

University of Aberdeen

Grievance Procedure

1. Purpose

1.1 The University is committed to promoting and maintaining a working environment where concerns relating to employment can be discussed openly and respectfully between colleagues. The University encourages staff to raise concerns as soon as they arise.

1.2 This Procedure sets out the University's approach to resolving issues or concerns relating to employment. The Procedure aims to resolve any such issues at the lowest managerial level, and informally where possible.

2. Aim

2.1 The Grievance Procedure provides a clear process to enable any member(s) of staff to raise concerns. Staff raising concerns will be treated with respect and their concerns considered seriously. Every effort will be made to find an agreeable resolution.

2.2 The University Investigation Procedure provides a framework for investigating complaints raised by members of staff. This Grievance Procedure should be read in conjunction with the Investigation Procedure.

2.3 The University Disciplinary Procedure will be applied where instances of misconduct are identified.

3. Scope

3.1 This procedure applies to all current University staff. This procedure applies when concerns are raised personally by members of staff either individually or collectively, in relation to their employment. For further information on Collective Grievances please refer to section 8

3.2 Certain members of staff may be afforded additional protections under the Ordinance of the University Court of the University of Aberdeen No. 142 [Employment] and in line with the Further and Higher Education (Scotland) Act 2005. These individuals are referred to as "Relevant Persons" within this Procedure.

3.3 The University has additional procedures for dealing with complaints on particular issues. For example, if a staff member considers they have been the victim of bullying or harassment or wishes to report an incident of bullying or harassment

Footnote - Relevant Persons are those who are engaged in teaching and/or the provision of learning and/or research at the University of Aberdeen. Academic freedom includes freedom (within the law) for Relevant Persons to a) Hold and express opinion; b) Question and test established ideas and received wisdom; and c) Present controversial or unpopular points of view

that they have witnessed, they should refer to the Staffing Policy against Discrimination, Harassment and Bullying in the Workplace in the first instance. <https://www.abdn.ac.uk/staffnet/governance/search-policy-zone-399.php>

3.4 Should a staff member have concerns under the Public Interest Disclosure Act 1998, they should refer to the Policy and Procedure on Public Interest Disclosure (Whistleblowing). These documents are available in the University's Policy Zone.

4. Principles

4.1. The University is committed to caring for the wellbeing, health and safety of its diverse community, supporting and developing people to achieve their full potential. The University recognises that differences and disagreements do arise in the workplace from time to time. The ability to discuss issues openly and respectfully is essential to the well-being of individuals and the success of the University. The following principles outline the University's approach to this Procedure.

4.2 Where possible the University seeks to resolve issues informally, which may include mediation or facilitated meeting(s). However, a formal process is sometimes required to enable all parties to try and resolve issues through a structured framework.

4.3 A formal grievance can be difficult for all those involved, and the University is committed to supporting all participants, keeping them informed of progress as appropriate. The level of detail provided will be on a case-to-case basis in accordance with Data Protection Legislation and wider regulatory framework.

4.4 The University will not make electronic or digital recordings of meetings or telephone calls without all-party consent. Normally, a minute will be taken to summarise the key points. This minute is not intended to be a verbatim record.

4.5 All parties involved in a grievance process have an obligation to maintain confidentiality. Breaches of confidentiality will be taken seriously and may result in disciplinary action.

4.6 The University strives to investigate grievances fairly, promptly, and transparently. Investigations under the Grievance Procedure shall be undertaken in line with the University's Investigation Procedure.

4.7 Members of staff may be accompanied by a colleague or Trade Union representative at any formal investigation meetings, grievance hearings or appeal hearings.

4.8 Grievances raised by a Relevant Person will be heard by another Relevant Person.

4.9 If a staff member has particular requirements at any stage of the proceedings because of a disability or wishes to inform the University of a relevant medical condition, the staff member should contact the appropriate Human Resources

Representative (HRR) who will advise on appropriate additional support which can be offered.

