

WYCLIFFE HALL

- OXFORD -



Grievance Procedure/Policy

1 Background and Scope

- 1.1 Wycliffe Hall is wholeheartedly committed to the effective and timely resolution of difficulties, misunderstandings and problems that may arise in the workplace. This policy has been designed to provide a grievance procedure to enable employees who are aggrieved about the way they feel they have been treated to express their views constructively and have issues dealt with in a fair and equitable manner.
- 1.2 This policy is designed to be used in an environment of dignity, respect, open communication and two-way dialogue and seeks for matters to be brought to a swift resolution, preferably using informal action.
- 1.3 This policy applies to all employees of Wycliffe Hall.
- 1.4 This policy does not contain provisions for sanctions against parties involved; separate policies exist to address disciplinary and capability issues. However, it should be noted that complaints or requests that are found to be deliberately exaggerated, entirely without substance and/or merit, frivolous or vexatious will not only be unsuccessful and may result in disciplinary action against the employee raising the grievance.
- 1.5 Wycliffe Hall's grievance procedure may be initiated by an individual employee about any matter concerning work or conditions of employment at Wycliffe Hall **other than**:
 - the outcome of any case in which the disciplinary procedure has been used; or
 - the rules of the pension schemes of which Wycliffe Hall's employees are members; or
 - where separate policies and procedures have been set in place to deal with specific types of complaint (e.g. 'whistleblowing') employees should use the specialist policies in the place of the generic grievance procedure;
 - where employees wish to negotiate changes in collective terms and conditions of employment.
- 1.6 Time limits are indicated in working days and are included in this policy for the benefit of both employee and employer in order to ensure that matters are dealt with promptly and without undue delay. No party should unreasonably delay meetings, decisions or confirmation of those decisions. However, in complex matters it may be appropriate to extend time limits provided in the policy, and this should be clearly communicated.

2 Roles and Responsibilities in the Grievance Process

- 2.1 Wycliffe Hall's employees have a responsibility under their terms and conditions of employment to conduct themselves with integrity. It is hoped that employees will act in a manner consistent with the Hall's Christian ethos to seek swift, amicable and constructive resolution of problems and disagreements where possible.
- 2.2 The Principal is responsible for the oversight and management of the entire grievance process in the formal stages, supported by the Bursar in his or her role as the effective Head of Human Resources (HR) for Wycliffe Hall. Should the Principal be the subject of the grievance, the matter will be overseen and managed by the Chair of the Hall Council. The Principal will discuss grievances involving any other member of the Senior Management Team with the Chair of the Hall Council at a very early stage.
- 2.3 Authority with regard to overseeing the formal stages of the grievance may be delegated to another member of the Wycliffe Hall Senior Management Team or Hall Council in accordance with the wishes

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of the Principal, or the Chair of the Hall Council.

- 2.4 Wycliffe Hall's Principal will identify a suitable individual, the Investigating Manager, to conduct a formal review when informal efforts to resolve issues have proved fruitless. The Principal will appoint an alternative individual who is considered to have an appropriate level of capacity, experience and authority to investigate and consider the grievance.
- 2.5 Wycliffe Hall may utilise the services of an external HR professional advisory service as required to provide advice and guidance and to ensure that the grievance is handled fairly, reasonably and in compliance with current legislation and Wycliffe Hall's procedure.
- 2.6 All subsequent references to the formal procedure will understand these arrangements regarding roles and responsibilities to be implicit.

3 Record Keeping

- 3.1 Written contemporaneous records will be kept at each stage of the formal procedure. Depending on the complexity of the case, a formal note-taker from the Wycliffe Hall staff may be invited to meetings to take the required formal record (this will be a summary rather than verbatim notes). Attendees of any meeting(s), hearing(s) or appeal(s) during the formal procedure will be asked to sign and date meeting notes and/or any other record of events without unreasonable delay. Should it prove impossible to reach agreement over a meeting record and at least one party does not wish to sign and date the account, the individual or individuals should state their reasons for disagreement immediately in writing and this should also be kept on record. Supporting documentation supplied as evidence by any party will also be retained and shown to all parties.
- 3.2 Employees should note that, when a grievance is formally raised, it is not possible for documents and complaints to be kept "off the record"; those complained about are entitled to know the details of the complaint and to respond to it. However, Wycliffe Hall reserves the right to reasonably withhold or redact documentation in exceptional circumstances (for example, to protect a witness).
- 3.3 Records of the formal proceedings include:
 - the nature of the grievance;
 - identities of employee raising grievance and parties involved in proceedings;
 - related correspondence;
 - what was decided and actions taken;
 - the reason for the actions;
 - whether an appeal was lodged;
 - the outcome of the appeal;
 - any subsequent developments.
- 3.4 Records will be treated as confidential, retained and only disclosed in accordance with the Data Protection Act 1998.

