

# Grievance Procedure

All Staff Categories

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# Grievance Procedure

## All Staff Categories

### 1 General Principles

- 1.1 The University recognises that employees may on occasion have issues relating to their work or working relationships which they will want to address. This procedure provides a framework for dealing with individual and collective grievances arising in the course of employment or which are closely connected with employment at Strathclyde.
- 1.2 This procedure applies to all University of Strathclyde employees irrespective of fixed term/open ended contract status, grade and staff category. The University will act fairly and consistently when applying this procedure.
- 1.3 In all cases, the University will act promptly and will not unreasonably delay meetings, decisions or confirmation of decisions.
- 1.4 This procedure will give effect to the principle that, in their areas of academic expertise, staff engaged in teaching, the provision of learning or research will have freedom within the law both to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without putting themselves at risk of losing their employment or privileges. This right of 'academic freedom' is balanced by the obligation to use that freedom responsibly and professionally.
- 1.5 An employee has the right to be accompanied at any formal meeting and related appeal meeting under the grievance procedure by a University work colleague, an accredited Trade Union representative or an official employed by a Trade Union.
- 1.6 Line managers may seek support at any point from the HR Directorate and HR staff will attend meetings where appropriate to partner with line managers in the decision making process and to provide professional advice on the operation and application of this procedure. This includes ensuring appropriate fairness and consistency of application across the University.
- 1.7 If an employee has particular requirements at any stage of the grievance procedures as a result of a disability, or wishes to inform the University of any medical condition which may be relevant, the employee should confirm this as early as possible during the process by contacting their line manager or a member of the HR team for their area.
- 1.8 The University may commence the process using this procedure but revert to using a different procedure, either during or after this process, if it becomes clear that it is more appropriate to do so. The individual will be informed of this as soon as possible.
- 1.9 Complaints of bullying, harassment or victimisation will be dealt with utilising the University's [Dignity and Respect Policy](#) and do not fall within the scope of this procedure. If the grievance procedure has already commenced and it is subsequently determined that the matter falls within the scope of the Dignity and Respect Policy, then the procedure will revert to this process.
- 1.10 Notes of formal meetings will be taken to summarise key points rather than as a verbatim record. A copy of these notes will be given to the parties present and there will be an opportunity to comment. If it is not possible to agree the accuracy of the notes both views will be incorporated into the record but with the point of disagreement noted. Written records pertaining to grievance matters will be kept in accordance with current applicable data protection legislation.

- 1.1.1 The University prohibits the covert audio or video recording of formal or informal meetings as well as discussions by colleagues or discussions with colleagues. Covert recording (ie without the express permission of all participants in the meeting or discussion) will be considered a disciplinary matter and may be dealt with under the University's Disciplinary Procedure.

## 2 Informal Grievance

- 2.1 Employees experiencing problems in the workplace should raise these in the first instance with their line manager with the aim of seeking informal resolution to the issue(s). The line manager will meet with the employee(s) and, where appropriate, other relevant parties to clarify the matter and to seek a resolution that addresses concerns.
- 2.2 The informal route to deal with allegations of bullying, harassment or victimisation is outlined in the University's Dignity and Respect Policy.
- 2.3 If the grievance relates to the line manager then the employee(s) should raise the issue informally with the next more senior line manager.
- 2.4 If the matter is not satisfactorily resolved through the informal route, or is considered too serious to seek informal resolution, then a formal grievance can be raised.

## 3 Mediation

- 3.1 The University has a network of trained mediators who can engage at an early stage to assist with issues of conflict, including issues that would be considered under this policy. Mediation is a **voluntary** process where an impartial third party enables two or more people to work through issues of conflict or disagreement with the aim of improving their working relationship. The focus within mediation is on moving matters forward more positively rather than on the attribution of blame. Mediation is a **voluntary** process; individuals have a choice as to whether they wish to participate. It will not ensue, for instance, when one party declines to be involved.
- 3.2 Where individuals agree to mediation they should engage in the process in a positive and constructive manner with a view to achieving resolution. Members of staff who are interested in exploring mediation should contact HR in the first instance. In some cases, it may be more appropriate for a mediator from an external organisation to be involved.
- 3.3 Mediation is available as an alternative to utilising the formal process outlined below. Alternatively, it may be suitable at the conclusion of formal proceedings in assisting both parties to move their working relationships forward in a more positive way.

