

# GRIEVANCE PROCEDURE

## 1. About this procedure

- 1.1 The University of Reading recognises that from time to time individual employees may have concerns, problems or complaints in relation to their employment. The University wishes to ensure that grievances are resolved quickly to the satisfaction of all concerned.
- 1.2 It is our policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. The University encourages open communication at all stages of this procedure so that difficulties arising during employment can be brought out into the open. The University aims to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.
- 1.3 All steps taken under this policy by the University will be carried out in accordance with the University's principles relating to equality and academic freedom, as enshrined in the Charter of Incorporation and the principles of fairness, reasonableness and natural justice.
- 1.4 This procedure applies to all employees including full and part-time employees, those on fixed term and temporary contracts of employment regardless of length of service.
- 1.5 Employees are excluded from using this procedure to raise substantively the same grievance again following completion of the original grievance process, except where agreed actions have not been implemented.
- 1.6 This procedure has been implemented following consultation with the University and College Union and the University of Reading Staff Forum.
- 1.7 This procedure does not form part of any employee's contract of employment and it may be amended at any time. Amendments will be subject to consultation and negotiation with the University and College Union and the University of Reading Staff Forum and the review and approval of the University's Council. Minor amendments or those necessitated by a change in the law will not be subject to this process. This procedure, including any time limits, may be varied as appropriate and reasonable in any case.
- 1.8 This procedure will be reviewed biennially with the University and College Union and the University of Reading Staff Forum and approved by the University's Council.
- 1.9 In this policy, reference to a member of the Academic Staff means a Lecturer, Associate Professor or Professor.

## 2. Using this procedure

- 2.1 Issues that could cause grievances may include:
- (a) terms and conditions of employment;
  - (b) disputes regarding academic freedom;
  - (c) health and safety;
  - (d) work relations;
  - (e) bullying and harassment;
  - (f) new working practices;
  - (g) working environment;
  - (h) organisational change; and
  - (i) discrimination.
- 2.2 This Grievance Procedure should not be used as a secondary appeal process where there is an existing appeal process under the relevant policy or procedure. For example, if you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Procedure, and if you are dissatisfied with a decision about grading, promotions or rewards, you should submit an appeal under the procedure governing that decision.
- 2.3 The University has a separate Anti-harassment and Bullying Policy that may be useful if you believe you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people. It is set out in the Staff Handbook.
- 2.4 The University operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this Grievance Procedure.
- 2.5 Grievances concerning two or more employees (which may be collective grievances), including those raised by the University and College Union or the University of Reading Staff Forum, will be dealt with as appropriate to the facts of the case.
- (a) Complaints concerning policy issues affecting a number of staff should be raised by the University and College Union and/or the University of Reading Staff Forum in accordance with the agreed mechanisms.
  - (b) Where grievances from two or more employees that arise from the same set of facts may be dealt with together under this process or a reasonable and appropriate variation of it.
- 2.6 An appropriate record will be kept of written grievances, along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with the Data Protection Policy.

## 3. Principles

- 3.1 This procedure aims to ensure:
- (a) Fair and consistent treatment of all employees who raise a grievance; and
  - (b) Resolution of grievance matters as close to their point of origin and as promptly as possible.

- 3.2 All grievance issues will be investigated before a response is given to you. All parties should act in good faith to seek a successful resolution to the grievance.
- 3.3 The University fully supports and recognises the right of individuals to raise a grievance and this will not prejudice your current employment or future career prospects when raising a grievance in good faith.
- 3.4 Individuals who are the subject of a grievance will be advised of the nature of the grievance (unless it is reasonable not to do so) and will be involved in the resolution process at the earliest opportunity.
- 3.5 As the member of staff raising the grievance, you may at any time decide to withdraw your grievance. However the University reserves the right to continue with the investigation in these circumstances.
- 3.6 It is recommended that managers seek the advice of Human Resources throughout the process

## **4. Confidentiality**

- 4.1 It is the University's aim to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved. All parties must treat as confidential any information communicated to them in connection with a matter which is subject to this grievance procedure, subject to the need to seek appropriate advice and guidance.
- 4.2 It is not the University's normal procedure for meetings or hearings to be tape recorded by either party unless there are exceptional reasons why this should be considered. However, from time to time there may be a request to tape record a hearing. The decision to do so will be taken by the person chairing the meeting in consultation with HR and in advance of the meeting. A recording may be made only where all parties agree to the use of tape recording. Minutes will be prepared of formal meetings and a copy of those minutes will be provided to the employee attending the meeting.
- 4.3 You will normally be told the names of any witnesses whose evidence is relevant to your grievance hearing, unless the person chairing the meeting exceptionally and reasonably believes that a witness's identity should remain confidential. There should be no normal expectation that the identity of witnesses will be kept confidential and witnesses should understand that evidence provided by them will, other than in exceptional circumstances, be provided to the employee who has raised the grievance and, where applicable, to the person about whom the grievance is raised.

## **5. Disabilities**

- 5.1 The University is committed to complying with its obligations under the Equality Act 2010. If an individual who raises or is subject to a grievance is disabled within the meaning of the Equality Act 2010, reasonable adjustments will be considered and made as appropriate.
- 5.2 In appropriate cases, we may consider making further adjustments to this procedure to accommodate disability and ill-health. Such adjustments may include extending time limits, permitting you additional support in meetings or arranging meetings away from the campus.