5. Grievance Procedure - the Process

There are 3 stages within the Grievance Procedure:

- **Stage 1** – Informal - Opportunity to Resolve Grievance
- **Stage 2** – Formal Confirmation of Written Grievance, Hearing the Grievance and Investigating, Confirming the Outcome
- **Stage 3** – Appeal

5.1 Stage 1 – Informal resolution

5.1.1 A member of staff who seeks to raise a grievance (the Complainant) should try to resolve differences informally where possible. If the concern relates to a matter involving another staff member, the Complainant should ideally raise this with them directly with a view to resolving it, if that is appropriate. The Complainant should only do this if they feel safe and comfortable to do so.

5.1.2 Similarly, if the concern relates to their role at work, they should normally discuss this first with their Line Manager wherever possible.

5.1.3 If the matter relates to their Line Manager, they may raise concerns with someone at the next level of the management structure within the School/Section, or if they are not sure who to speak to, they may approach someone in the HR team or one of the Campus Trade Union Representatives for advice.

5.1.4 It is recognised that in certain situations an informal stage may not be appropriate.

5.1.5 Depending on the circumstances of the grievance, Complainants may be offered the opportunity to engage in a process of mediation or facilitated meeting(s) to resolve the situation. They will also be given the opportunity to suggest potential solutions to resolve their grievance. Where the parties to a grievance agree to seek to resolve it by means of mediation or other informal method, the Grievance Procedure will be suspended for a reasonable period, agreed in advance, to protect the rights of those involved.

5.2 Stage 2 – Formal Resolution

5.2.1 Where an informal approach does not result in satisfactory resolution or otherwise deemed appropriate, the matter may proceed to a formal process. Formal grievances should normally be confirmed in writing as soon as reasonably possible

following the issue being raised. This can be done either by submitting a letter setting out the circumstances of the grievance or by submitting a Grievance Form (see guidance).

5.2.2 Grievances should be addressed to the Complainant's Line Manager or the next level of Line Manager. The complaint should clearly set out the issue or behaviour giving rise to the concern and the resolution being sought, as succinctly as possible while clearly setting out the issues to be addressed. A form can be found in the guidance documents for making this written complaint.

5.2.3 Following receipt of a formal written grievance the Line Manager in discussion with the HRR should determine in advance who will be the Commissioning Officer and Investigating Officer

5.2.4 The Commissioning Officer will acknowledge receipt of the form, highlighting the support available to the Complainant. If, having discussed the matter with the HRR, the Line Manager believes there may be a way to promptly resolve the grievance informally, they may contact the Complainant and seek to do so. However, the Complainant retains the right to request that the matter be dealt with formally.

5.2.5 If relevant and when they consider it appropriate to do so, the Commissioning Officer should also inform the member of staff who has been complained about (Member of Staff Under Investigation) that a grievance has been received; the support available to them, and that the Investigating Officer will contact them in due course. *(Once Agreed - Please see Dignity at Work policy for guidance for those involved with a complaint)*

6.0 Hearing the Grievance

6.1. The Investigating Officer will meet with Complainant and will gather other appropriate evidence. It is likely that they will also need to speak with other staff members including any named Member of Staff Under Investigation(s). In some circumstances, it may be necessary for them to meet with people more than once if further evidence or information is received which requires additional clarification.

6.2 Grievance Upheld/Partially Upheld

6.2.1 Where the grievance is upheld or partially upheld, the Complainant will be notified of this. In addition, the Investigating Officer will normally seek to recommend constructive solutions to resolve the concerns which were raised and advise all parties of the timescale for their implementation and review.

6.2.2 The Member of Staff Under Investigation(s) should also be informed of the outcome and it may be appropriate for the Investigating Officer to meet with the Member of Staff Under Investigation(s) and/or their Line Manager to support the implementation of any recommendations.

