purpose of Policy

- 1.1 Robert Gordon University is committed to good employment relations practice and recognises that it is essential for organisations to have a grievance procedure available to all workers.
- 1.2 This procedure is intended to create strong incentives for the University and the employee to attempt, in the first instance, to resolve problems through dialogue
- 1.3 The university will ensure that grievance procedures are applied fairly and consistently in all instances.
- 1.4 Anyone working in the University may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to raise and have addressed. The most effective means of do so will normally be by discussing these issues face to face, colleague to colleague, or with local management. The option of facilitated mediation is also available by contacting a member of the HR team.
- 1.5 The University wishes grievances to be addressed, and if possible, resolved and recognises that in addition to being a requirement of good practice and current employment legislation it is considered to be an implied term of the employment contract as part of the duty of trust and confidence between employer and worker.
- 1.6 In drawing up this procedure the University has taken account of the requirements of the ACAS Code of practice, the Employment Rights Act 1996, the Employment Relations Act 1999 and the Employment Act 2008.

2.0 Scope of Procedure

- 2.1 The Grievance Procedure applies to all employees of the Robert Gordon University who are in full or part-time employment, on permanent, fixed term or temporary contracts of employment.
- 2.2 This procedure does not have contractual effect.
- 2.3 The procedure is liable to change from time to time following consultation with the recognised trade unions.

3.0 What constitutes a grievance?

- 3.1 ACAS define a grievance in the Discipline and Grievances at Work Guide as “concerns, problems or complaints that employees raise with their employers”
- 3.2 Grievances are official complaints by workers to their employer which relate to the way the individual worker has been treated by the organisation or managers acting on its behalf. While it is not appropriate to provide an exhaustive list of all the issues that might give rise to a grievance, some examples include:
- a) terms and conditions of employment
 - b) health and safety
 - c) relationships at work
 - d) bullying and harassment
 - e) new working practices
 - f) working environment
 - g) organisational change
 - h) equal opportunities
 - i) discrimination
- 3.3 It is not appropriate for certain issues to be raised under the grievance procedure, and as such the following areas are excluded from consideration under this procedure:
- a) any matter that is regarded as vexatious or trivial and could be readily resolved informally
 - b) any matter that merely repeats complaints that have already been made and adjudicated on
 - c) issues that are the subject of collective negotiation or consultation with a recognised trade union
 - d) any act or omission related to industrial action
 - e) any complaint which amounts to an allegation of misconduct on the part of another employee (these will be investigated under the disciplinary procedure and the complainant will be informed of the outcome)
 - f) any matter that is or has previously been the subject of the Disciplinary Policy and Procedure
 - g) appeals against grading decisions made under the approved job evaluation schemes
 - h) complaints made by individuals who have left the organisation
 - i) any complaint made as (or which should more appropriately be seen as) a Disclosure in the Public Interest (Whistleblowing complaint), for which there are separate procedures.

4.0 Informal Discussion

- 4.1 It is recognised that the Grievance Procedure is intended to encourage and maintain good employee relations as well as providing a mechanism whereby formal complaints can be raised and addressed.

- 4.2 It is important therefore, that wherever possible, concerns or potential grievances are dealt with as early as possible.
- 4.3 If any member of staff has a grievance they should discuss it informally with their immediate supervisor in the first instance.
- 4.4 In certain circumstances mediation may be an appropriate means of addressing the issue. Further guidance on the mediation process is available from the HR Department.
- 4.5 If the issue remains unresolved then the member of staff must raise a formal grievance by following the steps outlined below.
- 4.6 An individual wishing to lodge a grievance should do so within three months of the date of the incident, change or action that has taken place and prompted the individual to complain formally.

