

## **GRIEVANCE PROCEDURE**

### **1     INTRODUCTION**

The University of Aberdeen recognises that from time to time, members of staff encounter issues or concerns relating to their employment which they wish to raise and have addressed. This Procedure aims to encourage the prompt and effective resolution of such issues or concerns in a constructive, fair and equitable manner. It also aims to settle or redress any grievance at the lowest managerial level by methods acceptable to all parties as far as may be feasible.

### **2     SCOPE**

The Grievance Procedure provides a framework within which complaints raised by staff (either individually or collectively) in relation to their employment at the University may be addressed.

In addition, the University has supplementary procedures for dealing with complaints on particular issues. If you consider you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment, you should use the Staffing Policy Against Discrimination, Harassment and Bullying in the Workplace

Should you have concerns under the Public Interest Disclosure Act, you should refer to the Code of Practice on Whistleblowing.

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     GENERAL PRINCIPLES**

- Where appropriate, we will seek to resolve issues on an informal basis, which may include the option of seeking resolution through a process of mediation or facilitated meeting(s).
- Each step and action under the procedure will be undertaken as quickly as practicable and without unreasonable delay.
- Grievances raised by a Relevant Person will be heard by another Relevant Person
- You are entitled to reasonable preparation time ahead of being required to attend an investigation, grievance or appeal meeting.
- Meetings will be conducted in a manner that enables all parties to explain their cases.
- You will have the right to be accompanied by a work colleague or Trade Union representative at any investigation, grievance or appeal meeting and a Human Resources Adviser will be in attendance in the role of clerk.

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\* Footnote

In accordance with the Further and Higher Education (Scotland) Act 2005, the following definitions apply in relation to this Procedure:

*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

- You must take all reasonable steps to attend any meetings which you are required to attend. If you fail to attend a Grievance or Appeal Hearing, you will be provided with a final invitation to attend a second Hearing. If you do not attend the second Hearing, consideration will be given to reaching a decision in your absence on the evidence available.
- You have a right to appeal against the outcome of your grievance.
- All written records, including documentary evidence and witness statements, will be classified as confidential in line with current legislation and held within the Human Resources Office in accordance with the University's records retention schedule.
- If you are a Trade Union Representative and you have raised a grievance or are being investigated under this procedure you will be advised that your Full Time Union Official will be contacted to inform them of the situation.

#### **4 OVERLAPPING DISCIPLINARY AND GRIEVANCE CASES**

If a grievance is raised during a disciplinary process, consideration will be given as to how the complaint will be taken forward, taking the individual circumstances of the case into account. The grievance process may be temporarily suspended pending the outcome of the disciplinary process.

#### **5 DISCRETIONARY LEAVE**

Sometimes, situations can arise which need to be addressed quickly and which may result in you being asked or requesting to stop work and go home for a period of time. Such situations may include times when you are very distressed about an incident, your Line Manager becomes seriously concerned about your welfare should you remain in the workplace, or if you are finding it difficult to cope at work in the period preceding an investigation.

Such action is not counted as suspension, sick leave or annual leave. There is no inference of guilt as a result of you being absent from work at this time and, therefore, normal remuneration will be maintained.

#### **6 GRIEVANCE PROCEDURE**

There are 5 stages within the Grievance Procedure:

- Stage 1 – Informal Opportunity to Resolve Grievance
- Stage 2 – Confirmation of Written Grievance
- Stage 3 – Hearing the grievance
- Stage 4 – Confirming the Outcome
- Stage 5 – Appeal

##### **Stage 1 – Informal Opportunity to Resolve Grievance**

Every effort will be made, wherever possible, to resolve issues on an informal basis in the first instance. Therefore, you should initially raise your concerns with your Line Manager. If your grievance is regarding your Line Manager, you should raise your concerns with an individual at the next level of the management structure within your School/Section, (which may be the Head of School/Section), who will nominate another appropriate individual to take the matter forward.

You will be offered the opportunity to engage in a process of mediation or facilitated meeting(s) to resolve the situation. You will also be given the opportunity to suggest potential solutions to resolve your grievance. In addition, there may be circumstances where other University policies and procedures may be appropriate.

