

# Staff Grievance Policy & Procedure

March 2021

Policy control

<b>Benchmarking</b>	Universities of Glasgow, Edinburgh, Dundee, Strathclyde and Glasgow Caledonian, ACAS
<b>Date approved</b>	TBC
<b>Approving Bodies</b>	HR Committee, Board Governors
<b>Implementation Date</b>	March 2021
<b>Supersedes</b>	Previous Grievance Policy and Procedure 2016
<b>Supporting policy</b>	Dignity & Respect at Work Policy
<b>Review date</b>	March 2024
<b>Author</b>	Ross Wilkie, HR Officer
<b>Date of Impact assessment</b>	December 2020

## **1. PURPOSE AND SCOPE**

The Grievance Policy and Procedure is applicable to all employees of Glasgow School of Art (GSA).

### **1.1 Purpose**

GSA recognises that employees may have concerns, problems or complaints that they wish to raise in relation to their employment. It is the aim of GSA to have these issues resolved in a professional, appropriate and timely manner, within a framework of mutual respect.

This policy aims to encourage constructive dialogue between employees and their colleagues to ensure that questions and problems that arise during the course of employment can be aired and, where possible, resolved quickly and productively.

Employees should aim to raise issues promptly through the appropriate means to enable early resolution. GSA is committed to ensuring that all grievances are addressed as quickly as possible.

### **1.2 Definitions**

For the purpose of this policy document the following definitions will apply.

- A “grievance” is defined as a “concern, problem or complaint that an employee raises with their employer”<sup>1</sup>. The nature of the grievance must relate to the workplace and is usually in relation to (but not limited to):
  - GSA as an employer; or
  - someone in the workplace; or
  - the working environment; or
  - decisions taken or proposed by GSA that affects the employee’s employment
  
- A “representative” is the individual who is permitted to accompany a member of staff invited to attend a grievance meeting. The representative must either be:
  - a colleague who works for GSA; or
  - a trade union representative (local or full-time official)

A representative may present the employee’s case and summarise their views but cannot answer questions on behalf of the employee.

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<sup>1</sup> ACAS guide to discipline and grievance at work – July2020

- The term “investigating manager” refers to the senior member of GSA staff assigned to investigate the grievance (detailed in Appendix 1).

### **1.3 Scope**

Most complaints raised by employees of GSA should be progressed in accordance with this policy and procedure. However, there may be occasions when an issue relates to an aspect of employment that is affected by an alternative GSA policy or procedure, such as:

- Redundancy Policy and Procedure
- Capability Policy and Procedure
- Disciplinary Policy and Procedure
- Job Evaluation Policies and Procedures
- Whistleblowing Policy and Procedure
- Flexible Working Policy and Procedure
- Activity Planning procedures

Employees who have concerns and are unsure of the appropriate route should seek advice from a member of the Human Resources (HR) department or their trade union representative.

## 2. PROCEDURE

GSA is committed to providing a positive and supportive working environment for all employees and places emphasis on enabling resolution of issues at the earliest stage and at the lowest possible level. Employees are therefore encouraged to pursue the informal stage of this procedure as a matter of course when issues arise.

It is recognised that it is not always possible to resolve matters in an informal manner, or that some issues may be so serious that formal action is essential and appropriate. This procedure therefore follows two stages: **informal** and **formal**.

### 2.1 Informal Procedures

- When an employee has a grievance related to a colleague, they should attempt to raise the matter with the colleague in question in the first instance, with a view to resolving the matter through constructive dialogue.
- In the case of any work-related grievance, the employee should consider discussing the matter with their line manager who will provide support in determining the most appropriate approach according to the circumstances. The line manager will then meet with the employee on a regular basis to discuss progress until the matter is satisfactorily resolved.
- Alternatively, or in addition, it may be prudent for the employee to seek advice from an HR colleague or trade union representative. By doing so the employee can obtain advice on the grievance process, but this can also serve as a useful means of reflection upon the situation.
- In certain circumstances it may be constructive for grievances to be addressed through mediation. This process allows for discussion to take place through facilitation by a trained mediator and can be a very constructive means of parties working towards an agreed resolution. More information on the process of mediation can be found in Appendix 2.

Should mediation be deemed to be appropriate, this can be set up through the HR department directly, or via the line manager. Mediation will only take place where all parties involved agree to participate.