- 5.3 You are encouraged to contact your line manager or Human Resources to discuss or inform us of any medical condition you consider relevant. Such information will be treated sensitively and confidentially by those who need to know it.

## **6. Raising grievances informally**

- 6.1 Those involved should aim to resolve grievances quickly and informally through discussion with the person concerned or via a third party such as a line manager. If you feel unable to speak to your manager, for example, because the complaint concerns him or her, then you can speak informally to an HR representative.
- 6.2 You are also able to speak to a University Harassment Advisers or a University Health Advisor Respect and Care (HARC) Adviser, can access the Employee Assistance Programme and may be able to seek advice from a Trade Union or Staff Forum Representative.
- 6.3 Human Resources can provide advice and arrange mediation intervention to help with the resolution of grievances. Mediation can be used at any stage of the resolution process but individuals are encouraged to use this option at an early stage.
- 6.4 If the grievance cannot be resolved informally, you should follow the formal procedure below. However, the informal steps can be returned to and can be used at any stage.

## **7. Formal written grievances**

- 7.1 If your grievance cannot be resolved informally you should put it in writing and submit it to your line manager with a copy to the relevant HR Partner, indicating that it is a formal grievance. If the grievance is against your line manager then you should submit it to your line manager's manager instead.
- 7.2 The person to whom your grievance is submitted may discharge it to another appropriate and suitably senior manager to investigate and/or hear on his or her behalf.
- 7.3 The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. In some situations you may be asked to provide further information.
- 7.4 The method of communications regarding hearings and outcomes will be agreed with you. In the absence of agreement, the preferred method of communication will be by email to your University email account.

## **8. Right to be accompanied**

- 8.1 You may bring a companion to any grievance hearing or appeal hearing under this procedure. Your companion may be either a trade union representative or a colleague. You must tell the Manager conducting the hearing who your chosen companion is, in good time before the hearing, which will normally be five working days before the hearing.
- 8.2 A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

- 8.3 If your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the University may ask you to choose someone else.

You do not normally have the right to bring a companion to an investigative interview, however, reasonable requests will, where practicable, in most circumstances be agreed. If it helps you to overcome any disability, or any difficulty in understanding English, or in other reasonable circumstances, the Investigating Officer may allow you to bring a companion. If you want to bring a companion to an investigation meeting, you must raise this with HR at the earliest opportunity, setting out your reasons.

- 8.4 During a hearing your companion may make representations and ask questions but he or she cannot answer questions on your behalf. You may talk privately with your companion at any time during the meeting.

## 9. Grievance meetings

- 9.1 The University will arrange a grievance meeting as soon as reasonably practicable after receiving your written grievance. You will normally have at least 10 days' notice of a grievance hearing.
- 9.2 You and your companion (if any) should make every effort to attend grievance meetings. If you or your companion cannot attend at the time specified, you should inform the University immediately and reasonable efforts will be made to agree an alternative time.
- 9.3 The hearing will be chaired by an appropriate manager who will be more senior than you in accordance with the following table:

GRIEVANCE PANEL	
Staff in grades 1-5	Line Manager or other appropriate manager (with sufficient seniority) <u>and</u> an HR representative
Professional and managerial staff in grades 6-9	Head of Function (in Services) or Head of School (in Schools) <u>and</u> another appropriate manager <u>plus</u> support from HR
Academic Staff in grades 6-9	Head of School <u>and</u> another appropriate manager <u>plus</u> support from HR

- 9.4 The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist the University in reaching a decision based on the available evidence and the representations you have made.
- 9.5 After an initial grievance meeting it may be appropriate to carry out further investigation and/or hold further grievance meetings. Such meetings will be arranged without unreasonable delay. You will be advised on the likely timescales for any investigation and will be kept updated on these timescales.

- 9.6 The purpose of any investigation is for the University to establish a fair and balanced view of the facts relating to your grievance. The amount of investigation required will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.
- 9.7 All employees must co-operate fully and promptly in any investigation. This will include providing the names of any relevant witnesses, disclosing any relevant documents and attending investigative interviews if required. Where the grievance includes other members of staff, they will be informed of the nature of the complaint and may be provided with a copy of it.
- 9.8 The University will write to you, usually within 10 days of the final grievance meeting or as soon as reasonably possible, to inform you of the outcome of your grievance, any further action that it is intended to take to resolve the grievance, by whom this action will be taken and who will monitor it. This may include a recommendation that action is taken under another policy, including the disciplinary policy. Any recommendations and agreed actions will be monitored. Where appropriate a meeting may be held to give you this information in person.

## **10. Appeals**

- 10.1 If the grievance has not been resolved to your satisfaction you may appeal in writing to the Director of Human Resources stating your full grounds of appeal, within 10 working days of the date on which the reasons for the decision were sent or given to you.
- 10.2 An appeal meeting will be held as soon as reasonable practicable and you will normally be given 10 working days' notice of it. This will be dealt with by the manager of the person who heard your grievance or by another appropriate senior manager who has not previously been involved in the case (although he or she may ask anyone previously involved to be present).
- 10.3 The appeal hearing will be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. Any further investigation of the grievance will be completed as quickly as reasonably possible and may include gathering appropriate additional evidence.
- 10.4 The final decision will be confirmed to you in writing, usually within 10 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.