



Grievance Procedure

Introduction

The York St John Students' Union (YSJSU) is committed to promoting effective working relationships and an environment in which employees feel able to raise work-related issues with their managers. One of the ways to achieve this is by providing a clear framework within which employees can seek to have their concerns responded to efficiently and effectively, and where possible, by informal means.

This procedure provides such a framework and has been developed with reference to the principles and practice contained within the ACAS Code of Practice on Discipline and Grievance.

The aim of this procedure is to provide a clear and transparent framework to deal with concerns, problems or complaints raised by employees in the course of their employment and to achieve as far as possible a fair and prompt resolution.

Issues that may cause grievances are:

- Terms and Conditions of Employment
- Health & Safety
- New working practices
- Work environment
- Organisational change
- Discrimination resulting from any of the above

Scope of Policy

This policy applies to all employees of York St John Students' Union and is designed to deal with individual grievances. Any complaint against another member of staff which involves an alleged breach of discipline will be investigated under the YSJSU Disciplinary Policy.

This policy cannot be used to challenge formal outcomes in other procedures which have an appeal process, namely:

- Disciplinary Policy and Procedure
- Capability Policy and Procedure
- Probationary procedures

The following principles shall apply to the application of this procedure:

- a) All parties concerned should respect the confidentiality of the proceedings and should act in good faith to seek a successful resolution of the issue.

- b) Wherever possible, grievances should be resolved informally without recourse to formal procedures.
- c) Managers and employees should act consistently.
- d) Managers and employees should raise and deal with issues promptly, unless there is a good reason for delay, and should not unreasonably delay meetings or decisions. Where there is delay, individuals concerned will be advised of the reasons.
- e) Managers will carry out necessary investigations to establish the facts of the case.
- f) All employees who are the subject of this procedure will have the right to be accompanied at any formal meetings held under this procedure by a trade union representative or work colleague.
- g) If, on investigation, the grievance is found to be vexatious the manager may dismiss it without further consideration and disciplinary action may result. The employee will be advised accordingly.

The Grievance Procedure

1. Informal Resolution

- 1.1 YSJSU is committed to dealing with issues affecting employees effectively, without unreasonable delay and in an atmosphere of shared trust and confidence. It is the policy of YSJSU to resolve the vast majority of grievances informally.
- 1.2 If an employee has any questions or a concern relating to their employment, they should refer to their line manager in the first instance so that the matter can be responded to quickly and resolved informally.
- 1.3 The line manager should seek to resolve the matter without delay, undertaking further investigation if necessary. At all times, the line manager should ensure the employee is kept informed of developments.
- 1.4 It is not anticipated that trade union representatives or colleagues will attend meetings at this stage but staff are advised to seek support and advice from their representatives as appropriate.

2. Raising a Formal Grievance

- 2.1 If an employee does not consider that their concern has been dealt with effectively and resolved to their satisfaction at the informal stage they should raise the matter formally and without unreasonable delay with their line manager.
- 2.2 Where the grievance relates to the direct line manager the employee should refer the matter to the next level of management.
- 2.3 The formal grievance must be submitted in writing clearly setting out the nature of the grievance, why it has been presented formally and what redress is sought. To ensure that all information relevant to the grievance is provided, so it can be dealt with as effectively as possible. Employees are encouraged to use the Employee Formal Grievance Form attached to this Procedure.

- 2.4 If the grievance relates to the actions of another member of staff then a copy of the grievance and supporting information will be sent to them and formal interview will be held.
- 2.5 If an employee submits a formal grievance without firstly seeking informal resolution they must provide a written explanation as to why they do not consider it possible or appropriate to seek redress via informal means.

3. Formal Grievance Meeting

- 3.1 When an employee raises a formal grievance the line manager should arrange for a meeting to be held within 10 working days of receipt of the grievance. The employee has the right to be accompanied by a colleague or a trade union representative at the meeting.
- 3.2 At the meeting the employee will be invited to explain their grievance and how it might be resolved.
- 3.3. The employee's companion will be allowed to address the line manager to sum up the employees case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion will not, however, have the right to answer questions on the employee's behalf or address the line manager if the employee does not wish.
- 3.4 Any investigation necessary to ensure a thorough consideration of the grievance should take place following the meeting. For example, if the grievance relates to the actions of another member of staff then they will need to be interviewed.
- 3.5 Following the meeting the line manager will determine whether the grievance is justified And, if so, what action is to be taken/recommended to resolve it. They will confirm the Outcome and the reasoning behind it to the employee in writing within 10 working days of The meeting and also inform them of their right of appeal. In exceptional circumstances or Where further investigation is necessary it may not be possible to respond in this timescale. Where this is the case the employee will be notified of the reasons for the delay and when They can expect to receive a response.

