## Procedure

**Title:** GRIEVANCE FOR STAFF LEVEL 1-3  
**Ref:** HR/ER  
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PART I

Introduction and Definitions

1. This procedure sets out the process for dealing with grievances by members of staff who are in levels 1 – 3.

2. In this procedure, unless the context indicates otherwise:-

(i) In relation to any decision or action that the University is required to make or to perform under this procedure, ‘the University’ shall mean: any member of staff who usually makes such decisions or performs such actions on behalf of the University, or who in the normal course of events may reasonably be expected to do so;

(ii) References to Heads of School shall be construed so as to include references to Heads of Professional Services or other equivalent units (and vice versa), and where there is no Head of School, Professional Service or equivalent unit, the Vice-Chancellor or his or her nominated representative may appoint a member of staff from such School, Professional Service or equivalent unit to undertake the duties required of a Head of School or Professional Service by this procedure;

(iii) Reference to University post holders (including those referred to in sub-paragraph (ii) above shall be construed to refer either to the post holder or to an appropriate member of staff nominated by the post holder to act with full authority on the post holder’s behalf.
PART II

Application and Scope

3. This procedure applies to members of staff with a grade of Level 3 or below in the University’s grading structure, or an equivalent grade.

4. The procedure applies to grievances raised by members of staff concerning their employment, which relate to themselves as individuals or their personal dealings or relationships with other staff of the University.

5. However, this procedure does not apply to grievances, complaints or appeals for which provision is made in other procedures; for example in relation to redundancy, discipline, capability, dismissal for reasons of medical incapacity or other dismissals; or to grievances, complaints or appeals where the decision making body has prescribed other procedures.

6. Any grievance which raises issues which are the subject of a disciplinary or other process shall not be considered under this grievance procedure, and must be raised through that disciplinary or other process. The member of staff should raise their concerns as soon as possible with the person instituting the procedure, who may consider it appropriate to deal with both issues concurrently.
PART III

General Principles

7. The aim of the procedure is to settle or redress individual grievances brought by a member of staff promptly and fairly, and as far as possible in a manner acceptable to all the parties involved.

8. Grievances that apply to more than one person or to a group of staff may be dealt with together if, following discussions with the members of staff and/or their representatives, it seems sensible to do so, and this decision shall be at the University’s discretion.

9. The University operates a Mediation Service and encourages the resolution of disputes by this route. It is expected that wherever practical, the University or the member of staff will propose and consider mediation or similar initiatives aimed at resolving the grievance at any informal or formal stage of this procedure.

10. Grievances that are raised under this procedure should normally relate to a particular event or series of events that have occurred within a period of six months prior to the raising of the grievance.

Dignity at Work

11. The University is committed to protecting members of staff from discrimination, harassment and bullying in the workplace and recognises that members of staff who feel they are subject to such behaviour may need additional support and advice in relation to raising concerns or grievances about these matters.

12. If a member of staff feels that he or she is subject to discrimination, harassment or bullying, he or she should refer to the University’s Dignity at Work Policy www.soton.ac.uk/hr/managing/diversity/Dignity-at-work-policy.doc, and/or seek advice from Human Resources on the sources of support available and on raising issues either informally or formally under this procedure or under other procedures.

Confidentiality

13. Throughout any proceedings under this procedure, the University shall seek to ensure that confidentiality is maintained. However, this shall not preclude the University from disclosing information where necessary in order to ensure fair process, for the discharge of duties or as required by law, nor shall this preclude the University, where appropriate, from disclosing information about any outcome under this procedure.

14. There may be cases where it is appropriate to preserve confidentiality in relation to the identity of witnesses, where there is reasonably perceived to be a need to protect any member of staff from the risk of intimidation or retribution. Likewise, it may be necessary to adapt these procedures where it is considered undesirable for any one person to give evidence in the presence of another.

15. Members of staff should understand that in some circumstances their demand for confidentiality may make it difficult for the University to deal with the matters raised by them. Anonymous complaints will not usually be dealt with under this procedure. Members of staff are advised to discuss any concerns with a member of Human Resources, trade union representative or (if appropriate) a harassment contact.

Right to be accompanied

16. At any meeting or panel hearing held under this procedure the member of staff raising the grievance (the ‘Complainant’) may be represented or accompanied by a workplace colleague or trade union representative. If the Complainant’s representative or colleague is not available at the time proposed for the hearing, the Complainant may request that the meeting or hearing be postponed to another reasonable time which is no later than five working days after the date first proposed for the hearing. The representative may attend the hearing with the Complainant, may speak on the Complainant’s behalf but may not answer questions (relating to the issues in dispute) on the Complainant’s behalf.

17. A member of staff against whom a grievance is raised shall also have the right to be represented or accompanied by a workplace colleague or trade union representative at any meeting or panel hearing held under this procedure.
18. A member of Human Resources shall be entitled to attend any meeting or panel hearing held under this procedure in an advisory capacity.
PART IV

Informal Resolution Stage

19. It is expected that most issues will be dealt with and resolved as part of the normal day-to-day management process, and through discussion with and between members of staff.

