

# Procedure and Guidelines



## Grievance Procedure

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## 1. INTRODUCTION

If an employee feels unhappy about a work related matter there are several informal options available and it is important that these are explored before recourse to the formal Grievance Procedure. In the case where an individual feels aggrieved, the matter should be raised at the earliest opportunity.

These informal options include:

- approaching the line manager to discuss the issue
- discussing the issue with the Human Resources Adviser for the Faculty/Department.

All of the above colleagues may be able to offer helpful information, advice and support on an informal basis to help resolve the situation.

However, if the issue is not resolved to the employee's satisfaction, the De Montfort University Grievance Procedure aims to provide a structured process to resolve the grievance fairly and at the earliest opportunity

## 2. SCOPE

This Procedure applies to all employees of De Montfort University and applies to employment related concerns which an employee may have.

This Procedure does not apply to the matters listed below:

- Collective disputes, which should be dealt with through the University's Recognition and Procedural Agreements
- Appeals against individual post grading, which should be dealt with under the Job Evaluation procedure
- Academic promotion, which should be dealt with by the Academic Promotions Panel
- Issues over which the University has no control (e.g. statutory deductions from pay)
- Discipline, which should be dealt with under the Disciplinary Procedure. However, if an employee who is facing disciplinary proceedings has valid reasons to feel aggrieved (e.g. where a malicious allegation has been made against him/her), then the employee may complain using the Grievance Procedure after the disciplinary process has been concluded.

- Dismissals for reasons of redundancy, which should be dealt with under the Redundancy Procedure (Redundancy Situation – Teachers in Higher Education) or Managing People Through Organisational Change Procedure
- Ill health dismissal or early retirement due to ill health, which should be dealt with under the Incapability/Ill Health Procedures
- Disputes between employees which are not related to their employment as these should be resolved by the individuals outside normal working hours
- Other procedures which have an appeals mechanism.

### **3. PRINCIPLES GOVERNING THIS PROCEDURE**

- In the first instance, the parties should attempt to resolve the grievance before the formal procedure is invoked.
- The parties should attempt to reach an acceptable resolution as close as possible to the point of origin and without undue delay.
- The parties should make available any relevant documents to all involved in the formal stages of this Procedure.
- The parties may on occasion, and by mutual agreement, modify the timescales referred to in this Procedure and such agreement will not be unreasonably withheld. If one party is not able to agree a change to the timescales, they should clarify why they are not able to.
- Employees should be given a fair hearing at all stages of the Procedure.
- All matters relating to the application of this Procedure will be subject to the provisions of the Data Protection Act
- Throughout the formal procedure, the complaint, notice of hearing(s) and decision(s) made must be communicated in writing to the parties.
- Where the complainant does not attend hearings, the reason for non attendance will be considered and in exceptional circumstances the complainant may be given the opportunity to make a written representation to the Chair of the panel.

## **4. RIGHTS OF THE EMPLOYEE**

### ***4.1 Rights of the complainant***

At all stages of this Procedure, the complainant has the right to be:

- Accompanied and represented by a friend or colleague who is a DMU employee or their trade union representative
- Submit relevant documents for consideration by members of the Panel
- Call relevant witnesses
- Progress to the next stage of the Procedure if the matter is not resolved to their satisfaction, until the Procedure has been exhausted.

### ***4.2 Rights of the employee who is the subject of the grievance***

At all stages of this Procedure, the employee who is the subject of a grievance has the right to be:

- Informed of the complaint made against him/her
- Accompanied and represented by a friend or colleague who is a DMU employee or their trade union representative
- Submit relevant documents for consideration by members of the Panel
- Call relevant witnesses.

## **5. HUMAN RESOURCES TEAM INVOLVEMENT**

Advice and guidance on the operation of this Procedure is available from the Human Resources Team. A member of the Human Resources team will be present at the grievance hearings to provide advice and guidance to the Panel.

## **6. TIME LIMITS**

Time limits are set in this Procedure to ensure a speedy resolution of the Grievance. It is a normal expectation that these time limits will be adhered to. However the parties involved may modify the time limits by mutual agreement.

## 7. STATUS QUO

Whilst the procedure is being followed, normal working arrangements will be maintained. The only exception will be solely to minimise difficulties caused by the complainant/complainees working in close proximity. In all other cases no action will be taken by either party which:

- seeks to impose a change in the existing working patterns or terms and conditions of employment
- is contrary to the existing practice, where this does not contravene some other agreed policy.

## 8. DECISION/RECOMMENDATION

Decisions will be communicated in writing to all parties within the timescale specified. The person conducting the hearing may recommend action by any party or suggest other procedures/policies be invoked. For example, there may be occasions where it is recommended that a formal investigation be carried out under the auspices of the disciplinary procedure, if it is considered that any employee's behaviour, actions or conduct warrants such an investigation. This may include the complainant if it is considered that the complaint was frivolous or malicious.

Decisions arising from Stage 2 hearings are final

## **9 PROCEDURE**

### **9.1 INFORMAL STAGE**

The initial handling of staff grievances is a very important step in the overall process and, in many cases, the matter can be resolved satisfactorily and speedily through informal action. It is recommended that an employee should initially seek to resolve the grievance by informal means with their line manager. The grievance should be raised orally in the first instance and the line manager will attempt to resolve the matter by enquiring into the complaint and discussing it with the complainant and any other parties involved (e.g. the employee(s) who is the subject of the grievance).

If the grievance relates to the line manager, and/or the employee does not feel able to discuss it with him/her, the employee should raise the matter with the next level of management within the faculty/cost centre. The manager notified of a grievance in this way should attempt to resolve the matter informally if possible.

A decision should be given as soon as possible, normally within a maximum of 10 working days after the complaint is communicated orally. The decision may be confirmed in writing if the complainant requests this.

### **9.2 FORMAL STAGE**

If the matter remains unresolved informally, the employee may choose to raise the grievance formally in writing. The formal procedure clarifies the stages that should be followed, and this includes when it is necessary to see the parties involved in the grievance separately.

#### **9.2.1 Formal Stage 1**

If the matter remains unresolved informally, the employee should raise the grievance formally in writing by completing and submitting a grievance form (Appendix A - which may be printed from the Intranet) to their line manager and copy to their Human Resources Adviser. In the event that the grievance relates to the manager who would normally deal with a grievance at this stage, the employee should refer the grievance to the next level of management. Please refer to Section 10 for level of management responsible for hearing the grievance.

On receipt of the grievance form, the line manager should inform the Human Resources Adviser for the work area who will take the following action:

- (a) Arrange a hearing normally within 15 working days of receipt of the complaint.

- (b) Notify all the parties involved of the hearing date, time and venue in writing and request them to attend. The notice of the hearing must also include a copy of the *Guidelines for conducting a formal grievance hearing (Appendix B)*.
- (c) Send all the parties involved in the matter relevant documents provided by the employee who raised the grievance and, if applicable, those provided by the employee against whom the grievance has been lodged, at least 3 days before the hearing.

After the hearing, a written decision will be sent by the manager to the complainant and the employee who is the subject of the grievance, stating the outcome of the hearing, reason(s) for the decision taken, and recommendations if any, or suggesting other procedures/ policies which may be invoked. The written notice of the decision should be sent normally within 5 working days after the hearing.

When the hearing has been concluded, the manager should ensure that the records of the hearing(s) are forwarded to the Human Resources Adviser for the work area, to be kept in the complainant's file. If the complaint is upheld a copy of the record should also be kept on the employee's file against whom the grievance was lodged.

If the employee is not satisfied with the outcome of the hearing, s/he may refer the matter to Stage 2 of the Procedure.

### **9.2.2 Formal Stage 2**

An employee who has raised a grievance at Stage 1 of this Procedure, and remains dissatisfied with the decision, may refer the matter to Stage 2 of the Procedure. The employee should submit a completed grievance form (Appendix A) and supporting documents to the Chief Executive and Vice Chancellor normally within 15 working days of the Panel's decision confirmed in writing and copy to their Human Resources Adviser.

The Chief Executive and Vice Chancellor may nominate a member of the University's Core Executive who has not been involved in the matter to hear the grievance on his/her behalf.

A Deputy Director of HR will arrange for the following action to be taken:

- (a) Organise a hearing to take place normally within 15 working days of receiving the grievance form to consider the matter.

- (b) Notify all the parties involved of the hearing date, time and venue in writing and request them to attend. The notice of the hearing must also include a copy of the *Guidelines for conducting a formal grievance hearing (Appendix B)*.
- (c) Send to all the parties involved in the hearing, a copy of the grievance statement and supporting documents submitted by the employee who has lodged the grievance and copies of all the records from Stage 1 of the procedure.

After the hearing, a written decision will be sent by the person conducting the hearing to the complainant and the employee who is the subject of the grievance, stating the outcome of the hearing, reason(s) for the decision taken and recommendations if any, or suggesting other procedures/ policies which may be invoked. The decision should be sent normally within 5 working days after the hearing and such decision will be final.

When the hearing has been concluded, the manager should ensure that the records of the hearing(s) are forwarded to the Human Resources Adviser for the work area, to be kept in the complainant's file. If the complaint is upheld a copy of the record should also be kept on the employee's file against whom the grievance was lodged.

### 9.3 Separated Hearings

There may be exceptional circumstances whereby it is necessary for the manager to see the parties involved in the grievance separately. The following procedure should be followed:

- (a) The notice of hearing must refer to the fact that the parties will be seen separately by the Panel and the reason(s) for this decision must be stated. The hearings should take place on the same day if this is possible.
- (b) Each party will be informed of the date and time to attend the hearing and informed that the written records of the hearings will be made available to the other party. This is to ensure that both parties are aware of the issues raised at both hearings and to provide them with the opportunity to comment.
- (c) Since each party are to be seen separately, they will be given the opportunity to have a friend or colleague who is an employee of DMU or their trade union representative present at the hearing they do not attend. In this case, the representative will attend to observe the hearing.

- (d) If the time limits set cannot be complied with because of the need to see the parties individually, it is acceptable to modify the time limits and agree new timescale with all the parties involved in the grievance.

Please refer to Section 3 of Appendix B for the procedure for conducting a grievance hearing if the parties are to be seen separately.

**10. MANAGERS RESPONSIBLE FOR DEALING WITH GRIEVANCES**

The table below clarifies which level of management will be responsible for dealing with grievances at each stage of the procedure. Please refer to Section 9 for the Procedure.

STAGE	PERSON CONDUCTING THE FORMAL HEARING	HUMAN RESOURCES INVOLVEMENT
Informal	<p>To be conducted informally by the immediate line manager of the complainant.</p> <p>(If the grievance is against the immediate line manager, then raise the matter with next level of management)</p>	<p>The line manager may seek advice and guidance from the Human Resources Adviser for the work area.</p>
Formal Stage 1	<p>Immediate line manager of the person against whom the complaint is made.</p> <p>If the grievance is against the Chief Executive and Vice- Chancellor, the matter should be raised with the Chair of the Human Resources Committee of the Board of Governors (via the Clerk to the Board). The Chair will determine an appropriate panel within the Committee to hear the grievance but s/he will not be part of the panel at this stage.</p>	<p>Human Resources Adviser for the work area will attend the hearing as an adviser.</p>
Formal Stage 2	<p>The Chief Executive and Vice Chancellor or his/her nominated deputy who will be a member of the University Core Executive not previously involved in the matter.</p> <p>If the grievance is against the Chief Executive and Vice Chancellor or a Pro Vice Chancellor, stage 2 of the hearing will be conducted by the Chair of the Human Resources Committee of the Board of Governors and another member of the Committee not previously involved in the matter.</p>	<p>A member of the HR management team will attend the hearing to provide advice and guidance.</p>

## 11. RECORD KEEPING

All the documents relating to the grievance hearing will be forwarded to the Human Resources Adviser for the area to be kept in the complainant's file. If the complaint is upheld a copy of the record should also be kept on the employee's file against whom the grievance was lodged. These will include all the notes taken at the hearing and correspondence to all the parties involved.

## 12. MONITORING

In October of every year, a Deputy Director of HR will provide a report of the grievances that have taken place during the last academic year to the following:

- Human Resources Committee
- Academic JNC
- Support Staff JNCC
- Equality and Diversity Steering Group (E&DSG)

The report will provide information by faculty on

- (a) the number of grievances instigated at each stage of the formal procedure
- (b) the number of grievances resolved at each stage of the formal procedure
- (c) the number of grievances that are yet to be resolved at each stage of the procedure and
- (d) the number of grievances referred from stage 1 to stage 2 of the Procedure.

