ULSTER UNIVERSITY

GRIEVANCE PROCEDURE

BUSINESS SUPPORT, TECHNICAL, CLERICAL & OPERATIONAL STAFF

1. PART I – GENERAL PRINCIPLES AND INTERPRETATION

1.1. This procedure has been drawn up to establish the appropriate steps to be followed when pursuing and dealing with a grievance and applies to all members of staff of the University, regardless of length of service with the exception of academic and academic-related.

1.2. This procedure shall apply to grievances by members of staff concerning their employment in relation to matters affecting themselves as individuals or their personal dealings or relationships with other members of staff of the University, other than:

(a) grievances or appeals concerning matters for which provision is made in an alternative University policy or procedure, including the University's Bullying and Harassment policy, or the Public Interest Disclosure policy; or

(b) grievances or appeals concerning the outcome of disciplinary procedures, capability procedures or redundancy procedures

This grievance procedure cannot be used to address any disputes which may arise between the University and any trade union recognised by the University, nor may this procedure be used to negotiate changes in collective terms and conditions of employment.

1.3. At any stage of this procedure, the Relevant Manager (as defined by paragraph 3.4) may decide to defer consideration of the particular grievance in the event that other proceedings (for example disciplinary, capability or redundancy proceedings) concerning the individual member of staff who has raised the grievance and which are relevant to the subject matter of the grievance, are pending or in the process, or for any other good reason.

1.4. At any meeting or meeting convened under the formal part of this procedure (set out in Parts 3 and 4 below) the member of staff has the right to be accompanied by a work colleague or by a trade union representative, but no right to be accompanied by a legal representative. The member of staff's chosen work colleague or trade union representative may make representations on behalf of the member of staff at the meeting and may ask questions, but may not answer questions on behalf of the member of staff and may summarise or make a closing statement on behalf of the member of staff at the conclusion of the meeting

1.5. Any steps under this procedure shall be taken promptly unless there is a good reason for delay. Any time limits in this procedure may be extended by the University if it is reasonable to do so.

1.6. As it is the aim of this procedure to resolve matters at the earliest practicable date and at the earliest stage possible, it is not anticipated that all grievances will go through all procedural steps.

1.7. Documentation relating to the member of staff's written grievance shall be retained on a grievance file and will be processed in accordance with the University's Data Protection Policy.

2. PART II – INFORMAL RESOLUTION

2.1. The University is committed to ensuring that differences and difficulties can be resolved amicably through open communication. Wherever possible, grievances will be resolved informally. Many grievances can be resolved quickly and informally through discussion with the relevant party. Members of staff are therefore expected to make reasonable attempts to resolve any grievance informally with the relevant party. If a member of staff feels unable to speak informally to the relevant party, but nevertheless wishes to try to resolve the matter informally, then the member of staff or their representative should speak informally to their line manager; if the line manager is the other party to the grievance, then the member of staff or their representative should raise the issue informally with the next most senior level of management.

2.2. As part of the informal steps towards resolving a grievance, a member of staff may wish to consider mediation. This is a process by which an impartial person helps others to resolve their difficulties. Mediation is voluntary and is undertaken without any admission of wrong doing by any party, and without preventing any opportunity to pursue formal action.

If the member of staff decides he/she would like to use mediation, he/she should initially discuss the matter with the University's Human Resources Department. Mediation can only proceed with the agreement of all parties involved in the grievance, including their agreement on the choice of mediator.

2.3. If the grievance cannot be resolved informally or if informal discussions are inappropriate, the member of staff should follow the formal grievance procedure set out below.

3. PART III – FORMAL RESOLUTION

Initiating the Formal Procedure

3.1. If a member of staff wishes to raise a formal grievance he or she should put the grievance in writing and submit it to his or her line manager, who will inform the University's Human Resources Department of the grievance. In some cases, it may be inappropriate for a member of staff to raise his or her grievance with the line manager, for example if the grievance relates to the conduct of the line manager. In such cases, the member of staff should refer his or her grievance to the next most senior level of management or the University's Human Resources Department.

3.2. If a member of staff wishes for information relating to a grievance to be kept confidential, the member of staff should make this clear to the person to whom the grievance is made. In exceptional circumstances, it may be difficult for confidentiality to be respected, for instance where a possible criminal

offence or disciplinary matter has been disclosed in the grievance. Members of staff should also understand that, in some cases, their request for confidentiality may make it difficult for the Relevant Manager to deal with the issues raised. If confidentiality is important to the member of staff, he or she is advised to discuss this with University's Human Resources Department.