## **2.2 Formal Procedure**

If the grievance is not resolved to the employee's satisfaction at the informal stage, or if an HR adviser considers that it is not appropriate to raise the grievance informally, the formal procedure should be invoked.

### 2.2.1 Step 1 - Written statement of complaint

The employee should write to the HR Department (copied to their line manager) setting out the nature of the grievance and giving an indication of the resolution sought, without any unreasonable delay. If there are any documents or letters that are relevant to the grievance the employee should include copies of them.

If the nature of the grievance concerns the line manager, this should be submitted directly to the HR Department and a senior member of the HR department will determine the most appropriate person to investigate.

### 2.2.2 Step 2 - Investigation

After GSA receives the employee's written statement of grievance, the employee will be asked to attend a meeting with the investigating manager to discuss it in more detail. The meeting will be held without any unreasonable delay and the employee (and his/her representative) should make every effort to attend the scheduled meeting.

The investigation will normally be carried out by an independent senior member of staff who has no prior involvement in the case, and will be designated by the HR Manager or Director of HR. The senior member of staff responsible for conducting the investigation will be referred to as the investigating manager.

During the investigation it may be necessary for the investigation manager to interview other employees or witnesses who are able to provide information relevant to the investigation, therefore the meeting may be adjourned to allow further investigation into the circumstances of the grievance. The employee raising the grievance may also wish to identify witnesses who can provide relevant information and/or highlight any additional lines of inquiry.

Any investigation interviews will be carried out by the investigating manager and a member of the HR Department will be in attendance to take notes of the meeting and to provide advice and guidance to all parties.

After the conclusion of the investigation, GSA will write to the employee and any other relevant parties, normally within ten working days, to provide a response to the grievance. Where applicable, the response will set out what action GSA intends to take to resolve the grievance and who will be responsible for progressing the actions identified.

### 2.2.3 Step 3 - Appeal

Should the employee wish to appeal the outcome of the investigation they should write to a senior member of the HR Department stating the grounds for appeal. The employee is requested to do so without any unreasonable delay following receipt of the written response.

After the written grounds for appeal are received, the employee will be invited to attend an appeal meeting, without any unreasonable delay, to discuss the appeal in more detail.

The appeal hearing will be conducted by a senior member of staff entirely independent of the person who conducted the initial grievance hearing and who has had no previous involvement in the matter. The appropriate member of senior staff will be determined by a senior member of the HR department.

After the appeal meeting GSA will write to the employee and any other relevant parties, normally within ten working days, with a final response. There is no right of appeal following this response.

## **2.3 General Provisions**

2.3.1 The timing of any meetings will be reasonable and the location will be accessible to all parties. All involved parties must take reasonable steps to attend meetings that they are requested to attend.

If employees are unable to attend a meeting as part of the formal procedure they should explain this immediately to a member of the HR department so that any adjustments can be considered. Should an employee be unwilling to attend any such meeting, following two invitations GSA may proceed with investigating the grievance based upon the written submission.

2.3.2 At any grievance meeting the employee attends as part of the formal process they have the right to be accompanied by a single representative as described in section 1.2.

A representative may explain the employee's case and summarise the employee's views in relation to the grievance, respond to any views expressed at the meeting and confer with the employee during the meeting. A representative cannot answer questions on the employee's behalf.

If the employee reasonably requests that such a person attends a formal meeting but that person is not available to attend, GSA will postpone the meeting to give the employee the opportunity to make alternative arrangements. Normally the postponement will not be any longer than five

working days. If the employee wishes a longer postponement they should explain this to a member of the HR department.

2.3.3 A representative from the HR department will be in attendance at any meetings held as part of the formal procedure to offer advice and guidance to all parties. The HR representative will normally be responsible for taking notes of the meeting (see Appendix 1).

2.3.4 Grievances will normally be heard by the employee's line manager, unless the line manager features in the complaint, as outlined in section 2.2.1. In such cases an appropriate member of senior staff will be appointed by the Head of HR.

In cases where the grievance is raised by or involves the Director, the Head of HR will convene a panel of members of the Board of Governors, in consultation with the Chair of the Board of Governors, to hear the grievance.

2.3.5 GSA will deal with all grievances promptly and, wherever possible, in line with the timescales outlined within this policy.

It is recognised that there will be occasions when it will not be practicable to meet the timescales set out within the policy due to leave or other unforeseen circumstances. Where timescales cannot be met owing to such exceptional circumstances, a written explanation of the reasons for exceeding the time limits will be provided to the employee, accompanied by a revised timetable for progression of the grievance.

