



## **GRIEVANCE PROCEDURE**

### **1. About this procedure**

1.1. St George's, University of London (SGUL) is committed to developing and maintaining constructive relations with its employees and aims to do this by providing employees with access to a procedure to help resolve any grievances relating to their employment fairly and without unreasonable delay. SGUL will investigate any formal grievance raised, hold a hearing to discuss it with the person who has raised it, inform them in writing of the outcome, and give them a right of appeal if they are not satisfied.

1.2. The aim of this procedure is to provide a fair and consistent approach in line with the principles of natural justice. This procedure follows the principles of the ACAS Code of Practice on Disciplinary and Grievance Procedures as a minimum. Where SGUL's Statutes relate to employment policies and procedures the Statutes will take precedence over this procedure.

1.3. This procedure applies to all SGUL employees, with the exception of the Principal, who is subject to a different procedure.

1.4. This procedure does not form a part of any employee's contract of employment and it may be amended by SGUL at any time, following agreement with the recognised trade unions. SGUL may vary the procedure, including any time limits, as appropriate in any individual case.

1.5. Nothing in this procedure detracts from Academic Staff's freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions, as stipulated in SGUL's Statutes.

1.6. Issues that could give rise to grievances may include:

- a) terms and conditions of employment;
- b) health and safety;
- c) work relations;
- d) bullying and harassment;
- e) new working practices;
- f) working environment;

- g) organisational change; and
- h) discrimination.

1.7. This Grievance Procedure should not be used to complain about any disciplinary or capability sanction, which should be dealt with under the appeals process specified in the relevant Procedure.

1.8. The separate Dignity at Work and Study Policy may be useful if employees feel that they have been a victim of harassment or bullying or wish to report an incident of bullying or harassment involving other people.

1.9. There is a separate Whistleblowing and Public Interest Disclosure Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where employees are directly affected by the matter in question, or feel that they have been victimised for an act of whistleblowing, they may raise the matter under this Grievance Procedure.

## **2. Confidentiality**

2.1. SGUL's aim is to deal with grievance matters sensibly and with due respect for the confidentiality of those individuals involved. All employees must treat as confidential any information communicated to them in connection with a grievance.

2.2. Audio/Visual recordings are not permitted at any meetings or hearings under this procedure and will not be admissible within this process, unless permitted by SGUL in special circumstances, for example to accommodate a disabled employee by way of a reasonable adjustment under the Equality Act 2010.

## **3. Raising grievances informally**

3.1. Most grievances can and should be resolved quickly and informally through discussion with the employee's line manager. If an employee feels unable to speak to his/her manager, for example because the complaint concerns him or her, then he/she should speak informally to a more senior manager or a member of HR. If this does not resolve the issue, the formal procedure below should be followed.

3.2. Use of an independent third party, for example a mediator, may be appropriate for resolution of issues. This will be by the agreement of both parties.

## **4. Formal written grievances**

4.1. If the grievance cannot be resolved informally it should be put in writing and submitted to the employee's line manager or the Director of Human Resources and Organisational Development (HR&OD), or their nominated designate, indicating that it

is a formal grievance. If the grievance concerns the employee's line manager, it may be submitted to a more senior manager or the Director of HR&OD instead. The employee must submit and sign the grievance on their own behalf, it cannot be submitted by somebody else, for example a union representative or work colleague.

4.2. The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates and names of individuals involved. In some situations further information may be requested from the employee.

4.3. If multiple grievances/complaints are raised they may be consolidated into one case and may be submitted by one of the named individuals, provided that all named individuals have signed and dated the grievance.

4.4 Where an employee raises a grievance during a disciplinary or capability process the disciplinary/capability process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary/capability cases are related it may be appropriate to deal with both issues concurrently.

4.5 Written grievances will be placed on individual staff files (that is the file of person raising the grievance) along with a record of any decisions taken and any notes or other documents compiled during the grievance process.