4 Reasonable Adjustments for Special Requirements

- 4.1 Wycliffe Hall is committed to ensuring that employees and their representatives do not experience any disadvantage because of disability or any special requirements. Further details are available in Wycliffe Hall's Disability Equality Policy. The employee is encouraged to raise any queries relating to disability or other needs at the earliest opportunity. Wycliffe Hall will make attempts to accommodate such requests, where reasonably practicable.

5 The Right to be Accompanied

- 5.1 All employees have the right to be accompanied by a work colleague at meetings, hearings and appeals under this policy. If the colleague is not an employee of Wycliffe Hall, then the employee must seek the prior agreement of Wycliffe Hall (such agreement not to be unreasonably withheld). The colleague will be entitled to reasonable, paid time off to prepare for and attend proceedings. The employee's representative will not be acting in a legal capacity.
- 5.2 The member of staff must make all such arrangements for his or her own representative to attend the hearing(s). Correspondence relating to each stage of the procedure should be copied to the employee's representative, once known.
- 5.3 Employees will always be consulted about the date and time of a proposed hearing or appeal and allowed adequate time to arrange representation. Members of staff and their work colleagues are required to make every effort to attend the meeting, hearing or appeal. If a representative or work

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colleague is unavailable on the date of a formal disciplinary meeting, hearing or appeal, the Chair should arrange a suitable alternative date, provided this is within a reasonable timescale e.g. within five to ten working days after the date initially proposed.

- 5.4 The work colleague accompanying the employee is entitled to:
- address the hearing to put and sum up the employee's case;
 - address the hearing at the employee's request;
 - ask questions to clarify understanding of the proceedings;
 - to confer with the employee during the hearing; and
 - request adjournments at reasonable intervals to discuss and give advice to the employee.
- 5.5 The employee's representative will not have a right to answer questions on behalf of the employee and will not be permitted to address the hearing if the employee does not wish it. Those present must not behave in a way that prevents any other person present explaining his or her views or from making a contribution to the hearing.
- 5.6 All subsequent references to the formal procedure will understand these arrangements regarding employee representation to be implicit.

6 Informal Action

- 6.1 Wycliffe Hall actively encourages employees to seek resolution of potential difficulties in the workplace through informal means as quickly as possible. Where possible an employee should seek to discuss any matters of concern with their line manager or another manager in the first instance.

7 Formal Procedure: Investigation

- 7.1 If it has not been possible to remedy the issue or issues informally, the employee's grievance should be set out in writing to the Principal. The written grievance should ask formally for the matter to be considered under the grievance procedure. The letter should clearly state:

- a) the issue about which the employee is aggrieved, with reference to dates, times, places and witnesses where relevant;
- b) the remedy sought.

Copies of any relevant papers or documentary evidence in support of the grievance should be included with the letter.

- 7.2 In the event the Principal is the subject of the employee's grievance, the letter must be addressed for the attention of the Chair of the Hall Council and passed to the Bursar, who will ensure that it is passed to the Chair of the Hall Council as soon as is reasonably practicable.
- 7.3 If in the opinion of the Principal, there is a *prima facie* case for invoking the formal grievance procedure, an investigation will be launched to gather relevant information. No formal grievance hearing will be convened without a reasonable investigation of the circumstances. It should be noted that complaints that are found to be exaggerated, without substance and/or merit, frivolous or vexatious will not be successful.
- 7.4 The purpose of the investigation is to gather relevant information including witness statements, if applicable, and to determine if there is a potential grievance to answer. The extent of the investigation will be proportionate to the seriousness and complexity of the case. The investigation process will depend on the nature and any initial evidence of the alleged problem.
- 7.5 An employee who is the subject of an investigation will be informed as soon as is practicable and appropriate that the investigation is going to take place and why. This information will be confirmed in writing as soon as possible.

