**Appendix One**

 **Grievance hearings and appeal hearings; procedural details**

**Introduction**

The procedural detail in this appendix provides information to assist an employee who has raised a grievance to understand the process to be followed at a grievance hearing. It is important to remember that the purpose of a grievance hearing is to seek a resolution of the problem, to the satisfaction of all parties concerned and so arrangements for the hearing should facilitate this end. This means that there may be some variation to the process described below in response to the requirements of a particular case, however, any variations to the procedure must be reasonable in the circumstances.

**Terminology and parties**

The member of staff who has raised the grievance or is appealing against the findings of a grievance hearing is also referred to as the employee, individual, or appellant.

The manager to whom the grievance was addressed is referred to as “the manager”.

The person the member of staff has invited to accompany him/her in accordance with paragraph 3.14 of the procedure is referred to as “the companion”.

The person hearing the grievance who is responsible for deciding the outcome is referred to as “the hearing manager”.

The person hearing the appeal who is responsible for deciding the outcome is referred to as “the chair”.

A working day refers to any day Monday to Friday inclusive, but excludes Bank Holidays or publicised University closure days.

**GRIEVANCE HEARING**

**Written notification of grievance hearing**

A member of staff will be informed, in writing and given 10 working days’ notice of the meeting to hear his/her grievance. This notification will include a copy of the original written grievance, any documentation that might be referred to during the hearing, the names of any witnesses that the hearing manager intends to call during the hearing, details of the date, time and venue for the hearing, the right to be accompanied and a copy of the grievance procedure.

The letter will also advise the member of staff that s/he is invited to submit a further written statement, together with any supporting documentation and the names of any additional witnesses s/he intends to call and that this should be received at least 5 working days in advance of the hearing.

After this time limit, no further documentation shall be considered and taken into account at the hearing, unless the hearing manager agrees an exception.

All documentation submitted will be disclosed to the relevant parties present at the hearing.

**The grievance hearing**

The hearing manager shall make introductions, outline the format for the hearing and have responsibility for the orderly conduct of proceedings.

Present at the hearing will be;

* the hearing manager, accompanied by a member of HR acting in an advisory capacity,
* the aggrieved employee, who may choose to be accompanied
* if relevant, the responding employee/manager, who may choose to be accompanied.
* where an investigation has been undertaken, the investigating officer may be called as a witness and they may be accompanied by a member of HR.
* if appropriate, other witnesses may be called by either the employee, the respondent or the hearing manager
* there may also be supporting persons present (e.g. note-taker, or a person to assist an individual with a disability).

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

Any witness(es) shall join the hearing, in turn, to give evidence and answer questions and shall leave the room when this is concluded.

Either party may request an adjournment at any stage of the proceedings.

The employee will be invited to explain his/her grievance and, if required, call witnesses (whose names have been notified in advance).

The hearing manager and HR representative may ask questions of the employee and his/her witnesses.

The responding employee/manager will be given the opportunity to respond to the grievance and may call witnesses (whose names have been notified in advance).

If appropriate the investigating officer may be called as a witness to present their findings.

The hearing manager, HR representative, employee and employee‘s companion may ask questions of the responding employee/manager, investigating officer and witnesses.

When the matter has been presented and discussed from the various perspectives and questioning has been completed, the hearing manager may invite the individual and responding employee/ manager respectively to give a short concluding statement.

The hearing manager may, if s/he so wishes, give a summing up.

The hearing manager will call an adjournment when the hearing is concluded in order to consider his/her decision.

**The outcome and written confirmation following a grievance hearing**

The individual will be informed of the decision and the reasons for the outcome at the earliest opportunity. The hearing manager may reconvene the hearing on the same day to advise the individual and responding employee/manager of the outcome, or if it is not possible to reach a decision on the day, an indication will be given within one working day of the likely timescale for a decision to be reached.

The decision and reasons will be confirmed in writing to the individual, normally within seven working days after the decision has been made. This notification will include reference to the right of appeal and the name of the person to whom any appeal should be made. A member of staff wishing to appeal should do so, in writing, stating the grounds for the appeal within 7 working days of receiving the outcome letter. Further details about the appeals procedure can be found below.

