REGULATION 30 GRIEVANCE PROCEDURE

A. GUIDANCE NOTES

Introduction

The University is committed to supporting its staff in carrying out their responsibilities to the highest possible standard within a culture which encourages productive and cooperative working practicesoos T(")-5.7 (D)2.6li(i)2.6 (s)-2 (c)-2 (i)2.7 (pl)2.6 (i)2.6 (nar)-5.9 (y)-2 ()0.6 (and)10

- 1.3 This procedure and any revisions to it will be collectively agreed with the University's recognised trade unions.
- 1.4 A member of staff has the right to be represented at all meetings held in accordance with the grievance procedure. References to the member of staff in the procedure apply to the member of staff or his/her representative.
- 1.5 The latest version of this procedure will be held on the HR website at http://www.sussex.ac.uk/humanresources/personnel/policies

2. Principles

- 2.1 All staff must support the aim of resolving issues of concern relating to their employment informally through discussion with their immediate manager. Where a member of staff feels that his/her concerns have not been addressed adequately through this route, s/he should submit a formal grievance in accordance with the procedure outlined in part B.
- 2.2 Grievances should be addressed speedily to promote productive and harmonious working conditions.
- 2.3 Subject to the agreement of all parties involved in the grievance, the procedure may be suspended at any stage for mediation, or alternative non-adversarial discussions with the aim of promoting a more speedy resolution of the grievance. It is recommended that mediation or other non-adversarial discussions should wherever possible take place at an early stage, preferably before formal procedures are commenced.

Employment Rights Act, 1996, Section 1; Employment Act 2008

- 2.4 Solutions on some issues will require an element of compromise and it must be accepted that it may not always be possible to resolve an issue to the total satisfaction of everyone involved.
- 2.5 Information provided by any party to a grievance will usually be shared with others involved in the grievance, including any other party to the grievance, those interviewed as witnesses, to HR staff involved in the proceedings, to those involved in investigations or hearings and to managers of the parties to the grievance. It is essential that those giving or receiving information during the consideration of a grievance under this procedure maintain confidentiality and privacy at all times during the grievance process. This applies to all documentation and meetings. The grievance statement and the outcome letter will be held within HR on the personal file of the aggrieved member of staff. Other relevant papers will be stored in Human Resources and flagged on the personal file of the aggrieved member of staff.

3. Responsibilities and rights

3.1 Members of staff

Members of staff are responsible for:

- attempting to resolve any concerns about aspects of their employment at the earliest opportunity, in a constructive and informal way, through regular discussion with their immediate manager;
- (ii) discussing a grievance relating to another member of staff with him/her with the aim

- 6.1.7 a complaint against an actual or threatened dismissal, which should be dealt with under the appropriate procedure (for example disciplinary procedure, capability procedure or redundancy procedure);
- 6.1.8 allegations which are covered by the University's Whistleblowing Procedures;
- 6.1.9 issues which are outside the responsibility or control of the University in its role as an employer, for example statutory limits on night work or statutory rest periods (as

or structures, changes in good practice, or as a result of analysis of the statistical data collected.

B. ACTION BEFORE FORMAL STAGES

1. Informal Stage

- 1.8 If the member of staff is not satisfied with the outcome, he/she may wish to pursue the formal stages of the grievance procedure.
- 1.9 Whilst it is not necessary for a Human Resources representative to attend meetings connected with the informal stage, advice should normally be sought by the relevant manager dealing with the grievance.

2. Mediation

- 2.1 Mediation is a process whereby a neutral third party attempts to help the parties reach agreement in the event of a dispute. It may be requested or recommended at any stage in dealing with a grievance that the University (through Human Resources) appoint a mediator to help towards a resolution, if both parties are agreeable. It is usually preferable, however, for any mediation to take place before formal grievance proceedings are commenced. The first contact should be with Human Resources who will arrange external mediation.
- 2.2 Agreement to mediation does not preclude the member of staff from submitting a formal grievance at a later stage, if mediation is not successful in resolving the complaint. In such circumstances, the member of staff shall still raise any formal grievance promptly.
- 2.3 Further guidance on mediation is available at Appendix 1.

C. FORMAL STAGES

1. Stage 1: Statement of Grievance

- 1.1 If a member of staff feels that his/her work-related concerns have not been addressed adequately through informal discussion with the relevant manager, s/he should submit to the manager, copied to the relevant Human Resource representative, details of the grievance in writing, setting out as fully as possible his/her specific complaint including any available evidence in support of the complaint and specify how he/she would like to see the matter resolved. Where the grievance relates to the immediate manager, it should be submitted to that person's manager, or, if that person is also involved, to the Director of Human Resources who will nominate a manager outside the individual's immediate area of work. Further information or clarification may be requested where the specifics of the complaint are not clear to the manager or where this is considered useful in undertaking or resolving the grievance. Staff who have difficulty in formulating a written grievance, for example, due to a disability or because English is not their first language should contact Human Resources, a work colleague, or a trade union representative who will offer help.
- 1.2 The relevant manager shall discuss the grievance promptly with the relevant Human Resources representative and will appoint a manager (who may be him/herself) to deal with the grievance (the "investigating manager"). The investigating manager should normally be appointed within ten working days of receipt of the grievance.
- 1.3 Where a grievance relates wholly or partly to the actions of a named member of staff, this individual will be notified of the grievance by the investigating manager without unreasonable delay and will receive a copy of the grievance (or that part of that relating to him/her) and any documentation submitted with it.