6.3. Grievance Not Upheld

6.3.1 If the Investigating Officer decides that the grievance should not be upheld, the Complainant will be advised that the matter has been concluded. This notification may also contain recommendations for constructive solutions to resolve the concerns which were raised, should this be deemed appropriate. The Complainant will also be advised of their right to appeal against the outcome

6.3.2 The Member of Staff Under Investigation(s) should also be informed of the outcome, and it may be appropriate for the Investigating Officer to meet with the Member of Staff Under Investigation(s) and/or their Line Manager to support the implementation of any recommendations.

7. Stage 3 – Appeal

7.1 If a Complainant wishes to appeal the outcome of their grievance, they should submit an appeal in writing outlining their full grounds for appeal, to the Head of HR within five working days of the date of issue of the decision. The detailed grounds of appeal should be submitted within ten working days from the date the full grounds of appeal were submitted, an Appeal Form should be completed (see guidance documents).

7.2 Appeals against the outcome of grievances will ordinarily fall under one of the following categories:

- **procedure** - a failure to follow the Grievance Procedure
- **the decision** - the evidence did not support the conclusion reached.
- **any proposed action** - was inappropriate given the circumstances of the case.
- **new evidence** - which has come to light and was not available during the grievance process. This should be in relation to the original complaint and not new allegations that are being brought forward

7.3 Appeal Hearings shall be heard as expeditiously as possible. All appeals will be held in line with the University's Procedure for Hearing an Appeal.

7.4 The Appeal Hearing Panel will not have been previously involved with the investigation. The Panel's role is to consider evidence presented at the appeal hearing and decide if the appeal is upheld, partially upheld or not upheld. The Appeal Hearing Panel will comprise of four members (two PNCC Managers (or their deputy or nominee) and two Trade Union representatives). The Panel will be convened by a management representative.

7.5 The appeal stage represents the conclusion of the University internal grievance process.

8. Collective Grievances

8.1 If staff are uncertain whether their complaint should be raised under the collective grievance procedure or one of the other University complaint processes, they should contact HR in the first instance for advice.

8.2 If two or more staff members have identical grievances and all wish to have it addressed in one grievance process, they can raise a collective grievance.

8.3 The requirements for raising a collective grievance are detailed below.

8.4 Raising a formal grievance

The written complaint should be headed "Formal collective grievance". The complaint must be submitted in one document and must clearly identify and be signed by each staff member (Complainant) raising the collective grievance. The Complainants will need to nominate a maximum of two Complainants to act on behalf of them all throughout the grievance process. The grievance letter must identify those appointed to be the nominated representatives.

8.5 Stage 2 - Hearing the grievance

The principles in section 4 above will apply.

The process as detailed in Section 5 above will apply.

All documents should be made available to all parties submitting the collective grievance with the agreement of all parties in the collective grievance.

8.6 Stage 3 – Appeal

The process as detailed in Section 7 above will apply.

8.7 The nominated representative will be invited to attend one collective grievance appeal meeting. They may be accompanied by a staff member or a trade union official. Following the appeal meeting, there will be one outcome for all signatories. The nominated representative will be notified of the outcome in writing. The outcome of the collective appeal is final.

8.8 If only one staff member wishes to appeal, the normal grievance appeal procedure will apply.

8.9 Dealing with grievances individually

We reserve the right to hear grievances individually if not all Complainants voluntarily agree to the collective grievance process, if the grievances are not identical, or there are exceptional circumstances.

9. Overlap with Other Procedures

9.1 It is recognised that that other University policies or procedures may be invoked while the Grievance Procedure is in progress.

9.2 Where a member of staff raises a grievance during a disciplinary process, consideration will be given as to how the complaint will be addressed, considering

the specific circumstances of the grievance raised. The grievance may be dealt with as part of the disciplinary process or progressed concurrently with the disciplinary process. Where the grievance concerns relate to the disciplinary itself, or matters leading up to the instigation of the disciplinary process (therefore amounting to mitigation or defence), the grievance would usually be dealt with as part of the disciplinary process. In some cases, it may be necessary to suspend the disciplinary or the grievance process pending the outcome of the other process.