The outcome may be that the grievance is upheld, in whole or in part, or that it is not upheld. In addition, the hearing manager may recommend that action outside the formal procedure should be taken.

The outcome (and any recommendations) will be communicated to the relevant manager, as appropriate.

The hearing manager may find that it is appropriate to communicate relevant information from the outcome and findings of the hearing to person(s) affected by the complaint and this communication shall be at the absolute discretion of the hearing manager, with HR advice and support.

**APPEAL HEARING**

**Making the appeal and exchange of information**

Should the employee believe that there are grounds to appeal the outcome from the grievance hearing they should submit their grounds for appeal in writing within 10 working days of receiving notification of the outcome of the hearing. In cases where a Director/Head of Professional Service or Executive Dean heard the grievance, appeals should be addressed to the Office of the Vice-Chancellor. In cases where the grievance was heard by a member of UET, appeals should be addressed to the Chair of the Board, via the Clerk to the University Board.

In initiating an appeal, the employee should state the grounds upon which the appeal is based. Grounds for appeal might be: the process was not appropriately followed; where there is new evidence relevant to the case which was not previously available; or the grievance outcome is deemed to be disproportionate.

The appeal hearing will consider the employee’s case for the appeal and will not constitute a re-hearing, unless, by exception, there are grounds to warrant this.

An appeal hearing will normally be convened within 15 working days of the receipt of the notice of appeal.

The appellant will be invited to provide a written statement supporting his/her grounds for appeal, together with any supporting documentation and names of witnesses s/he intends to call. This must be received by the designated person at least 7 working days before the date of the hearing.

The manager who chaired the grievance hearing will be invited to submit a written statement together with any supporting documentation and names of witnesses, to be received at least 7 working days in advance of the hearing.

All documentation will be exchanged between the parties and forwarded to the chair at least five working days in advance of the hearing.

After this time limit, no further documentation shall be considered and taken into account at the hearing, unless the chair should agree such an exception.

**The appeal hearing**

The chair shall make introductions, outline the format for the hearing and be responsible for the orderly conduct of proceedings.

Present at the hearing will be;

* the chair, (and in cases where the grievance was heard by a member of UET, two other members of the University Board) accompanied by a member of the HR department acting in an advisory capacity,
* the appellant, who may choose to be accompanied,
* the hearing manager, who will be accompanied by a member of the HR department,
* there may also be supporting personnel present (e.g. note-taker, or a person to assist an individual with a disability).

The appellant’s companion is allowed to address the hearing, to put and sum up the individual’s case, respond on behalf of the individual to any views expressed at the meeting and confer with the individual during the hearing. The companion does not however have the right to answer questions on the individual’s behalf, or address the hearing if the individual does not wish it, or prevent the University from explaining its case.

Any witness(es) shall join the hearing, in turn, to give evidence and answer questions and shall leave the room when this is concluded.

Either party may request an adjournment at any stage of the proceedings.

The appellant will be invited to present the appeal and call witnesses (whose names have been notified in advance).

The chair, panel members (if present),HR representative and hearing manager will have opportunity to question the appellant and his/her witnesses.

The hearing manager will be invited to respond to the employee’s case and call witnesses (whose names have been notified in advance).

The chair, panel members (if present), HR representative and appellant shall be given opportunity to question the hearing manager and management witnesses.

When both parties have concluded their presentations and questioning has been completed, the chair may invite the appellant and hearing manager respectively to give a short concluding statement.

The chair may, if s/he so wishes, give a summing up.

The chair will call an adjournment when the appeal is concluded in order to consider the outcome.

**The outcome and written confirmation**

The appellant will be informed of the decision and the reasons for the outcome at the earliest opportunity. The chair may reconvene the hearing on the same day to advise the individual and hearing manager of the outcome, or if it is not possible to reach a decision on the day, an indication will be given within one working day of the likely timescale for a decision to be reached.

The decision and reasons will be confirmed in writing to the individual, normally within five working days of the hearing. This decision is final and there is no further right of appeal.

The chair may find that it is appropriate to communicate relevant information from the outcome and findings of the hearing to person(s) affected by the complaint and this communication shall be at the absolute discretion of the chair, with HR advice and support.