2.3.6 Grievance and Disciplinary procedures are distinct and separate. The Grievance Procedure cannot be used to appeal against a disciplinary decision. However, should a situation arise where an employee feels that the manner of a disciplinary investigation is unfair and chooses to raise a complaint regarding that issue, consideration will be given to temporarily suspending the disciplinary investigation/hearing and assigning an alternative member of senior staff to progress matters.

If it is possible for the disciplinary procedure to be progressed fairly despite the existence of the grievance, that will be the preferred course of action. The final decision about such matters rests with the Director of Human Resources.

2.3.7 This policy is intended to create a means for employees to address any genuine work-related concerns or complaints that may arise throughout the course of their employment at GSA. However, if at any time GSA has reason to believe that an employee has lodged a vexatious complaint, it reserves the right to invoke the Disciplinary Procedure, where this is deemed to be the most appropriate course of action.

### **3. CONFIDENTIALITY**

- 3.1 So far as is reasonable, confidentiality will be maintained throughout the course of the procedures outlined in this policy. However, employees should be aware that it may be necessary to disclose certain information so that GSA can fully investigate the circumstances of a grievance. Similarly, GSA cannot be bound by its obligation of confidentiality or a request to take no action where it is advised of wrongdoing that it considers it appropriate to take action on.
- 3.2 GSA will keep a record of grievances made, including the written statement setting out the grievance, all letters sent to or by it in relation to grievances and any written statements provided by employees or witnesses.
- 3.3 Notes of grievance meetings and appeal meetings will be taken by an HR representative and will be used for reference by the individual hearing the grievance/appeal.
- 3.4 All records will be maintained in accordance with GSA's obligations in terms of Data Protection requirements and, as such, will be held for no longer than is necessary for the purposes for which they were obtained.

### **4. QUESTIONS OR COMPLAINTS**

- 4.1 Clarification on the terms or operation of this Policy may be obtained from a member of the HR department. Any complaints in relation to the Policy or its operation should be directed to a senior member of the HR department.

### **5. MONITORING**

- 5.1 The number and profile of staff invoking right to raise a grievance will be monitored by the HR department. The outcomes of the monitoring process will be presented along with other Performance Indicators to relevant committees within GSA including the HR Committee (which has representation from each recognised TU) and the Board of Governors.



## **Appendix I**

### **ROLES AND RESPONSIBILITIES**

#### **Human Resources department**

The role of the Human Resources department is to:

- provide advice to staff and management on the operation of this policy and procedure;
- assist individuals to think about and reflect on the situation and explore the options available to enable the individual to decide on a course of action;
- assist individuals whose behaviour has been challenged at work to think about and reflect on the situation;
- provide information to senior staff on comparative cases or recommendations which should be taken into account in deciding on a particular case to ensure fairness and consistency;
- provide advice to senior staff on the application of the procedure with the aim of promoting clear and effective use of the procedure;
- attend all formal meetings on an advisory basis;
- ensure that managers are trained and equipped to implement the procedure;
- maintain secure records of any advice or support given;
- record and retain statistical information relating to complaints, to inform future policies and to fulfil reporting responsibilities.

#### **Senior staff**

The role of senior staff members is to:

- encourage individuals to be responsible for undertaking their role with the required degree of professionalism;
- empower individuals to address work place issues at an early stage;
- ensure that individuals are listened to when raising concerns, considering what action should be taken towards resolution and seeking advice where necessary;
- meet with individuals on a regular basis to monitor progress until resolution is achieved;
- provide a supportive environment to individuals who are distressed by concerns at work, recognising the point at which it is appropriate to refer to other services (such as Human Resources);
- support and encourage individuals to utilise relevant procedures;
- maintain knowledge of those policies and procedures available within the GSA and undertake relevant training related to those policies.

## **Investigating manager**

Any senior staff member who has been requested by the HR department to conduct an investigation under the Grievance Policy and Procedure, has a responsibility to:

- carry out a full and thorough investigation in order to ascertain the full facts of the case, taking into account all relevant circumstances;
- provide the complainant with an opportunity to state their case and keep them informed in writing throughout the process;
- ensure that complainants understand the possible outcomes of the Grievance Policy and Procedure;
- ensure that any employees being interviewed are aware that the information may be utilised in terms of the Grievance Policy and Procedure;
- take responsibility as required for the decision making of the final outcome of the investigation;
- ensure that a final typed report is submitted to the HR Department. This report should clearly indicate the investigation findings, whether the complaint is upheld, the circumstances taken into consideration and any relevant recommendations;
- ensure that the decision is communicated to the relevant parties in writing within the appropriate time-scales outlined in the Policy;
- consult the HR Department for advice, where required, whilst conducting the investigation to ensure that all employee statutory rights have been considered and that best practice is being exercised.