8 Formal Procedure: Grievance Hearing

- 8.1 The Investigating Manager considering the grievance will invite the employee and other relevant parties to a formal hearing. At least five working days' notice of the meeting should be given.
- 8.2 The grievance will be heard by a panel comprising the Investigating Manager who will act as Chair and at least one other person identified by the Principal to have suitable skills, aptitude and experience.
- 8.3 The hearing will proceed as follows:
- a) Introductions of those present and their roles;
 - b) Confirmation of the role of the employee's representative;

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- c) Outlining the procedure of the hearing;
- d) Exploration of the issues:
 - Inviting the employee to explain his or her grievance and what remedy/resolution they are seeking (this may be done by their representative if they so wish).
 - Witnesses may be called or witness statements discussed.
 - Dependent upon the circumstances of the case, if applicable, the individual(s) the grievance is against, will be given an opportunity to respond to each of the points raised by the employee and make representation to the Panel.
 - All parties to be provided with the opportunity to sum up their case.
- e) After the case(s) have been explained and the main questioning completed, the Investigating Manager in his or her role as Chair of the panel may consider whether to:
 - give all the opportunity to review what has been said and consider whether there is anything they wish to clarify;
 - to add in closing remarks and enable the panel to review what they have heard;
 - seek clarification on any issues before bringing the meeting to a close.
- f) If the panel is unable to make a decision as further information or time is required, the Investigating Manager will close the meeting and ensure that there is a clear understanding as to how matters will be communicated and when.

8.4 Where it is identified that further essential information or clarification is required, the panel may decide to adjourn the meeting to enable further investigation. In such a case, an indication of the timeframe for this should be provided. Once completed the panel should be reconvened – this will be the Second Formal Hearing.

8.5 Depending upon whether the panel has been able to make a decision during any adjournment, the employee will receive confirmation or notification of its decision in writing usually within 5 working days of the hearing.

8.6 Following the hearing, the panel will decide either:

- the grievance is upheld in its entirety;
- the grievance is partially upheld; or
- the grievance is not upheld.

8.7 The Investigating Manager will prepare a report summarising the nature of the grievance, the investigation, and the panel's decision, including reasons for this, and any recommendations, and notify the employee in writing as to the outcome of the meeting, usually within 5 working days.

9. Formal Procedure: Appeals

9.1 An employee who wishes to appeal against the decision of a grievance hearing shall inform the Principal within 10 working days of the date of the written notification of the outcome; full details of the grounds of appeal must be included.

9.2 An appeal against the outcome of a grievance hearing will be heard by an Appeal Panel comprising two members of the Senior Management Team not previously involved in the grievance procedure nominated by the Principal. In the event of Senior Management Team members not being available to hear the appeal, Hall Council members will be called upon to facilitate the appeal hearing.

9.3 In cases of an appeal against the outcome of a grievance hearing, the decision of the Appeal Panel will be reported to the Hall Council.

9.4 The employee requesting the appeal will normally be given at least 5 working days' written notice of the date of an appeal hearing.

9.5 All appeal hearings will involve the employee and the manager who took the action resulting in the appeal. In exceptional circumstances where the employee is unable to attend the appeal hearing, he or she must inform the person who sent the letter inviting them to attend as soon as possible. Should an employee request a postponement to an appeal hearing on more than one occasion, Wycliffe Hall will normally hold the hearing in the employee's absence.

9.6 In all cases, the person(s) hearing the appeal shall have the authority to reach any of the following conclusions:

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- that the original decision of the hearing be upheld in its entirety;
- that the grounds for appeal be upheld in their entirety and that the disciplinary action be expunged from the appellant's employee record or that the dismissal is overturned; or
- that a lesser sanction be substituted for that imposed by the original formal hearing.

10 Overlapping Grievance, Capability and/or Disciplinary Cases

- 10.1 If an employee raises a grievance during a disciplinary procedure, and the grievance and disciplinary cases are related, both cases will normally be dealt with concurrently.
- 10.2 Where it is not appropriate to deal with both issues concurrently the disciplinary procedure may be temporarily suspended in order to deal with the grievance.
- 10.3 If a disciplinary matter arises during a capability procedure, both cases will normally be dealt with concurrently.
- 10.4 In all cases every attempt will be made to avoid multiplicity of procedures and associated delay.

11 Equal Opportunity

- 11.1 All parties involved in the operation of this policy shall ensure that its application is in alignment with the Equality Act 2010 and the principles contained within Wycliffe Hall's Equality Policy.

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VERSION CONTROL					
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