Where areas of concern are identified, the (E&DSG) will make recommendations to the Chief Executive and Vice Chancellor as appropriate.

## 13. REVIEW OF PROCEDURE

This Procedure will be reviewed annually in the month of August in agreement with the recognised trade unions at DMU.

The Grievance Procedure is a collective agreement with UCU, Unison GMB and TGWU.

**DE MONTFORT UNIVERSITY  
GRIEVANCE FORM**

**To be completed by the employee where a formal grievance is being raised. Please read the Grievance Procedure before completing this form.**

Employee's Name	Faculty/Department
<p>1 Brief Description of Grievance</p> <p>Where the grievance is referring to a specific incident, please state the date and time</p>	
<p>2. Please state which stage of the Grievance Procedure is to be applied (see section 9 of the Procedure)</p>	
<p>3. Give a brief summary of the decision communicated to you previously, if any. Please attach a copy of the letter sent to you.</p>	
<p>4. Please explain why you are not satisfied with the decision communicated to you previously.</p>	
<p>5 Give reasons why you consider the grievance is justified. Please continue on a separate sheet if necessary and attach copies of any relevant documentation in support of your case.</p>	
Signature	Date

Please send this form to:

Line Manager	for Stage 1 of the Grievance Procedure
The Chief Executive & Vice Chancellor	for Stage 2 of the Grievance Procedure
Copy to your Human Resources Adviser	at all the stages.

Please send the form to the next level of management if the grievance is against the line manager.

*You are advised to keep a copy for your records.*

## **GUIDELINES FOR CONDUCTING A FORMAL GRIEVANCE HEARING**

### **1. Individuals present at the hearing**

The following may be present at a grievance hearing:

- (a) The manager responsible for dealing with the grievance (refer to Section 10)
- (b) The employee who has lodged the grievance, accompanied by a friend or colleague who is a DMU employee or their trade union representative if they wish.
- (c) The employee who is the subject of the grievance, accompanied by a work colleague or their trade union representative if they wish.

If the complaint is not against another individual employee, but against a particular practice or structure in the Faculty/Cost Centre/University, the manager responsible will be required to respond to the complaint.

- (d) Witnesses, if there are any, who will only be present for the time as required by the person conducting the hearing.
- (e) A member of Human Resources Team in attendance as an adviser (refer to Section 10)
- (f) A representative from Human Resources to record the hearing and the decision making.

### **2. Procedure for hearing a grievance**

To conduct a grievance hearing, the Panel is advised to follow these guidelines:

- 2.1 The manager will introduce those present, state the purpose of the hearing and explain the procedure that will be followed.
- 2.2 The manager will remind all the parties that once a grievance has been stated, no additional grievances may be raised during the hearing.
- 2.3 The employee raising the grievance (or representative) will present the grievance and may call witnesses.

- 2.4 The employee against whom the grievance has been lodged may question the complainant (or representative) and witnesses about the grievance. During questioning, the manager must ensure that any confrontation between the parties is prevented.
- 2.5 The manager may question the complainant (or representative) and witnesses about the grievance to ensure all relevant details are known and to clarify the solution(s) to the grievance s/he is seeking.
- 2.6 The employee who is the subject of the grievance (or representative) is asked to present his/her case and may call witnesses.
- 2.7 The complainant (or representative) may question the employee who is the subject of the grievance and any witnesses.
- 2.8 The manager may question the employee who is the subject of the grievance (or representative) and any witnesses.
- 2.9 The complainant (or representative) may summarise the grievance but should not introduce new evidence.
- 2.10 The employee who is the subject of the grievance (or representative) may summarise their views on the grievance but should not introduce new evidence.
- 2.11 The hearing should then be adjourned to allow proper consideration of the issues raised at the hearing. At this time, all parties involved in the grievance, except the manager, the member of Human Resources Team and the note taker will leave the room. The note taker will record the Panel's deliberations and findings.
- 2.12 If necessary, the manager may recall the parties involved, including witnesses, to clarify issues raised or to discuss ways in which the grievance may be resolved.
- 2.13 After the hearing, the manager will communicate the decision to the complainant and the employee who is the subject of the grievance verbally, and subsequently in writing within the timescale specified in the Procedure (refer to section 9). The reason(s) for the decision taken and recommendations if any, or suggestion(s) that other procedures/policies be invoked should be communicated to the parties.
- 2.14 When the hearing has been concluded, the manager should ensure that the records of the hearing(s) are forwarded to the Human Resources Adviser for the work area, to be kept in the complainant's file. If the complaint is upheld a copy of the record should also be kept on the employee's file against whom the grievance was lodged.