3.3. The written grievance should indicate that the member of staff is invoking this procedure and must contain a description of the grounds of the grievance, including any relevant facts, dates, and the names of individuals involved.

The Relevant Manager

3.4. The grievance will be considered by the Relevant Manager [as set out in paragraph 3.1 above], the identity of whom will be determined by the University's Human Resources Department. Where the member of staff has submitted the grievance to his or her line manager, that line manager will normally be the Relevant Manager. If it would be inappropriate for the line manager to consider the grievance due to previous material involvement with the circumstances giving rise to the member of staff's grievance, the University's Human Resources Department will designate an appropriate manager to consider the grievance. The Relevant Manager will be accompanied at any grievance meeting by a member of the University's Human Resources Department to service the grievance process.

Investigation

3.5. In some situations, the Relevant Manager may need to ask the member of staff to clarify the subject matter of the grievance in advance of conducting the grievance meeting. In most cases it will be appropriate for the Relevant Manager to conduct some form of investigation prior to conducting the grievance meeting.

3.6. Where the Relevant Manager determines that it is appropriate to conduct an investigation into the issues raised in the grievance, the Relevant Manager will inform the member of staff of this fact, and confirm the likely timescale for the investigation.

The grievance meeting

3.7. The member of staff will be invited to attend a grievance meeting which will normally take place within 10 working days of receipt by the University of the grievance. It may however be necessary to extend this time limit, for example, if the Relevant Manager needs to carry out investigation prior to the grievance meeting, or where clarification is sought from the member of staff and has not been received by the Relevant Manager. The member of staff will be informed of his or her right to be accompanied to the grievance meeting in accordance with paragraph 1.4 above.

3.8. Where the grievance concerns conduct/behaviour between employees, the Relevant Manager must determine whether it is appropriate to ask both parties to attend the grievance meeting and will contact the aggrieved person and take into account his/her views on this before finalising arrangements

3.9 Prior to the grievance meeting, the member of staff who raised the grievance will be provided with:

a) confirmation of whether the Relevant Manager intends to ask any witnesses and/or the employee who is cited in the grievance to attend the grievance meeting;

b) a summary of any relevant information gathered during any investigation into the grievance prior to the grievance meeting

3.10 The procedure to be followed at the grievance meeting shall be at the discretion of the Relevant Manager, but shall include:

(a) an opportunity for the member of staff who raised the grievance to make representations, to question any witnesses (through the Relevant Manager) and to discuss any documentation relied upon in support of the grievance;

(b) the Relevant Manager having an opportunity to ask questions of the member of staff about the grievance; and

(c) where appropriate, an opportunity for the Relevant Manager to question any witnesses.

3.11 The member of staff must take all reasonable steps to attend any grievance meeting(s) arranged under this grievance procedure and/or any adjournment or postponement of such meeting(s). If the member of staff or the member of staff's chosen work colleague or trade union representative cannot attend at the time specified for a meeting, the member of staff must inform the University's Human Resources Department immediately, and the University will make reasonable efforts to arrange an alternative time.

3.12 After the grievance meeting the Relevant Manager will consider the grievance, will conduct any such further investigations as may be appropriate, and may hold such further grievance meetings with the member of staff as are appropriate and in accordance with the procedure set out above in paragraph 3.9, to ensure that the Relevant Manager is able to form a decision about the grievance.

Confirmation of Outcome of Grievance

3.13 After the grievance meeting, or, if there is more than one grievance meeting, after the final grievance meeting, the Relevant Manager will confirm to the member of staff his or her decision in writing. This decision will be provided without unreasonable delay following the grievance meeting, or, where there is more than one grievance meeting, the final grievance meeting. This will normally be within 20 working days unless there are compelling reasons which require further deliberations. The member of staff will also be informed of his or her right of appeal.

3.14 If the Relevant Manager decides there is no grievance and it is clear that the grievance procedure has been invoked either vexatiously or maliciously, the relevant manager may consider whether an investigation into the conduct of the employee bringing the grievance should take place.