## **5. Investigations**

5.1. It is usually necessary for SGUL to carry out an investigation into the grievance complaint(s). The amount of any investigation required will depend on the nature of the grievance complaint(s) and will vary from case to case. It may involve interviewing and taking statements from the employee raising the grievance and any witnesses, and/or reviewing relevant documents. The investigation will be carried out by one or more managers independent from the grievance, appointed by HR (the Grievance Manager(s))<sup>1</sup>.

5.2. The employee raising the grievance must co-operate fully and promptly in any investigation. This may include informing SGUL of the names of any relevant witnesses, disclosing any relevant documents and attending investigative interviews if required.

## **6. Right to be accompanied**

6.1. Under the ACAS Code of Practice the employee only has the right to bring a companion to the grievance hearing. Nevertheless, unless there are exceptional circumstances (e.g. due to the urgency of the situation), SGUL will allow a companion (work colleague, trade union representative or an official employed by a trade union) to

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<sup>1</sup> The ACAS guide on conducting workplace investigations provides useful information on conducting an investigation

attend any grievance meetings held with the person bringing the grievance. It is the employee's responsibility to arrange for the companion to attend the meetings and inform the Grievance Manager(s) who the companion will be, in good time.

6.2. If the companion is not available at the time proposed for the grievance hearing the Chair will postpone the hearing to a time proposed by the employee provided that the alternative time is both reasonable and not more than five working days after the date originally proposed. Other than in exceptional circumstances, only one postponement will be permitted.

6.3. The companion may address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing and confer with them during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the Chair from explaining their case.

6.4. Acting as a companion is voluntary and colleagues are under no obligation to do so.

## **7. Grievance hearing**

7.1. The Grievance Manager(s) will arrange a grievance hearing, as soon as possible after receiving the written grievance and subject to any preliminary investigation they deem necessary.

7.2. The purpose of a grievance hearing is to enable the employee to explain their grievance and how they think it should be resolved, and to assist the Grievance Manager(s) in reaching a decision based on the available evidence and the representations that have been made.

7.3. After the grievance hearing the Grievance Manager(s) may carry out further investigations and hold further grievance meetings as considered appropriate. Such meetings will be arranged without unreasonable delay.

7.4. The Grievance Manager(s) will write to the employee, as soon as is practicable, to inform them of the outcome of their grievance and any further action that SGUL intends to take to resolve the grievance. This letter should explain the evidence considered and how the conclusions leading to the outcome were reached. They will also inform the employee of their right of appeal. Where appropriate the Grievance Manager(s) may hold a meeting to give the employee this information in person.

## **8. Appeal**

8.1. An employee has a right of appeal against any grievance outcome as set out below.

8.2. The employee must send his/her written notice of appeal to the Director of HR&OD, or their nominated designate, within 5 working days from the date of receipt of the grievance outcome letter, clearly stating the grounds for the appeal which are limited to:

- i. New evidence which was not available at the first hearing. This requires an explanation as to why this evidence was not presented at the first hearing.
- ii. The issues had been misunderstood resulting in a perverse outcome.
- iii. Procedural failure or irregularities.

8.3. Every effort will be made to hear the grievance appeal as soon as reasonably possible. The employee will be given the right to be accompanied at the appeal hearing and an HR representative will be present. The appeal will be heard by another manager(s) (nominated by HR) not involved in the original grievance, of equal or higher seniority.

8.4. The Appeal Chair will set the date for the appeal hearing, and will expect the employee to make all reasonable efforts to attend at the date stipulated.

8.5. The appeal will ordinarily be conducted by way of a review of the original decision, as opposed to a rehearing. That is, the appeal will involve a determination as to whether the decision was one which a reasonable person could have made, on the basis of the evidence and arguments which were presented to that decision maker, taking into account the employee's reason for appeal (within the appeal criteria above).

8.6. In exceptional circumstances the Appeal Chair will determine that the appeal will be conducted as a rehearing. Such a decision will be entirely at the discretion of the Appeal Chair.

8.7. The Appeal Chair will make their decision as soon as reasonably practicable after the appeal hearing, and will communicate that decision in writing to the employee, ideally within 10 working days. The Appeal Chair has the right to uphold or overturn the original decision either in part or in full. The written decision of the Appeal Chair will be final, and will conclude this procedure.