10. Discretionary Leave and Suspension

10.1 Sometimes, situations can arise which need to be addressed quickly and which may result in staff being asked or requesting to stop work and go home for a period. Such situations may include times when a staff member is very distressed about an incident, their Line Manager becomes seriously concerned about their welfare should they remain in the workplace, or if the staff member is finding it difficult to cope at work in the period preceding a hearing. Such action is not counted as suspension, sick leave or annual leave.

10.2 Suspension is intended to facilitate the investigation and is not a punitive action. There is no inference that the allegations will be upheld as a result of suspension and normal remuneration will be maintained. Ongoing consideration will be given to the effect of suspension on the staff member's health and wellbeing and appropriate support provided as necessary.

11. Staff Support and Wellbeing

11.1 The University recognises that involvement in an investigation and grievance can be stressful for all parties. It is important to consider the wellbeing and mental health of all staff involved. The Investigating Officer and HRR should be mindful of this throughout the process and if they have concerns these should be raised appropriately. If staff members have concerns, they can raise these with the Investigating Officer and/or HRR

11.2 Please refer to Grievance Guidance document for the most up to date information on the sources of support available to all members of staff.

12. Withdrawal of a Grievance

12.1 A formal grievance may be withdrawn at any stage of the process by the individual who submitted it. However, the University may decide to continue to investigate and deal with any issues raised, for example if matters of potential misconduct have been identified.

13. Equality Act 2010 Considerations

13.1 If a staff member has requirements at any stage of the procedures related to a disability or any other protected characteristic or wishes to inform the University of a relevant medical condition, the staff member should contact the HRR who can discuss appropriate support, such as reasonable adjustments.

14. Data Retention

14.1 Grievance Hearing Outcomes and Investigation Reports will be stored in line with the University's record retention schedule and in accordance with the General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA)

15. Scottish Public Services Ombudsman (SPSO)

14.1 In accordance with the Further and Higher Education (Scotland) Act (2005), the Scottish Public Services Ombudsman (SPSO) <https://www.spsso.org.uk/> has responsibility for investigating staff complaints. The SPSO provides a route for all staff to refer their complaint for independent review where they have exhausted the University's Grievance Procedure and are dissatisfied with the handling of the process.

14.2 The SPSO cannot investigate action taken in respect of appointments or removals, pay, discipline, superannuation or other human resources matters. Once the SPSO has made a judgement, it is the responsibility of the University Court to decide whether to accept the judgement and any remedial action to be taken.

16. Monitoring of this Procedure

15.1 HR will monitor cases/outcomes and share appropriate information confidentially, such as part of annual monitoring exercises.

17. Related Policies and Procedures

Disciplinary Procedure

Addressing Gender-based Violence and Sexual Harassment Policy

Research Misconduct Procedure

Fraud Policy

These policies and procedures may be found in the Policy Zone on StaffNet.

| | |
|----------------------------|--|
| Title | Grievance Procedure |
| Author / Creator | Human Resources |
| Owner | Director of People |
| Date published/approved | June 2023 Revised to include information on Collective Grievance May 2024 - PNCC |
| Version | 4 |
| Date for Next Review | June 2024 |
| Audience | Staff |
| Related | Investigation Procedure, Disciplinary Procedure, Whistleblowing, Appeal Procedure, Complaints, Staff/Student Relationships, Staff/Staff relationships, Dignity at work, Equality, Diversity, Inclusion. Addressing Gender Based Violence and Sexual Harassment |
| Subject / Description | Outlines mechanism whereby University staff can raise concerns relating to their employment |
| Equality Impact Assessment | |
| Section | HR / Procedure |
| Theme | Employment |
| Keywords | HR, Staff, Concerns, Support, Discipline, Conduct, Performance, Grievance, Investigation, Hearing |