



WITH EFFECT FROM 1 JANUARY 2013

THE GRIEVANCE PROCEDURE

1. INTRODUCTION

- 1.1. Many difficulties that arise can be resolved quickly and informally between managers and their staff.
- 1.2. Every effort should be made by all involved to deal with issues promptly and not cause unreasonable delay.
- 1.3. A grievance may be concerned with a wide range of employment related issues.
- 1.4. Where the matter relates to a disciplinary decision or where the University has specific procedures, e.g. harassment, public interest disclosure, promotion, allegations of research misconduct, the matter will be dealt with under the other relevant procedure.
- 1.5. Issues that are the subject of collective negotiation or consultation with the campus Trade Unions will not be considered under the grievance procedure unless a breach of legislation is alleged.
- 1.6. If the circumstances may apply to more than one person where a trade union is involved then it may be appropriate for the problem to be resolved within existing collective agreements between the trade union/s and the University.

2. RAISING AN INFORMAL GRIEVANCE

- 2.1. Attempts should always be made to resolve matters informally and promptly first of all. Where a staff member perceives that concerns relate to an immediate manager, the staff member may wish to discuss this informally with a more senior manager.
- 2.2. The relevant manager should allow the staff member to explain the complaint and ask the individual how s/he would like to see the matter resolved. The focus of informal resolution is on exploring whether the issue can be resolved through discussion/informal intervention and in particular on ways of avoiding similar issues arising in future.
- 2.3. Managers should make and retain notes of any issue(s) raised and discussed informally. Notes should include any agreed outcomes, support and timescales for the matter.



- 2.4. The manager should share a copy of any notes made with the complainant(s) and retain notes securely and confidentially in accordance with Data Protection principles. See Dispute Resolution Toolkit for further details.
- 2.5. If the staff member is not satisfied with the outcome, s/he may initially decide to pursue mediation or may move to the formal stages of the grievance procedure. Mediation may also be instigated at any stage of this procedure, with the mutual agreement of both parties (i.e. complainant and respondent), if appropriate.

3. RAISING A FORMAL GRIEVANCE

- 3.1. If it is not possible to resolve the grievance informally, or exceptionally if the staff member believes the matter is sufficiently serious, s/he should raise the matter formally in writing and without unreasonable delay with his/her immediate manager.
- 3.2. The written grievance should outline clearly the basis of the grievance, include evidence, specify the remedies sought, and indicate what might be a reasonable outcome.
- 3.3. If the immediate manager is involved in the grievance then the written grievance should be addressed to the next level of management.

4. GRIEVANCE MEETING

- 4.1. Managers should consult with Human Resources before proceeding with a formal grievance meeting.
- 4.2. The staff member's manager (or the next level of management if the immediate manager is involved in the grievance) will arrange a meeting to discuss the matter, to be held without unreasonable delay, and as soon as is reasonably practicable (usually no later than 7 calendar days) after the grievance has been received in writing. Where further time is required to consider the evidence or seek further clarification, the panel have the ability to implement a reasonable adjournment.
- 4.3. The panel membership will vary depending upon the detail of the grievance and the seniority of the staff involved. All members of the panel will be appropriately skilled University staff with sufficient knowledge of the area of the University and relevant technical knowledge to make a judgement. It would be a normal expectation for the Chair of the panel to be of a more senior position than the named respondent to the grievance. The panel membership shall be made known to the staff member in advance of the meeting, and the staff member should raise any concerns with regards to the panel in advance.



- 4.4.** The staff member raising the grievance will be given the opportunity at the meeting to explain the grievance and how s/he thinks it should be resolved.
- 4.5.** In some circumstances the panel may deem that it is appropriate to adjourn the meeting to undertake any necessary further investigation without unreasonable delay. The panel shall discuss with the member of staff the scope of any investigation and the names of any potential witnesses or other staff who should be interviewed. The Chair of the panel shall explain proposed next steps and an estimate of the timescales involved. The panel may decide in complex cases to appoint an investigating officer with terms of reference agreed with the member of staff (and the union where relevant). The investigating officer's role would be to report the facts, not recommendations, to the staff member and to the panel.
- 4.6.** The Chair of the panel shall usually provide the staff member with notes of any investigatory meetings and invite comments on these before the investigation is concluded. The staff member will be provided with a copy of the final investigation report prior to the grievance meeting.
- 4.7.** Where the grievance is wholly or partly against another member of staff, this individual will be provided with the notes of meetings and all accepted evidence notwithstanding that confidentiality and compliance with the Data Protection Act (DPA) (1998) is maintained. The individual will also be given the opportunity to provide comment. These comments may be either at a meeting or in writing, at the discretion of the Chair of the panel. In light of these comments the panel shall decide whether any further investigations or comments from others are necessary.
- 4.8.** If at any point in the grievance meeting or investigation the panel decides that the grievance is unfounded, vexatious or trivial it may decide to reject the grievance without further investigation of the facts and report the decision to the staff member.
- 4.9.** The Chair of the panel shall prepare a report summarising the nature of the grievance, the investigation (where applicable), the decision and the reasons for the decision, and any recommendation considered appropriate.
- 4.10.** Outcomes will be communicated in writing to the staff member without unreasonable delay and as soon as is reasonably practicable, usually within 7 calendar days after the meeting. Where the usual timeframe is not practicable, this will be communicated, with reasons and an alternative timeframe. The written notice will include details of the arrangements the staff member should follow should s/he decide to appeal, e.g. to whom to appeal, time limits, etc.



