

## Academic Staff Grievance Regulation

<b>Policy Category:</b>	Human Resource
<b>Subject:</b>	Procedures for filing and managing staff grievances
<b>Approving Authority:</b>	SMT
<b>Responsible Officer:</b>	President & Principal
<b>Responsible Office:</b>	Human Resources Directorate
<b>Related College Policies:</b>	Academic Staff Discipline Regulations
<b>Effective Date:</b>	24 September 2020
<b>Supersedes:</b>	26 November 2013
<b>Next Review:</b>	July 2024

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### 1. General principles

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- 1.1. This Regulation is made pursuant to the College's Ordinance Relating to Dismissal, Grievance Procedures and Related Matters for Academic Staff.
- 1.2. This Regulation applies to all academic staff, i.e. employees of the College who have the title of 'Lecturer', 'Senior Lecturer', 'Reader' or 'Professor'. It does not form part of any contract of employment. It may be amended at any time and the procedure may be departed from if appropriate, including if a grievance is raised collectively.
- 1.3. The purpose of this Regulation is to give employees access to a fair procedure for addressing grievances relating to their employment.
- 1.4. This Regulation may not be used to complain about dismissal or actions under the Capability or Disciplinary Regulations. Employees who are dissatisfied with capability or disciplinary actions against them should submit an appeal under the appropriate regulation. A decision by the Director of Human Resources or their nominee in this regard will be final.
- 1.5. The responsibility for managing grievances for Clinical Lecturers, Clinical Senior Lecturers, Clinical Readers and Clinical Professors will normally follow the lines of accountability set out in the employee's contract of employment, clinical addendum and job description i.e. the College as the university employer will lead on matters arising under the substantive contract and the honorary NHS employer and, if appropriate, the relevant regulatory authority will lead on matters arising under the honorary contract.
- 1.6. The grievance procedure may lead to the instigation of other Regulations such as the Disciplinary Regulation or the Capability Regulation.
- 1.7. The College aims to treat grievances sensitively and with respect for the privacy of those concerned. All staff must treat as confidential any information communicated in connection with a matter which is the subject of this Regulation.
- 1.8. Records will be kept of any procedures carried out under this Regulation and may be referred to in future if necessary.
- 1.9. Failing to attend a meeting or hearing, failing to cooperate with the procedure, or making false or malicious allegations under this Regulation may be treated as misconduct.

### **Meetings (including hearings)**

- 1.10. Meetings under this Regulation will usually take place in person but they may be conducted by phone or other technology, or by written questions if necessary as determined by the chair of the meeting.
- 1.11. The chair of a meeting will be responsible for ensuring there is appropriate HR support and a note taker present if necessary. Meetings should not be recorded without the permission of the chair.<sup>1</sup>
- 1.12. If the employee (or their companion where applicable) becomes unable to attend a meeting, they must inform the chair of the meeting, or the relevant HR representative, immediately.
- 1.13. Meetings under this Regulation may go ahead in the absence of the employee or their companion (if applicable) if:
  - 1.13.1. the employee or their companion fails to attend a meeting without good reason; or
  - 1.13.2. the meeting has already been rearranged and it is not reasonable to rearrange it again.

### **The right to be accompanied**

- 1.14. The employee may bring a companion (either work colleague or trade union representative) to grievance hearings and appeal hearings. The employee must inform the chair of the hearing, or the relevant HR representative, of the identity of any companion not later than three working days before the hearing. The companion may confer with the employee and address the hearing on behalf of the employee but may not answer questions on behalf of the employee.
- 1.15. If the employee's chosen companion is unavailable to attend the hearing on the first notified date, the employee may request a postponement and suggest an alternative date which is within five working days of the date originally notified. If it is not possible for the companion to attend on the alternative date, the employee must attend the rearranged hearing without a companion or choose an alternative companion.
- 1.16. It is the employee's responsibility to notify the companion of the details of the hearing including the date, time and location of the hearing and any relevant documentation relating to their case.

## **2. Raising a grievance**

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- 2.1. The College is committed to the resolution of grievances fairly and promptly whenever possible. An employee who has a complaint is encouraged to discuss the matter with their immediate line manager in the first instance to seek a resolution. If an employee feels unable to discuss the problem with their line manager, they are encouraged to raise the matter with the next most senior person.
- 2.2. If an employee has not been able to resolve a matter under paragraph 2.1 above, they should write to their line manager (or the next most senior person if necessary) to raise a grievance.