## **Witness**

The role of any witness is to:

- attend an investigatory meeting if required;
- provide a clear and accurate witness account;
- respond to any questions arising from their statement.

## Appendix 2<sup>2</sup>

### Workplace Mediation

#### What is mediation?

Mediation is where an impartial third party, the mediator, helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

Mediators may be employees trained and accredited by an external mediation service who act as internal mediators in addition to their day jobs. Or they may be from an external mediation provider. They can work individually or in pairs as co-mediators.

Mediation distinguishes itself from other approaches to conflict resolution, such as grievance procedures and the employment tribunal process, in a number of ways.

Mediation is:

- less formal
- flexible
- voluntary
- morally binding but normally has no legal status
- confidential
- (generally) unaccompanied
- owned by the parties.

#### What does mediation seek to achieve?

Mediation seeks to provide an informal and speedy solution to workplace conflict, and it can be used at any point in the conflict cycle. What the process offers is a safe and confidential space for participants to find their own answers. It does this in a number of ways, by:

- exploring the issues, feelings and concerns of all participants and rebuilding relationships using joint problem-solving
- allowing those involved to understand and empathise with the feelings of those they are in conflict with
- giving participants insights into their own behaviour and that of others and opening up opportunities for change

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<sup>2</sup> Text derived from ACAS guide – “Mediation: An Approach to Resolving Workplace Issues” Feb2013

- helping participants develop the skills to resolve workplace difficulties for themselves in future
- encouraging communication and helping the people involved to find a solution that both sides feel is fair and offers a solution that favours them
- using energy generated by conflict in a positive way to move things on.

## **Models of mediation**

The way in which a mediator conducts the mediation process will depend on the particular style of mediation involved. Various models exist, although it is common for mediators to draw on more than one. This guide is based predominantly on the model of facilitative mediation.

**Facilitative** mediation is the most common style in the UK. The mediator normally plays an active role in guiding the process. Using joint problem-solving approaches, the mediator asks questions to identify the interests and real issues of disagreement, and helps parties to identify and evaluate options for resolution and settlement. The mediator does not suggest solutions, although they may float ideas.

## **What happens during mediation?**

There are distinct phases in the mediation process, and these are variously described as a three-, four- or five-stage process. Whichever way it is broken down, the essential elements remain the same. The first stage will deal with the parties separately, while the remaining stages will generally be dealt with during the joint session. There may be a need to separate the parties at various points and speak to them individually if there appears to be an impasse or the mediator feels that one side is unwilling to divulge information which might help to break the deadlock.

There are occasions where shuttle mediation – the mediator moving between the parties and relaying the views of each – has to be used because parties will not sit in the same room with each other; or because at certain points it is more effective to do so. But the aim is to bring them together eventually.

## **Typical Stages of mediation**

### Separate meeting

**First contact with the parties** – the mediator will meet parties separately. The aim of this first meeting is to allow each individual involved to tell their story and find out what they want out of the process.

### Joint meeting

**Hearing the issues** – the mediator generally brings the participants together and invites them to put their side of the story during a period of uninterrupted time. At this stage the mediator will begin to summarise the main areas of agreement and

disagreement and draw up an agenda with the parties for the rest of the mediation.

**Exploring the issues** – having identified the issues to explore, the mediation is now about encouraging communication between the parties, promoting understanding and empathy and changing perceptions. The aim of this part of the meeting is to begin to shift the focus from the past to the future and begin to look for constructive solutions.

**Building and writing an agreement** – as the process develops, the mediator will encourage and support joint problem-solving by the parties, ensure the solution and agreements are workable and record any agreement reached.

**Closing the mediation** – once an agreement has been reached, the mediator will bring the meeting to a close, provide a copy of the agreed statement to those involved and explain their responsibilities for its implementation. In some cases no agreement is reached and other procedures may later be used to resolve the conflict. However, nothing that has been said during the mediation can be used in future proceedings.