5.0 University three step process – Step 1 Statement of Grievance

- 5.1 Grievances must be set out in writing, clearly stating the basis of the complaint, and addressed to the appropriate line manager as follows:
 - a) the immediate supervisor or Head of School/Department if he/she is the appropriate line manager
 - b) the appropriate Head of School/Department if the grievance concerns the immediate supervisor
 - c) the appropriate member of the Executive if the grievance concerns a Head of Department or the member of staff raising the grievance is a Head of Department
 - d) the appropriate Dean of Faculty if the grievance concerns a Head of School or the member of staff raising the grievance is a Head of School
 - e) the appropriate Vice-Principal if the grievance concerns a Dean of Faculty or the member of staff raising the grievance is a Dean of Faculty
 - f) the Principal and Vice Chancellor if the grievance concerns a member of the Executive or the member of staff raising the grievance is a member of the Executive
- 5.2 In cases of alleged bullying, harassment or discrimination the written statement should, wherever possible, detail the following points:
 - the name(s) of the alleged harasser
 - the nature of the harassment
 - dates and times when harassment occurred
 - name(s) of any witnesses to any incident(s) of harassment
 - any action already initiated which was intended to stop the harassment

6.0 University three step process – Step 2 Meeting

- 6.1 If it is accepted that the grievance is not otherwise excluded as indicated in the section. The manager to whom the grievance is addressed should contact the appropriate HR Business Partner or Adviser.
- 6.2 The complainant would be invited to attend a meeting to discuss the grievance as soon as reasonably practicable and normally within ten working days of the date of receipt of the written grievance.
- 6.3 The complainant would normally receive five working days notice of the meeting in writing. They must take all reasonable steps to attend the meeting to discuss the grievance.
- 6.4 The complainant will have the right to be accompanied at this meeting by either a work colleague or a trade union official. The complainant must inform the HR Business Partner/Adviser of the name and status of the representative two days prior to the hearing and of any special requirements that the complainant or his/her representative may have. External legal representation will not be permitted at any stage of the grievance process.
- 6.5 The companion has the right to address the hearing and may ask questions but he/she may not answer questions on the complainant's behalf.
- 6.6 If the complainant's companion cannot attend on a proposed date, the complainant can offer an alternative time and date so long as it is reasonable and it is not more than five working days after the original date.
- 6.7 If the dates offered are not possible for the manager, for good and genuine reasons, the manager will ultimately determine a date and time, having regard to all the circumstances.
- 6.8 Where a grievance has been raised against an individual, that individual should be provided with details of the grievance and be invited to attend the grievance meeting. This allows the position of both parties to be explored openly and removes the requirement for a succession of separate meetings to establish the facts. The complainant should be informed of this.
- 6.9 The individual against whom the complaint is made would normally receive five working days notice of the meeting and have the right be accompanied by a work colleague or trade union official.
- 6.10 The individual should confirm the name of the companion and status to the HR Business Partner/Adviser at least two days prior to the hearing.

- 6.11 If the companion is unable to attend the hearing for genuine reasons, an alternative date within five working days of the original date should be arranged by the manager in consultation with the HR Business Partner/Adviser.
- 6.12 The hearing will take place with both parties in attendance. Exceptionally i.e. where claims are of a sensitive nature such as bullying, harassment or discrimination, the individual whom the grievance is against would be invited to a separate meeting.
- 6.13 An HR Business Partner/Adviser shall accompany the manager at all stages
- 6.14 The Hearing must not take place unless:
- the complainant has already set out the basis of the grievance in writing as per Step 1
 - the manager has had a reasonable opportunity to consider his/her response to that information

7.0 Potential outcomes from the hearing

- 7.1 Once the manager is satisfied that he/she has come to a satisfactory conclusion he/she must then decide whether to:
- a) Uphold the complaint
 - b) Partially uphold the complaint
 - c) Not uphold the complaint
- 7.2 Where the complaint is upheld or partially upheld consideration should be given to any potential remedy or solution. This may be a recommendation for training, development, or counselling for one or more individuals involved in the case. Mediation may also be considered as an option
- 7.3 In some cases where the complaint is upheld, for example in the case of bullying and harassment, this may result in a recommendation that disciplinary proceedings be initiated under the University's Disciplinary Policy/Procedure.

8.0 Communicating the decision

- 8.1 Following the meeting, the manager would normally inform the complainant orally of the decision and any associated action in response to the grievance.
- 8.2 The response will be confirmed in writing and should clearly state the outcome and notify the complainant of the right of appeal against the decision if he/she is not satisfied with the response.

