

Title	Grievance Procedure
Reference	HRP026
Version	2.0
Date	February 2008
Author	HR
Approved by	HRC
Impact assessment date	February 2008
Classification	UNCLASSIFIED
Revision Date	February 2009

Version	Date	Description
0.1		Policy inherited
1.0	March 05	Policy updated in line with legislation
2.0	Feb 08	Policy updated for OD, style guide and EIA

1 Introduction

- 1.1 A grievance is a concern, problem or complaint an employee has about a matter related to his or her employment, for example, working conditions, health and safety, management treatment, working relationships, changes in rules/ regulations/ procedures, terms and conditions of employment and organisational change.
- 1.2 The aim of HEFCW's Grievance procedure is to settle any employee grievances as fairly and quickly as possible. This policy does not form part of HEFCW's Contract of Employment
- 1.3 This grievance procedure does not apply to:
- a) disciplinary matters (see Dismissal and Disciplinary procedure);
 - b) appeals against the outcome of job sizing;
 - c) appeals relating to the HEFCW's Management of Performance and Development scheme
 - d) grievances involving bullying and harassment or whistleblowing; or
 - e) matters over which HEFCW has no control
- 1.4 HR will be available to give advice to employees, line managers and Appeals Officers on the proper operation of the Grievance procedure.

- 1.5 The line manager should seek advice from HR immediately after he or she becomes aware of a grievance.
- 1.6 Where the issue is not entirely under the control of HEFCW the organisation will endeavour to investigate and take any appropriate action. It will be made clear to any third party that the grievance has been taken seriously and action will be taken to protect employees.
- 1.7 Every effort will be made to resolve complaints informally by discussion between the employee and the appropriate level of management, usually the line manager. The resolution of employee grievances should form part of everyday informal managerial action. It is only when this does not achieve a satisfactory settlement that the grievance may be pursued through the formal Grievance procedure.

2 Procedure

Informal procedure

- 2.1 All parties must endeavour to reach agreement at as early a stage as possible. Most issues can be resolved informally by discussion between the employee and his/her line manager. Where this is not possible the formal procedure will be invoked.

Formal procedure

The employee has the right to be accompanied by a companion of his or her choice, who may be a work colleague or Works Council representative at all stages. Employees are expected to make all reasonable efforts to attend meetings.

Step 1

- 2.1.1 The employee must put his or her grievance in writing to his or her line manager stating clearly that this is a grievance and the basis of the grievance. If the grievance is against the line manager it should be raised in the same way with the next most senior manager.
- 2.1.2 The line manager or next most senior manager will reply in writing within five working days acknowledging the grievance and inviting the employee to attend a meeting to discuss the grievance, within a further five working days.

Step 2

- 2.1.3 The line manager or next most senior manager will hold a meeting with the employee to discuss the grievance. After the meeting the line manager or next most senior manager will inform the employee in writing within five days of the meeting, or reconvened meeting if the initial meeting could not be concluded, of the decision in response to the grievance.
- 2.1.4 It is expected that the grievance should be settled by this stage, but if not the employee has the right to appeal.

Step 3 Appeal

- 2.1.5 The employee must appeal to the either the Chief Executive or Director of Strategic Development/Director of Finance & Corporate Services, whoever is the independent party, stating that this is an appeal and the basis of the appeal. The employee must make this appeal in writing, within five working days of receiving the written decision. Where the Chief Executive has acted as the line manager, the employee must appeal to the Chair of the HR Committee.
- 2.1.6 The employee will be advised by letter of the date and other arrangements for the appeal hearing. Appeal hearings will be heard within five working days of receipt of the notice of appeal, or as soon as practically possible.
- 2.1.7 The CEO/Director of SD/Director of F&CS/Chair of HR Committee may refer complaints back to the line manager for clarification in order to assist in the final decision.
- 2.1.8 The CEO / Director or SD/Director of F&CS / Chair of HR Committee will inform the employee of their decision, in writing, within five working days of the date of the appeal hearing. The decision of the CEO/Director of SD/Director of F&CS/Chair of HR Committee will be final and this is the concluding stage of the procedure.

4 Modified grievance procedure

- 4.1 This may be used where the action could form the basis of an Employment Tribunal claim and:
- the employee has left the organisation and HEFCW were not aware of the grievance before employment ended; or
 - HEFCW were aware of the grievance but the standard procedure was not commenced or not completed before the last day of the employees employment
- 4.2 HEFCW and the employee must agree in writing that it will be used instead of the standard procedure.
- 4.2.1 The employee should write to the Head of Resources with details of the grievance and its basis, as in step 1 of the formal procedure.
- 4.2.2 The Head of Resources will respond to the employee in writing, within five working days of receipt of the grievance with the response.

5 Levels of authority

- 5.1 The role of the line manager will be carried out by the employee's appraiser.
- 5.2 The following senior staff will act as Appeals Officers:
- Chief Executive/Director of Strategic Development/Director of Finance & Corporate Services / Chair of HR Committee

Where the Chief Executive has acted as line manager the Chair of the HR Committee may act as Appeals Officers.

6 Time limits

While management will make every effort to adhere to the time limits prescribed in the procedure, it may not always be possible due to work commitments, leave or sickness, etc. If it is anticipated that a time limit will not be met, an explanatory letter will be sent to the employee and alternative timescales will be mutually agreed. However, every effort will be made to deal with grievances as promptly as possible. For the purpose of this procedure, a working day will mean any day between Monday and Friday (inclusive) irrespective of the employee's working pattern, but excluding public and bank holidays. The five working days will commence from the day following receipt of the written notification of the grievance, or following the written confirmation of a decision at each stage.

7 Written records

- 7.1 Line managers and Appeals Officers must keep written records of meetings and discussions relating to the grievance. These must be written during or as soon after the event as possible to ensure the accuracy of the record. Written records must be signed and dated by all parties. Copies of all final meeting records must be given to employees. Written confirmation of the outcome of any meetings will be sent to the employee for their information and a copy kept on the employee's personnel file in accordance with the Data Protection Act 1998.
- 7.2 Employees may also wish to keep records of events to support their case.