2. Stage 2: Investigation and outcome

- 2.1 Following receipt of the grievance, the aggrieved member of staff shall be invited in writing to attend an initial meeting with the investigating manager and advised of his/her right to be accompanied in accordance with paragraph A4 above. This meeting will normally be held within 15 working days of the Investigating Manager being appointed. The purpose of this meeting is to allow the investigating manager to understand the nature of the grievance and to explore potential solutions. The investigating manager will explain the purpose of the meeting, introduce those present and outline the procedure to be followed. The aggrieved member of staff or his/her companion will then be invited to state his/her case as set out in the statement of grievance and may be questioned, for the purposes of clarification, and establish the scope of the grievance. If further details or examples emerge at the meeting that were not included in the original statement of grievance, the aggrieved member of staff shall be asked to put those in writing if he/she wishes these to form part of the grievance. The investigating manager will arrange for Human Resources to keep a formal record of the meeting which will be copied to the aggrieved member of staff.
- 2.2 It may be appropriate for the investigating manager to undertake a further investigation into the grievance before reaching his/her decision. The investigating manager shall discuss with the aggrieved member of staff the scope of such investigation and the names of any potential witnesses or other members of staff who should be interviewed as part of this investigation. The investigating manager shall explain the proposed next steps and an estimate of the timescale for carrying out any investigation and responding to the aggrieved member of staff. The

- 2.5 The investigating manager shall ensure that notes are kept of meetings with the member of staff who has raised the grievance and any person interviewed as part of the investigation into the grievance. These notes will usually be a summary of the meeting, rather than a verbatim note. The members of staff concerned will be given the opportunity to agree or make comments on the notes of the meetings which they have been involved in.
- 2.6 The investigating manager shall normally provide the aggrieved member of staff with the notes of any investigatory meetings with other members of staff and invite the aggrieved member of staff to provide comments on these before the investigation is concluded. Likewise, where the grievance is wholly or partly against another member of staff, this individual will be provided with the notes of any investigatory meetings which relate to the grievance against him/her and give the opportunity to provide comments on these before the investigation is concluded. These comments may be provided at a meeting or in writing, at the discretion of the investigating manager. If a further meeting is convened, the member of staff will be reminded of his/her right to be accompanied under paragraph A4 above. In light of these comments, the investigating manager shall decide whether any further investigations or comments from other colleagues are considered necessary.
- 2.7 The investigating manager shall prepare a report which will usually summarise the nature of the grievance, the investigation that has taken place, the decision on the grievance and the reasons for that decision, and any recommendation considered appropriate to resolve the grievance or address its cause (whether or not the grievance is upheld). This report will normally be produced within 10 working days of the conclusion of the investigation. At the discretion of the investigating manager, a further meeting may take place with the member of staff who raised the grievance in order to orally communicate the decision that has been taken on the grievance. In any event, the outcome of the grievance shall be communicated in writing by sending the aggrieved member of staff a copy of the investigating manager's report. If the grievance is not upheld, the aggrieved member of staff will be advised of his/her right to appeal the decision under the next stage of the grievance procedure. The report will also be provided to any member of staff against whom the grievance has been brought.
- 2.8 Where recommendations are made in the investigating manager's report, the Human Resources representative will ensure that these are forwarded to the appropriate individuals for action.

3. Stage 3: Appeal to Grievance Panel

- 3.1 A member of staff may appeal against a decision reached under stage 2 by submitting written notification together with all supporting documentation that the individual wishes to be considered to the Director of Human Resources within 10 working days of receiving written notification of the outcome of stage 2.
- 3.2 The appeal hearing is not designed to re-hear the grievance but to examine the grounds of appeal. Appeals may be raised on one or more of the following grounds:

3.10 This is the final level of appeal.

4. Conduct of a grievance appeal meeting

- 4.1 The Chair will determine who should attend the meeting. In most cases this will be:
 - (i) the Chair and two other panel members;
 - (ii) the aggrieved member of staff;
 - (iii) his/her representative or colleague;
 - (iv) the investigating manager whose decision is appealed;
 - (v) any relevant witnesses identified by the aggrieved member of staff, investigating manager or member of i188 -1.155aggi1 (i)2.6 (g)10.5 (at)-6.6oLh3-6 (be)10.tEMC /P &MCID