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# University Governance

## University Ordinances

### Ordinance XXXVII

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#### Staff Grievance Policy and Procedure

*(Version effective from 24 November 2016 until 1 July 2020)*

This ordinance shall apply to all staff to whom paragraph 3 of Statute XXI refers<sup>[1]</sup>. Provisions for all other staff shall be found in the relevant Conditions of Service.

#### 1. POLICY

1.1 Loughborough University aims to provide a positive and supportive working environment for all of its employees and is therefore committed to seeking to resolve workplace issues raised by individual employees, quickly and efficiently at the lowest appropriate level which may include informal mediation. This approach is consistent with the ACAS Code of Practice on Disciplinary and Grievance Procedures and the associated ACAS guide.

1.2 The University will use its best endeavours to deal objectively and constructively with all grievances and employees using this procedure will be dealt with fairly and as quickly as possible.

1.3 An employee may raise a grievance about action which the University has taken, or is contemplating taking, or has failed to take, in relation to them, or about the actions of work colleagues.

1.4 Human Resources (HR) should be advised, by the manager considering the grievance, of the complaint and will be available to provide advice and support throughout the process.

1.5 Throughout this document, reference to "days" means calendar days, but bank holidays and University closure days will not be counted.

1.6 Employees may use this procedure to seek resolution to matters of concern affecting their employment, typically in relation to one or more of the following:

- \* Terms & conditions of employment
- \* Health & safety
- \* Work relations
- \* Bullying & harassment
- \* Working practices
- \* Working environment
- \* Organisational change
- \* Discrimination

1.7 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. Advice must always be sought from HR in such situations.

1.8 This procedure also applies to a collective grievance which is raised by a group of employees on a matter which is common to them all such as the allocation of duties or their working conditions.

1.9 This procedure is not intended to cover:

- \* Any matter which is the subject of the Disciplinary Procedure
- \* Collective disputes
- \* Other matters outside the authority of the University, e.g.:

- Income Tax and National Insurance matter.

- Rules of Pension Schemes.

- Statutory Requirements.

1.10 Matters dealt with using the grievance procedure must be kept confidential by all parties involved.

## **2. PROCEDURE**

### **2.1 Representation**

2.1 Although an employee only has a right of representation at the formal stages of the grievance procedure, it is recognised that the assistance of a trade union representative or colleague can be helpful in achieving a solution to an employee's grievance. Consequently, the employee raising the grievance will be allowed representation at all stages, including the informal stages.

2.2 Representation may comprise: a workplace trade union representative; an official employed by a trade union (eg regional officer) or a fellow University employee.

2.3 Legal representation is not permitted at any stage of the Grievance Procedure.

2.4 Employees who are interviewed in the course of an investigation into a formal grievance may be accompanied at the meeting and will receive a copy of the notes of their meeting which they may agree or comment upon.

### **3. Informal Stage**

3.1 In the first instance, an aggrieved employee should discuss the matter informally with their immediate supervisor or line manager, with the aim of achieving a mutually acceptable resolution.

3.2 Where the immediate supervisor, or line manager, is the subject of the grievance, then the employee should discuss the matter informally with the next level manager.

### **4. Formal stage**

4.1 If the matter is not resolved and the employee wishes to raise a formal grievance, they must set out the details, including the remedy sought, in a written statement that should be sent to their Head of Department/Section. The statement should set out the grounds for the grievance and include any supporting documentary evidence. [If the grievance refers to the actions of their Head of Department/Section, the statement should be sent to the Dean of the School, or in the case of non-School sections, the relevant Service Director.] A copy of the grievance should also be sent to the Director of Human Resources.

4.2 The person considering the grievance will meet the employee to discuss the matter within 14 days of receipt of the written statement. The employee may be accompanied, at this meeting, by a work colleague, or a union representative and the manager will be accompanied by an HR representative. In some cases, it may be necessary

to adjourn the meeting to allow for an investigation of the issues to take place, which may include hearing from witnesses.

4.3 If the grievance is based on the actions or omissions of an individual employee of the University, that employee shall be provided with a copy of the grievance, suitably redacted if necessary and given the opportunity to respond as part of the investigation process.

4.4 Within 14 days of the meeting, or the conclusion of any resumed meeting, the person considering the grievance will send the employee a written statement of their decision and the reasons for it. The employee will be notified of their right to appeal, if they are not satisfied with the outcome.