20. Where issues arise that cannot be so resolved, the Complainant may raise the issue as a grievance under this procedure.

21. The Complainant shall first be expected to attempt, as far as is reasonably possible and appropriate, to resolve the grievance on an informal basis through discussions under the Informal Resolution stage of this procedure. These discussions should normally involve the Complainant's immediate line manager (or his or her manager if the line manager is the subject of the grievance), and any person(s) against whom the grievance is being contemplated or raised. The discussions should explore the nature and background of the concern, problem or complaint and seek possible solutions to resolve the issue at this stage. A note should be made of the meeting and main areas of discussion and any actions agreed as a result. HR may advise and/or support a facilitated meeting(s) to assist with informal resolution of the grievance.

22. Wherever practical, the University may propose that mediation between the Complainant and a person who is the subject of the grievance takes place as an appropriate way forward to help find a resolution to the problem, provided that both parties are willing to explore this option. Mediation may be undertaken with a University mediator or a mutually agreed third party. Information about the Mediation Service may be found on the HR website. www.soton.ac.uk/hr/support/mediation/index.html

23. If the grievance cannot be resolved in this way, either because informal discussions are, in a particular instance, inappropriate, or because they have failed to resolve the grievance, then the formal procedure in Part (v) below should be followed.
PART V

Formal Resolution stages

24. The aim of each of the stages detailed below is to seek to resolve the grievance without undue delay and identify any actions that may need to be taken as a consequence of such resolution.

Stage 1

25. The ‘Stage 1 Manager’ shall normally be the Complainant’s Line Manager or his or her nominee. If such person is the subject of the grievance being brought, the Complainant should raise the matter with the next level manager as appropriate.

26. The Complainant should write to the Stage 1 Manager, giving sufficient detail to enable him or her to understand and consider the scope of the grievance, desired outcome(s) and indicating the extent and outcome of any attempts to resolve the grievance informally as provided for in Part (iv) above and why the outcome of such attempts is felt to be unsatisfactory.

27. The Stage 1 Manager shall, in conjunction with Human Resources, consider whether the grievance is concerned with matters which should be investigated by the University under this procedure or under other procedures and shall advise the Complainant accordingly. The Stage 1 Manager shall also agree with Human Resources whether it is necessary for an HR Adviser to attend the Stage 1 meeting.

28. If the grievance is to be considered under this procedure then the Stage 1 Manager shall write to the Complainant, normally within five working days of receipt of the grievance, inviting him or her to attend a meeting at which the Complainant may explain his or her grievance and the outcome sought. The Stage 1 Manager shall also inform the Complainant of his or her right to be represented or accompanied at the meeting in accordance with paragraph 16 above.

29. If, during the course of the Stage 1 meeting it becomes apparent that the grievance requires further investigation, the Stage 1 Manager shall adjourn the meeting and make or cause to be made such investigation as he or she deems appropriate, according to the nature and circumstances of the case. The Stage 1 manager shall inform the Complainant that an investigation is to be made and its anticipated timescale. Normally, the Stage 1 Manager shall appoint a colleague of sufficient seniority and without any prior involvement or interest in the complaint to undertake the investigation on his or her behalf. The investigation may be extended if necessary and where this occurs the Complainant shall be advised accordingly. As part of this investigation, clarification may be sought from the Complainant on any aspect of the grievance and on the outcome sought by the Complainant. The Stage 1 Manager shall, unless he or she deems it to be inappropriate, discuss the grievance with any person to whose conduct the grievance relates. Upon completion of the investigation the Stage 1 Manager shall re-convene the Stage 1 meeting at the earliest opportunity and shall invite the complainant to attend the meeting and remind him/her of his/her right to be represented or accompanied at the meeting in accordance with paragraph 16. At that meeting, the outcome of the investigation will be reported to the complainant. The Stage 1 Manager may or may not disclose the investigation report to the complainant.

30. A member of Human Resources may be present at the Stage 1 meeting in an advisory capacity.

31. After the meeting the Stage 1 Manager shall inform the Complainant in writing, normally within ten working days of the meeting, of his or her response to the grievance and any action to be taken as a result. The Stage 1 Manager may make any recommendation that he or she considers appropriate. If the Stage 1 Manager’s finding is that the grievance is frivolous or vexatious or invalid, the Stage 1 Manager shall record this finding, and the reasons, in his or her written notification. The Stage 1 Manager shall be responsible for ensuring that any agreed outcomes are implemented and where appropriate, to communicate the agreed outcomes to the relevant person(s).

32. The written notification shall indicate the procedure for the Complainant to proceed to Stage 2 if he or she is not satisfied with the Stage 1 Manager’s response.

Stage 2

33. If the Complainant is not satisfied with the Stage 1 Manager’s response, he or she should appeal to the ‘Stage 2 Manager’, i.e., the next level manager. In the event that the Stage 1 Manager is the Head of School/Professional Service, the Appeal should be submitted to the Dean/Registrar and Chief Operating
Officer as appropriate, who will appoint a nominee to act on their behalf. The Complainant should submit his/her appeal normally within ten working days of the Stage 1 Manager’s written notification of the outcome, setting out:

(i) full details of the grievance;
(ii) details of the steps he or she has taken in attempting to resolve the grievance so far, enclosing copies of all correspondence with the Stage 1 Manager;
(iii) reasons why he or she is dissatisfied with the outcome of Stage 1 of the procedure and the outcome sought.

34. If the Complainant’s appeal is against a finding by the Stage 1 Manager that the grievance is frivolous, vexatious or invalid, the Stage 2 Manager shall appoint a manager of appropriate seniority to hear the appeal. The person appointed to hear the appeal shall invite the Complainant to a meeting at which he or she may be represented or accompanied in accordance with the provisions of paragraph 16 above. The purpose of the meeting is to consider whether the Stage 1 Manager’s finding that the grievance is frivolous, vexatious or invalid was justified. A member of Human Resources will be present at the meeting in an advisory capacity. Following the appeal meeting the person appointed to hear the appeal shall notify the Complainant in writing, normally within five working days, whether his or her decision is to:

(i) uphold the finding of the Stage 1 Manager, in which case there shall be no further right of appeal and the written notification to the Complainant shall state this fact; or
(ii) overturn the finding of the Stage 1 Manager that the complaint was frivolous, vexatious or invalid, in which case the Complainant shall be notified in writing that the matter will be referred to a panel under paragraph 36 below.

35. The complainant, Stage 2 Manager and HR Director shall be given a copy of the written notification of the decision.

36. In all other cases, the Stage 2 Manager or his or her nominee shall convene a panel (the ‘Grievance Panel’) on a case–by–case basis in accordance with the following rules:

(i) The Grievance Panel shall consist of two persons of appropriate seniority which will include the Stage 2 Manager or his/her nominee plus another senior member of staff.
(ii) No panel member shall have had any previous involvement in the case.

37. The Director of Human Resources or his or her nominee shall appoint a member of Human Resources to act as Secretary to the Grievance Panel.

38. The Complainant shall be given no less than ten working days’ written notice of:

(i) the date, time and place of the Grievance Panel Hearing;
(ii) his or her right to be represented or accompanied at the Grievance Panel Hearing;
(iii) so far as they are known at the time, the names of the persons to be present at the hearing including the members of the Grievance Panel and any person appointed to present the background to the matter on behalf of the School/Service/University;
(iv) a copy of any documents to be referred to or relied on at the hearing;
(v) the names of any witnesses who will be called to give evidence in relation to the issues being considered at the Grievance Panel Hearing;
(vi) a reference to this procedure.

39. The Complainant may be represented or accompanied at the Grievance Panel Hearing in accordance with paragraph 16 above.

40. At least five working days before the Grievance Panel Hearing the name and the address of the Complainant’s representative, together with the names of any witnesses that s/he may wish to call, must be notified in writing to the Secretary to the Grievance Panel.

41. The Complainant shall take all reasonable steps to attend the Grievance Panel Hearing and/or any adjournment or postponement of the Grievance Panel Hearing. Where the Complainant indicates to the Grievance Panel that he or she does not wish to exercise his or her right to be heard or fails to attend or leaves the hearing or any postponement or adjournment of the hearing without good cause, the Grievance Panel shall be entitled to proceed in the Complainant’s absence. It is expected that the grievance hearing will be conducted without unreasonable delay.
42. The procedure to be followed in preparation for and at the Grievance Panel Hearing shall be at the discretion of the Grievance Panel, which may include without limitation:-

(i) determining which documents (if any) shall be provided for the Grievance Panel’s consideration and at what stage;

(ii) determining the extent (if any) to which witnesses may be called and questioned;

(iii) deciding whether it would be appropriate to adjourn or postpone the Grievance Panel Hearing;

(iv) determining whether and to what extent any person(s) to whose conduct the grievance relates may attend the Grievance Panel Hearing to answer allegations and make representations (in which case he or she will be entitled to be represented or accompanied in accordance with paragraph 17 above and be notified in advance of the details of the Complainant’s grievance).

43. Following the hearing, the Grievance Panel shall decide whether the grievance is or is not well-founded and what actions, if any, should be taken as a consequence. The Grievance Panel shall issue its reasoned written decision, normally within ten working days of the panel hearing, which will be sent to the Complainant. A report of the decision shall also be sent to the Director of Human Resources and, if applicable, to the person(s) against whom the grievance was raised and to the Stage 1 Manager. The Chair of the Grievance Panel shall be responsible for ensuring that any agreed outcomes are implemented and where appropriate, to communicate the agreed outcomes to the relevant persons.

44. The decision of the Grievance Panel shall be final.

**After employment**

45. Where a written grievance has been lodged after or just before employment has ceased, it may not be reasonably practical to apply the normal procedure above. In such cases the University may decide to consider such a grievance and respond to it in writing. Grievances will not normally be considered unless they are lodged in writing within three months of the date of termination of employment.