- 8.3 This response should normally be received by the complainant no later than ten working days following the date of the meeting. Where this is likely to extend beyond ten working days from the disciplinary meeting, the manager would inform the complainant of the delay, the reasons for the delay and the expected date for the decision.
- 8.4 If the grievance is against the actions and/or decisions of another member of staff, the outcome must also be communicated, in writing, to that individual.

9.0 University three step process – Step 3 Appeal

- 9.1 Employees have a right to appeal against a grievance outcome decision.
- 9.2 The complainant must request an appeal in writing to the Head of Human Resources within ten working days of the date of issue of the decision from the first meeting.
- 9.3 The appeal must clearly state the grounds for appeal i.e. the basis on which the complainant intends to challenge the outcome of the grievance hearing, or the action taken as a result.
- 9.4 The appeal is not a rehearing of the original grievance. A grievance appeal may not be lodged simply on the basis that the appellant disagrees with the step 2 outcome. An appeal can only be lodged on the grounds that (1) there was an error of or ignorance of a material fact that affected the original outcome such that the outcome would have been different if that fact were known and/or (2) where there has been a material failure to follow the grievance procedure itself (without the consent of the complainant), which failure made a material difference to the outcome.
- 9.5 The appeal will be heard without unreasonable delay.
- 9.6 The appeal will be heard by a manager who has not previously been involved, and who is normally at least of the same level of seniority as the Grievance Hearing Manager, if not more senior.
- 9.7 The individual will normally receive five working days notice of the appeal meeting.
- 9.8 An HR Business Partner/Adviser shall accompany the manager hearing the appeal throughout the hearing.
- 9.9 The complainant has the right to be accompanied as per sections 6.4 – 6.7 of this policy.

- 9.10 The employee will be informed in writing of the appeal decision as soon as possible and normally within ten working days of the appeal meeting. Where this is likely to extend beyond ten working days, from the appeal meeting, the manager will inform the complainant of the delay, the reasons for the delay and the expected date for the decision.
- 9.11 On completion of Step 3, the right of appeal under the Grievance Procedure will have been exercised and the decision of the manager who heard the appeal is final.

10.0 Collective grievances

- 10.1 In circumstances where a grievance applies to more than one person, the details of the grievance must be set out in writing and signed by all who are party to the grievance. Normally one person shall be nominated to represent the group.
- 10.2 Where the group are represented by one trade union it may be appropriate for the problem to be resolved through the collective agreements between the appropriate trade union and the University.

11.0 Additional support

- 11.1 In certain circumstances it may, with mutual agreement, be helpful to seek additional support during the grievance procedure. For instance, where relationships have broken down, it may be helpful to use a qualified Mediator to help resolve the problem. This intervention will be initiated in consultation with the Human Resources Department.

12.0 Grievances raised during a disciplinary process

- 12.1 Where an employee may raise a grievance related to a disciplinary process, it may be appropriate, to suspend the process for a short period until the grievance can be considered. The employee, will however, have to raise the grievance in accordance with this procedure.
- 12.2 Depending on the nature of the grievance, the University may need to consider bringing in another manager to continue to hear the disciplinary case.

13.0 RECORDS

- 13.1 Records should be kept detailing the nature of the grievance, the response given, any action taken and the reasons for it.
- 13.2 The HR representative will take a summary note of the grievance hearing and a copy will be given to the individual and the manager concerned.
- 13.3 In certain circumstances some information may be redacted, for example, to protect a witness.
- 13.4 Meeting records should be kept detailing:
 - a) the nature of the grievance raised
 - b) a note of the meeting held to hear the grievance
 - c) the university's response
 - d) any action taken and the reasons for this
 - e) whether there was an appeal
 - f) a note of the appeal meeting
 - g) the outcome of the appeal meeting

14.0 ADDITIONAL INFORMATION

<http://www.acas.org.uk/index.aspx?articleid=2174>

**Human Resources Department
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