## **5. Appeal stage.**

5.1 An employee who is not satisfied with the decision reached at the first formal stage will have 21 days, from the receipt of the written decision, to lodge an appeal, by submitting a written statement, including remedy sought and a list of witnesses (if any) to be called in support of the case, to the Director of Human Resources, stating the grounds for the appeal. If an appeal is not received within this period, no further action will be taken on the grievance and all interested parties will be informed that the grievance procedure has been concluded.

5.2 Upon receipt of the written statement, the Director of Human Resources will convene an appeal hearing to be heard by a panel comprising two senior managers within the University and a lay member of Council.

5.3 The panel hearing the appeal must not have been previously directly involved in any way with the grievance. An appeal hearing will be convened to take place within 21 days of receipt of the written statement.

5.4 The employee may be accompanied by a work colleague, or a union representative at this hearing. The employee's companion will be allowed to address the appeal hearing in order to:

- \* Put the employee's case
- \* Sum up the employee's case
- \* Respond on the employee's behalf to any view expressed at the hearing
- \* Confer with the employee during the hearing
- \* Question any witnesses appearing at the hearing.

5.5 The normal procedure to be followed at the grievance appeal hearing is as follows:

- a) The employee (or representative) presents their case and may call their witnesses, who may be questioned by the employee (or representative), the management representative and the panel hearing the appeal.
- b) The management representative shall reply and may call witnesses, who may be questioned, as above.
- c) The employee (or representative) shall sum up their case
- d) The management representative shall sum up management's case
- e) The parties shall withdraw while the panel hearing the appeal, advised by the appointed HR representative reach a decision.
- f) The decision may be given orally to both parties, if practicable, but in any case will be conveyed in writing within 10 days of the conclusion of the appeal hearing. The written statement of the decision will include details of the reasons upon which it is based. This decision will be final.

## **6. Time Limits**

6.1 In exceptional circumstances, it may be necessary to extend the time limits set out in the above procedure. Wherever possible any extension to the time limits will be mutually agreed.

## **7. Attendance at Meetings**

7.1 Where an employee is off sick a referral to Occupational Health may be made to ascertain whether the employee is well enough to attend an investigatory meeting or a hearing or to establish the likely timescale before they will be able to attend. Action will then be taken accordingly.

7.2 If an employee does not attend an investigatory meeting or a hearing, the reason must be ascertained, if at all possible. If the circumstances were beyond the employee's control, e.g. illness another meeting should be arranged. If the meeting is rearranged and the employee fails to attend a second time, without good reason, a decision may be made in the employee's absence.

## **8. Outcomes**

8.1 The person(s) hearing the grievance or the grievance appeal should advise the employee of the decision as soon as practicable. Some of the possible outcomes include:

- a) to uphold the complaint in full
- b) to dismiss the complaint
- c) to uphold part of the complaint and to dismiss other parts

## **9. Vexatious or Malicious Grievances**

9.1 An employee, who raises a grievance that is not upheld and is found to be vexatious or malicious, may face disciplinary action.

## **10. Former Employees**

10.1 Grievances may be raised by former employees after their employment has ended, provided that the written grievance is received by the Director of Human Resources within 28 days of the date of termination of employment.

10.2 A modified procedure will apply in these circumstances which will involve an appropriate investigation to the grievance, following which a written response will be sent to the employee, normally within 28 days of receipt of the grievance letter. Any decision contained within the written response will be final.

## **11. Mediation**

11.1 If either the employee, or the manager, considers that the matter might be best resolved through mediation, they should refer it to the Director of Human Resources, as soon as possible. The Director of Human Resources will arrange for a mutually agreeable third party, who may be a suitably experienced manager, or colleague from another organisation, e.g. ACAS, to assist the parties in trying to resolve the matter.

11.2 An employee participating in mediation to resolve an issue, under this policy, will not subsequently be debarred from either commencing or taking, such procedures further.

## **11. Status Quo**

11.1 Where a grievance arises out of any proposal to change existing practices or conditions of service, the 'status quo' shall prevail until these procedures have been exhausted, unless it is necessary for legal, safety or urgent operational reasons for management to take action immediately. In such cases, the senior manager responsible, in consultation with the Director of Human Resources, will advise the parties concerned and confirm in writing the overriding considerations involved. This is without prejudice to either party's position.

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[1] Staff where a substantial proportion of their duties involve the provision of teaching, learning or research.