4. PART IV – APPEALS

Lodging an Appeal

4.1. If the member of staff is dissatisfied with the grievance decision referred to in paragraph 3.13 above and wishes to appeal, he or she should do so in writing to the University's Human Resources Department within 10 working days of the date on which the member of staff received the decision from the Relevant Manager under paragraph
3.13. The appeal should indicate that the member of staff is lodging an appeal under this grievance procedure and must include the member of staff's grounds of appeal.

The Appeal Hearing

4.2. The Human Resources Department will determine an appropriate manager and a member of staff from outside the immediate area, to conduct the appeal. The identity of the Manager will be dependent on the member of staff's level of seniority and normally will be at a more senior level to the manager who heard the original grievance. The member of staff will be drawn from the Business Support clerical / technical or operational support staff categories. Both will not have had any previous material involvement with the action which is the subject of the member of staff's appeal. The appeal hearing will be serviced by a member of the University's Human Resources Department.

Investigation

4.3. In some situations, the member of staff may be asked to clarify the subject matter of the appeal in advance of conducting the appeal meeting. In some cases, it will be appropriate for the Appeal Panel to conduct some form of investigation prior to conducting the appeal meeting.

4.4. Where it is determined that it is appropriate to conduct an investigation into the issues raised in the appeal, the member of staff who has

lodged the appeal will be informed, and advised of the likely timescale for the investigation.

The Appeal Meeting

4.5. The member of staff will be invited to attend an appeal meeting, which will normally take place within 10 working days of receipt by the University of the appeal. It may however be necessary to extend this time limit, for example, if the Appeal Panel needs to carry out an investigation prior to the appeal meeting, or where clarification is sought from the member of staff and has not been received. The member of staff will be informed of the identity of the Appeal Panel and of the member of staff's right to be accompanied to the meeting in accordance with paragraph 1.4 above.

4.6. The appeal meeting shall normally take the form of a re-hearing of the matter.

4.7. Where the appeal concerns the conduct/behaviour between employees the Appeal Panel will only in appropriate circumstances consider whether it is appropriate to suggest that the other employee attends the appeal meeting also.

Prior to the appeal meeting, the member of staff who lodged the appeal will be provided with confirmation of whether the Appeal Panel intends to ask any witnesses to attend the appeal meeting.

Where the Appeal Panel informs the member of staff who has lodged the appeal that the he/she proposes to ask the employee who is cited in the grievance to attend the appeal meeting, the member of staff who has lodged the appeal may contact the Appeal Panel and express a view as to whether he or she would like that employee to attend the appeal meeting and the Appeal Panel must take this response into account before finally deciding whether to invite the other employee to attend the appeal meeting.

4.8. The procedure to be followed at the appeal meeting shall be at the discretion of the Appeal Panel, but shall include:

(a) an opportunity for the member of staff who lodged the appeal to make representations, to question any witnesses (through the Appeal Chair) and to discuss any documentation relied upon in support of the appeal;

(b) the Appeal Panel having an opportunity to ask questions of the member of staff lodging the appeal about the appeal; and

(c) where appropriate, an opportunity for the Appeal Panel to question the other party to the grievance.

4.9 The member of staff must take all reasonable steps to attend the appeal meeting arranged under this grievance procedure and/or any adjournment or postponement of such meeting(s). If the member of staff or the member of staff's chosen work colleague or trade union representative cannot attend at the time specified for the meeting, the member of staff must inform the University's Human Resources Department immediately, and the University will make reasonable efforts to arrange an alternative time.

4.10 After the appeal meeting the Appeal Panel will consider the appeal, will conduct any such further investigations as may be appropriate, and may hold such further meetings with the member of staff as are appropriate and in accordance with the procedure set out above in paragraph 4.8, to ensure that the Appeal Panel is able to form a decision about the appeal. The Relevant Manager who confirmed the outcome of the grievance under paragraph 3.12 above shall provide the Appeal Panel with any information he or she requires.

Confirmation of Outcome of Appeal

4.11 After the appeal meeting, or, if there is more than one meeting, after the final meeting, the Appeal Panel will confirm to the member of staff his or her decision in writing. This decision will be provided without unreasonable delay following the appeal meeting, or, where there is more than one meeting, the final meeting. This will normally be within 20 working days unless there are compelling reasons which require further deliberations. The Appeal Panel's decision will be final.