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 the parties.

## **Stage 2 – Confirmation of Written Grievance**

It is hoped that the majority of issues or concerns will be resolved at Stage 1. However, you may wish to pursue a formal complaint if:

- You are dissatisfied with the outcome of the informal stage (Stage 1)
- You have previously raised the concern or issue and it has been considered under Stage 1 but the situation has not improved
- If the concern or issue is so serious that an informal discussion will not resolve it

Formal grievances should normally be confirmed in writing to your Line Manager, outlining the nature of your issue or concerns. If your grievance is regarding your Line Manager, you should submit your grievance to an individual in the next level of the management structure, (which may be your Head of School/Section), who will nominate another appropriate individual to take the matter forward.

## **Stage 3 – Hearing the grievance**

You will be invited to attend a meeting with the individual hearing your grievance (normally the person to whom you submitted your written complaint) to explore your issue or concerns in more detail. You will also be given a further opportunity to suggest potential solutions to resolve your grievance. Grievances raised by a Relevant Person will be heard by another Relevant Person.

You must take all reasonable steps to attend this meeting. If you or your companion cannot attend at the time specified, you should immediately inform the individual hearing your grievance in writing and reasonable efforts will be made to agree an alternative time.

The individual hearing your grievance may meet with others to ensure s/he has all the relevant information on which to base her/his decision. In some circumstances, it may be necessary for her/him to meet with you and/or other individuals more than once if further evidence or information is received which requires additional clarification. If, following investigation, the individual hearing your grievance considers that the matter would be more appropriately taken forward under a different University procedure, you will be notified of this.

## **Stage 4 – Confirming the Outcome**

You will be advised of the outcome of your grievance in writing as quickly as practicable.

### *Grievance Upheld/Partially Upheld*

Where the grievance is upheld or partially upheld, you will be notified of this. In addition, the individual who heard the case 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.

### *Grievance Not Upheld*

If the individual hearing your grievance decides that it should not be upheld, you 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 s/he deem this appropriate. You will also be advised of your right to appeal against the outcome.

## **Stage 5 – Appeal**

You are entitled to appeal against the outcome of your grievance. Notification of an intention to appeal against the outcome (including the full grounds for appeal) must be made in writing within 5 working days from the date of issue of the decision. The detailed grounds of the appeal should be lodged within 10 working days from the date of the original intimation of intention to appeal. 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.

Appeals against the outcome of a formal grievance by individuals who are not Relevant Persons will be heard by an individual in the next appropriate level of management structure not previously involved in the grievance case.

Appeals against the outcome of a formal grievance involving a Relevant Person\* will be heard by the Head of School/Section and one other Relevant Person\* who has not been connected with the matter under investigation.

If you remain dissatisfied following the Appeal Hearing, you may invoke the final stage of the formal Grievance Procedure which involves the grievance being heard by a Grievance Committee comprising four members of the Partnership Negotiating and Consultative Committee (PNCC). Two members of the Grievance Committee will be Management members (at least one of whom will be a Relevant Person if the individual raising the grievance is a Relevant Person) and two will be Trade Union members. The Grievance Committee will be convened on all occasions by a Management member. The decision of the Grievance Committee is final and not subject to further appeal within the University.

## **7 SOURCES OF SUPPORT**

We recognise the additional pressure that a grievance procedure places on all individuals involved. In this connection, you may wish to seek support from the following sources:

- Human Resources
- Trade Union representative
- Wellbeing Coordinator
- PAM Assist confidential helpline
- Chaplain
- Occupational Health
- Alternatively, you may wish to contact your GP or an independent trained counsellor

## **8 SCOTTISH PUBLIC SERVICES OMBUDSMAN (SPSO)**

In accordance with the Further and Higher Education (Scotland) Act (2005), the Scottish Public Services Ombudsman (SPSO) has responsibility for investigating staff complaints. The SPSO provides a route for those staff who have exhausted the University's Grievance Procedures, to refer their complaint for independent review where they are dissatisfied with the handling of the internal grievance procedure. The SPSO cannot investigate action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters. Once the SPSO has made a judgement, it would be for the University Court to decide whether or not to accept the judgement and on any remedial action to be taken.

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