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<sup>1</sup> [Use of Recording Devices](#)

Grievances being raised against Executive Deans or members of the College's senior leadership should be addressed to the Director of Human Resources.

- 2.3. Grievances should be typed in an ordinary font size and spacing and should not be longer than five A4 pages. Copies of relevant papers in support of the grievance should be enclosed. The grievance should set out:
  - 2.3.1. the background facts;
  - 2.3.2. the nature of the grievance in detail;
  - 2.3.3. the actions taken by the employee to resolve the matter so far; and
  - 2.3.4. the outcome or remedy sought.
- 2.4. The Director of Human Resources or their nominee will appoint a grievance manager to consider the grievance. If the grievance concerns the President and Principal, the manager will be a nominee of the Chair of the Council. The grievance manager may be a suitable person external to the College.
- 2.5. If the grievance manager considers that the grievance would be better dealt with by mediation, they will contact the employee who raised the grievance and the subject, if any, of the grievance and ask if they would be willing to attend a workplace mediation. If either party does not wish to attend mediation, or the mediation is not successful, the procedure in section 3 below will be followed.
- 2.6. If a resolution to the grievance is achieved via mediation, the grievance will be closed.

### **3. Grievance procedure**

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- 3.1. The grievance manager will invite the employee to a grievance hearing as soon as practicable. The purpose of the hearing is to allow the employee to explain their grievance in full, to discuss potential solutions and to help the manager determine how much investigation, if any, is required.
- 3.2. The amount of any investigation will vary from case to case and may involve interviewing or taking statements from witnesses and considering evidence.
- 3.3. Unless there is a good reason to keep it confidential, all relevant evidence gathered in the investigation, including notes of interviews, will be provided to the employee, and the subject of the grievance, if any. Any witnesses the grievance manager decides to interview will be provided with any relevant information or evidence.
- 3.4. The grievance manager may commence an investigation before meeting the employee and arrange the grievance hearing once the investigation is complete. If the grievance manager commences an investigation after the grievance hearing, they will arrange another hearing before reaching an outcome.
- 3.5. The grievance manager will produce an outcome to the grievance as promptly as possible, usually within ten working days of the final grievance hearing.
- 3.6. The grievance outcome letter will:

- 3.6.1. summarise the nature of the grievance;
- 3.6.2. set out the investigation that was conducted;
- 3.6.3. explain the outcome and the reason for the outcome; and
- 3.6.4. if applicable, make any recommendations the grievance manager may wish to make regarding work and working practices or action under any other College regulation or procedure such as the Disciplinary Regulation or the Capability Regulation.

#### **4. Appeals**

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- 4.1. An employee may appeal the outcome of their grievance on one or more of the following grounds:
  - 4.1.1. the outcome was unreasonable;
  - 4.1.2. there was a failure of procedure that led to the wrong outcome being reached; or
  - 4.1.3. information has arisen which was not available at the time which may have led to a different outcome.
- 4.2. An employee who wishes to appeal against a grievance outcome should do so in writing to the Director of Human Resources (or the next most senior person if necessary) within ten working days of receipt of the outcome, setting out the grounds of their appeal in full. Appeals should be typed in an ordinary font size and spacing and should not be longer than five A4 pages.
- 4.3. The Director of Human Resources or their nominee will, normally in consultation with the employee's line manager, appoint an appeal panel, normally of three members of staff and select one to act as chair. The panel may include a person external to the College (e.g. an NHS Trust Representative). Where possible, the chair of the appeal panel will be more senior than the investigator, and the members of the appeal panel will not previously have been involved in the case. The appeal will not usually take the form of a re-hearing of the evidence (unless the chair determines, in their absolute discretion, that this is necessary to properly dispose of the appeal).
- 4.4. The chair of the appeal panel will arrange an appeal hearing and invite the employee to attend to present their case.
- 4.5. At the appeal hearing, the appeal panel will discuss the employee's appeal. Witnesses may be called only with the permission of the chair of the panel. The employee will be invited to make representations.
- 4.6. The chair of the appeal panel will prepare a written outcome stating whether, in full or in part, the original outcome is upheld, dismissed or varied. The outcome is final.