### 3. Procedure for hearing a grievance if the parties are to be seen separately

These guidelines may be followed or adapted if the parties involved in the grievance are to be seen separately.

#### *First Hearing*

The complainant attends the first hearing and may be accompanied by a friend or colleague who is a DMU employee or their trade union representative if they wish. As the employee who is the subject of the grievance will not be present, s/he will be given the opportunity to be represented at the hearing by a friend or colleague who is a DMU employee or trade union representative to observe the hearing.

- 3.1 The manager will introduce the Panel, state the purpose of the hearing, explain the procedure that will be followed and the reason this procedure is appropriate for hearing the complaint.
- 3.2 The manager will remind the complainant that once a grievance has been stated, no additional grievances may be raised during the hearing.
- 3.3 The employee raising the grievance (or representative) will present the grievance and may call witnesses.
- 3.4 The manager may question the complainant (or representative) and witnesses about the grievance to ensure that all relevant details are known and to clarify the solution(s) to the grievance s/he is seeking.
- 3.5 The complainant may summarise the grievance but should not introduce new evidence.
- 3.6 The hearing is then adjourned in order to prepare for the second hearing.
- 3.7 The manager will arrange for the notes taken at the hearing to be sent to the complainant and the employee who is the subject of the grievance within five working days of the hearing. This is to enable the complainant to confirm the record of the hearing and also, to enable the employee who is the subject of the grievance to be aware of the proceedings of the first hearing and to provide them with the opportunity to comment on the issues raised. Both employees will be requested to submit their comments to the issues raised in writing to the manager normally within five working days of the date the notes are sent.

### **Second Hearing**

The employee who is the subject of the grievance attends the second hearing and may be accompanied by a friend or colleague who is a DMU employee or their trade union representative if they wish. As the complainant will not be present, s/he will be given the opportunity to be represented at the hearing by a friend or colleague who is a DMU employee or trade union representative to observe the hearing.

- 3.8 The manager will introduce the Panel, state the purpose of the hearing, explain the procedure that will be followed and the reason this procedure is appropriate for hearing the complaint.
- 3.9 The employee who is the subject of the grievance (or representative) is reminded of the issues raised by the complainant and is asked to present his/her case. This individual may call witnesses if any.
- 3.10 The manager may question the employee who is the subject of the grievance (or representative) and any witnesses.
- 3.11 The employee who is the subject of the grievance (or representative) may summarise their views on the grievance but should not introduce new evidence.
- 3.12 The hearing is then adjourned to allow both parties to comment on the issues raised at the hearing. The manager will arrange for a copy of the notes taken at the hearing to be sent to the complainant and the employee who is the subject of the grievance within five working days of the hearing. This is to enable the employee who is the subject of the grievance to confirm the record of the hearing. It is also to enable the complainant to be aware of the proceedings of the second hearing and to provide them with the opportunity to comment on the issues raised.
- 3.13 The complainant and the employee who is the subject of the grievance will be requested to submit their comments to the issues raised in writing to the manager normally within five working days of the date the notes are sent.
- 3.14 On receipt of the comments and proper consideration of the grievance, the manager will communicate the decision to the complainant and the employee who is the subject of the grievance in writing. The reason(s) for the decision taken and recommendations if any, or suggestion(s) that other procedures/ policies be invoked should be communicated to the parties.

- 3.15 When the hearing has been concluded, the manager should ensure that the records of the hearing(s) are forwarded to the Human Resources Adviser for the work area, to be kept in the complainant's file. If the complaint is upheld a copy of the record should also be kept on the employee's file against whom the grievance was lodged.

Signed on behalf of:

DMU	DATE	UNISON	DATE
UCU	DATE	GMB	DATE
TGWU	DATE		