5. APPEAL

- 5.1. Staff intending to appeal against the decision of a grievance must do so promptly, usually within 7 calendar days of receipt of the written outcome letter. Should the individual require additional time to submit an appeal, s/he may make a request to Human Resources, for a reasonable extension.
- 5.2. The intention to appeal should be communicated in writing, stating the grounds upon which the appeal is based. Grounds for appeal might be: the process was not appropriately followed; there is new evidence relevant to the case which was not previously available; or the grievance outcome is deemed to be disproportionate. The appeal will consider the specific area with which the staff member is dissatisfied in relation to the grievance outcome, rather than reconsider all matters raised within the original grievance. The appeal panel will therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.
- 5.3. The appeal will be chaired by a Senior University Manager, and a member of Human Resources will support the appeal process. Neither would usually have been previously involved in the case. The Chair will ensure that the number of people present at the appeal is kept to a minimum. The appeal would usually be considered within 14 calendar days of receipt of the application.
- 5.4. At the appeal meeting the documentary evidence made available at the original meeting will be made available for reference purposes. As the purpose of the appeal is not a reconsideration of all matters, it is the responsibility of the staff member to state their grievance and bring to the attention of the panel all relevant documentary evidence that should be considered. Based on the appeal case presented and the associated evidence, the appeal panel may either: uphold the grounds for appeal, reject the grounds for appeal, or require a further grievance meeting to reconsider the whole or part of the case.
- 5.5. Where a full or partial reconsideration of the case is required, the appeal panel may undertake this should the panel deem it appropriate. The staff member can request that such a rehearing takes place at a later date.
- 5.6. The panel will have the discretion to dismiss the appeal if it is considered to be trivial, vexatious or obviously without merit.
- 5.7. The staff member will be informed in writing of the appeal outcome usually within 7 calendar days of the appeal meeting. If the timescales are to be longer, this will be communicated.
- 5.8. Where the case is reconsidered an appeal of the subsequent decision would be permissible.
- 5.9. The panel's decision is final.



6. OTHER PROVISIONS

- 6.1. During formal proceedings, including appeals, staff can be accompanied by a companion. This may be: either a fellow worker, a workplace Trade Union representative, or an official employed by a Trade Union. The staff member should advise whether the secretary of the panel should copy the staff member's representative into all the relevant documentation.
- 6.2. At any grievance or appeal meeting, the companion will be allowed to address the meeting in order to: put the staff member's grievance forward; sum up the grievance; respond on the staff member's behalf to any view expressed; and confer with the individual. The representative should not usually answer questions on behalf of the staff member, but may do so with the agreement of the panel.
- 6.3. Every effort should be made by all to attend meetings as arranged. Effort will be made to arrange meetings which are mutually acceptable, wherever possible. Where a staff member fails to attend on more than two occasions, the University may decide that a decision should be made in his/her absence on the evidence available on the third scheduled meeting.
- 6.4. Where a staff member raises a grievance during a disciplinary or capability process which is related, the relevant panel may deem it appropriate to deal with the issues as part of, or concurrently with, the relevant disciplinary or capability procedure. Alternatively the Chair of the appropriate disciplinary or capability panel may deem it appropriate to temporarily suspend the disciplinary or capability proceedings pending the outcome of the grievance in order to safeguard the fairness of the process.
- 6.5. Where a staff member believes disability (e.g. hearing difficulties, chronic fatigue etc) or language skills (e.g. English is not his/her first language) may impact on the ability to participate as appropriate in the procedure, it is the individual's responsibility to raise this with Human Resources as soon as possible. In such cases the University will consider providing appropriate reasonable support/adjustments during formal proceedings. Panel members shall be advised of any reasonable adjustments to be made.
- 6.6. Outcomes of the grievance will be kept confidential and retained in accordance with the Data Protection Act [1998].
- 6.7. Time limits are indicated in calendar days and are included in the procedures in order to ensure that matters are dealt with promptly and without undue delay. Neither the University nor staff members should unreasonably delay meetings, decisions or confirmation of those decisions. However, in complex matters it may be appropriate to extend time limits provided in the Procedure.



The
University
Of
Sheffield.

Human
Resources.

- 6.8.** Human Resources shall regularly monitor equality statistics relating to grievance matters and these will be shared with the Human Resources Committee (HRC) and the Joint University and Campus Committee (JUCC).
- 6.9.** The Procedure was formally approved by HRC on 4 October 2012 and agreed by JUCC on 16 January 2013.