## 4 Formal Grievance

- 4.1 **Raising a grievance:** To raise a formal grievance, an employee must set out their grievance in writing and send it to their Head of Department/equivalent. This written statement should clearly confirm that the employee wishes to invoke the formal grievance procedure and should set out the nature of the grievance including relevant facts, such as the names of any individual's involved, dates of any incidents and the desired resolution to the grievance. If the grievance is about the Head of Department then the written grievance should be sent to the Executive Dean or, within Professional Services, to the Chief Operating Officer or Chief Financial Officer as appropriate.

- 4.2 **The grievance meeting:** The employee will be invited to attend a formal grievance meeting, which will normally be held within ten working days of the formal grievance letter being received, to outline his/her grievance and how they think it might be resolved. The meeting will be convened by an appropriate manager who has not previously been involved in the case. The individual may be accompanied by a University work colleague or a Trade Union representative and will be advised of this when notification of the meeting is given. After this, an investigation may be required to establish the facts surrounding the case and, following this investigation, it may be necessary to meet again with the individual raising the grievance. If an investigation is necessary, this will normally be completed within four weeks.
- 4.3 Once the details of the case have been determined, the convener of the formal grievance meeting will decide the outcome, in partnership with HR as appropriate, based on the facts of the case made available to him/her. The University will notify the relevant parties in writing of the outcome and reasons for the outcome, normally within 10 working days of the meeting. More time will be required if further investigation is needed but the complainant will be kept informed in writing of this.
- 4.4 Whilst the individual raising the grievance will be advised if it has been upheld or dismissed, they will not be advised of any action which may or may not be taken against the subject of the grievance. The outcome letter will confirm that the employee raising the grievance has a right to appeal.

## 5 Appeal

- 5.1 If the complainant believes that it has not been satisfactorily dealt with, he/she may appeal in writing, setting out in detail the grounds for the appeal. The appeal must be lodged with the Director of Human Resources or alternate within 10 working days from the date of the letter confirming the outcome of the grievance hearing.
- 5.2 The employee will be invited to attend an appeal meeting and will be advised of his/her right to be accompanied at that meeting by a University work colleague or a Trade Union representative.
- 5.3 Grievance appeal meetings will be convened by another member of staff, normally in the employee's line management structure, who has not previously been involved in the grievance.
- 5.4 The employee will be issued with a reasoned written outcome of the appeal meeting, normally within 10 working days of that meeting. This exhausts the University's procedures.

## 6 Issues not considered under the Grievance Procedure

- 6.1 Certain issues will not be considered under the grievance procedure, these including:
- Any complaints that are deemed to be trivial or vexatious. Any such complaints may be addressed through the disciplinary procedure;
  - Complaints which should be addressed, from the outset, by the disciplinary procedure. This means, for example, that a grievance cannot normally be raised following the conclusion of the disciplinary appeals process. The only allowable circumstances will be truly exceptional scenarios where there are clear facts to confirm a prima facie case for a significant breach in the disciplinary appeals procedure e. g. discriminatory practice within the appeals procedure;
  - Complaints relating to or regarding promotion or re-grading (these will be dealt with under the available appeals mechanisms);
  - Complaints relating to bullying, harassment or victimisation, which should be dealt with under the Dignity and Respect Policy;
  - Complaints relating to flexible working applications (these should be addressed through the Working Parents and Carers Flexible Working policy).

- 6.2 Advice and guidance should be sought from the relevant HR team before a line manager dismisses a grievance complaint for any of these reasons.

## **7 Review**

- 7.1 This policy will be reviewed and updated at periodic intervals to ensure continuing suitability for organisational needs and compliance with relevant legislation.