4 Appeal

- 4.1 Where an employee is dissatisfied with the outcome of their formal grievance and feels that it has not been satisfactorily resolved they have the right of appeal. The employee should write to the Line Manager setting out the grounds for their appeal within 5 working days of being informed of the outcome. To ensure that all information relevant to the appeal is provided, employees are requested to use the Employee Grievance Appeal Form attached to this Procedure.
- 4.2 The Line Manager will arrange for another more senior manager who has not previously been involved in the case to hold an appeal hearing to make a final attempt to resolve the grievance.
- 4.3 The appeal should be held within 10 working days with the employee. The employee will have the right to be accompanied by a colleague or Trade Union representative.

- 4.4 The line manager who considered the formal grievance will also be invited to attend the appeal meeting to respond to questions about how they dealt with the grievance and arrived at their outcome.
- 4.5 The appeal will not be a rehearing of the original grievance but rather a consideration of the specific areas with which the employee is dissatisfied in relation to the grievance outcome. This could be the outcome or how the grievance has been responded to and investigated. The manager conducting the appeal will confine discussion to the specific areas cited.
- 4.6 No new evidence or allegations should be presented at the appeal stage.
- 4.7 The outcome of the appeal should be communicated to the employee in writing within 5 working days. The decision following the appeal is final and there is no further right of appeal.

Overlapping grievance and disciplinary cases

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance.

Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Where a related grievance is raised by an employee after they are notified of the disciplinary hearing, the grievance will be considered at the disciplinary hearing to avoid undue delay. If the employee feels that this approach would have a detrimental or discriminatory effect then they may object to this approach and consideration would be given to their concerns.

Records

If an employee raises a formal grievance, a record will be kept of the grievance, minutes of any hearing, the outcome, any action taken and the reasons for it. These records are confidential and will be retained on the employee's personnel file.

Employee Formal Grievance Form

This form is intended for use by any employee of York St John Students' Union (YSJSU) who wants to raise a formal grievance about a workplace issue. Employees should refer to the Students' Union's Grievance Policy before completing this form so they are aware of the process that will be followed.

The Students' Union's policy approach is that, wherever possible, grievances should be resolved informally without recourse to formal procedures. Before resorting to a formal grievance an employee should have given their line manager or the individual concerned the opportunity to address their concern informally in the first instance. Only where an employee does not consider that their concern has been dealt with effectively and resolved to their satisfaction informally should they then raise the matter formally. If an employee submits a formal grievance without firstly seeking informal resolution they should include within their written grievance an explanation as to why they did not consider it possible or appropriate to seek a solution using informal means.

In certain circumstances, employees can request that their grievance be kept anonymous. Where possible, YSJSU will respect an employee's request for anonymity, but cannot guarantee that it will be able to do so.

In all circumstances, this form should be completed and delivered to the relevant line manager or the HR Administrator (please refer to the procedure) in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject heading.

Personal Details

Employee's name:

Employee's job title:

Employee's department:

Employee's line manager:

Date:

Does your grievance relate to your line manager?

Yes/No

If you have a disability and require any reasonable adjustments in order to participate in the formal grievance meeting please note them here

Summary of grievance:

Please set out the details of your grievance (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). Please consider the following questions:

- *What took place?*
- *Where did it take place?*
- *Where did these things happen?*
- *How did you bring the problem to your manager's attention?*
- *Were there any witnesses?*
- *Why has it got to this stage?*
- *Are there any documents to support your case?*

You may attach additional sheets if required.

Individuals involved in the alleged incident(s) leading to a formal grievance:

If applicable, please provide the full names, job titles and contact details of any people involved in your grievance, including witnesses and why they are involved.

Informal steps taken:

Please set out why you feel the informal approach did not achieve a satisfactory outcome to your grievance. If you did not seek informal redress before submitting this formal grievance. Please set why you did not consider it possible or appropriate to seek a solution using informal means.

Desired Outcome:

Please set out how you would like to see your grievance dealt with and why and how you believe that this will resolve the issue.

Declaration:

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by YSJSU. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)

Name:

Signature:

Date:

For completion by the relevant manager:

Date form received:

Name of recipient & job role:

Signature:

Employee Formal Grievance Appeal Form

This form is intended for use by an employee of York St John Students' Union who wants to appeal a decision made by YSSU regarding a formal grievance raised by him/her. This form should be completed and delivered to the Chief Executive in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject heading.

In accordance with YSJSU's grievance policy, YSJSU will aim to arrange the appeal hearing without unreasonable delay and within 10 working days of receiving the appeal. If there are likely to be any delays in hearing your appeal, you will be informed in writing of the reasons for the delay and give an indication of when you can expect your appeal to be heard.

Personal Details

Employee's name:

Employee's job title:

Employee's department:

Date of original formal grievance:

Manager who dealt with formal grievance:

Date you were given outcome of the grievance against which you are appealing:

Summary of appeal:

Please set out the grounds of your appeal (providing as much detail as possible and why you consider the outcome to your grievance to be inappropriate or unsatisfactory). You may attach additional sheets if required.

Desired outcome from the appeal:

Please set out what outcome you would like to see from your appeal, and why and how you believe that this will resolve the issue.

Declaration:

I confirm that the above is true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by YSJSU. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)

Name:

Signature:

Date:

For completion by the relevant manager:

Date form received:

Name of recipient &
job role:

Signature: