



Queen Margaret University
EDINBURGH

Collective Grievance Policy and Procedure

Policy Summary:	The Collective Grievance Procedure provides a framework to deal with any collective grievances that QMU employees may have relating to their employment
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1. Principles

1.1 Queen Margaret University recognises the fundamental importance of a harmonious working environment in the delivery of the University strategy and in support of its commitment to equality and respect for diversity. The University will ensure that all employees have access to a procedure to deal with any grievances relating to their employment or dignity at work complaint without unreasonable delay. We acknowledge that unresolved grievances are likely to affect the achievement and maintenance of satisfactory work standards. It is therefore in all our interests to resolve grievances as quickly as possible.

The University recognises that practical steps must be taken to maintain and promote a good workplace environment. The collective grievance procedure enables all employees to raise a collective grievance relating to their employment. A collective grievance is a grievance brought by a group of staff (i.e. 2 or more). The purpose of this procedure is to ensure that Collective Grievances are handled fairly and effectively.

1.2 Staff using this procedure must be aware that they cannot use the Grievance Procedure for raising the same issue.

1.3 Dependent upon the type of collective grievance, the initial stages of this procedure may be omitted if mutually acceptable to both management and to staff representatives and/or the group of staff affected.

1.4 At each stage, possible methods of mediation or conciliation should be considered.

This procedure is designed to be pro-active and to encourage both positive behaviour and good workplace practices by supporting the creation of an environment which respects, nurtures, values and caters for difference amongst its employees.

In some circumstances it may be necessary that we are required to amend the procedure or vary it as appropriate to a particular case in the event that it is not reasonably practicable or otherwise inappropriate to follow the procedure set out below.

This procedure applies to all employees of Queen Margaret University regardless of length of service. Employees who wish to make a complaint about student behaviour or indeed a student who wishes to make a complaint about staff behaviour should refer to the Student Conduct, Complaints and Disciplinary Procedures or contact the University Secretary.

2.0 Aims and Objectives

- QMU is fully committed to promoting a good and harmonious working environment where each individual is treated with respect and dignity. Supporting this commitment the aim of this procedure is to deal with collective grievances which arise from your employment
- protect the dignity of those who work for QMU or for those who interact with its employees

- provide guidance on the resolution of any employment problems and prevent recurrence
- ensure all people managers support an environment which respects, values, nurtures and caters for difference for all staff
- ensure all employees are encouraged to apply their diverse talents, skills and experience
- ensure all employees respect the diverse talents, skills and experience of their colleagues and customers
- resolve problems as quickly as possible

This collective grievance procedure should not be used to complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the disciplinary procedure.

If you have any grievance in relation to your employment you should normally raise the matter initially with your immediate manager informally. Many potential grievances can be resolved informally and managers and staff are encouraged to try and resolve issues using this approach. Where appropriate the University may consider the use of mediation to try and resolve the issue at an early stage.

A situation may arise where you may observe a behaviour that does not impact on you directly but you feel could be a potential grievance or Dignity at Work situation. This should be brought to the attention of Human Resources as soon as possible. It should be borne in mind that the perceived “perpetrator” may have no awareness of how their behaviour is interpreted, similarly the “recipient” may not find the behaviour offensive. HR will meet with both parties to ensure awareness of, and the consequences of not adhering to, acceptable behaviour. As with individual grievances, no formal grievance can be raised against an observed behaviour without the explicit agreement of the “recipient”.

If you are uncertain whether your complaint should be raised under the collective grievance procedure or one of the other University complaint processes, you should contact HR in the first instance and they will provide advice.

If attempts to resolve the collective grievance informally are unsuccessful and you wish to raise a formal collective grievance you should contact Human Resources for advice and guidance in following the formal collective grievance process.

If you have any difficulty at any stage of the collective grievance procedure because of a disability, you should discuss the situation with your manager or Human Resources as soon as possible.

Human Resources will always be available to advise managers and employees in the use of this procedure and to discuss particularly sensitive issues.

3.0 Data Protection

All information gathered on individuals as part of the collective grievance procedure will be processed in accordance with the provisions of the Data Protection Act.

4.0 Monitor and Review

Human Resources is responsible for monitoring the effectiveness of this policy and supporting procedures and will conduct an annual review. HR will update policies in line with new or updated Employment Legislation.

Anyone who feels they have been unfairly treated or discriminated against as part of recruitment and selection process, should notify the Head of Human Resource

While those dealing with such unacceptable behaviour must strive to observe and follow the procedures closely, any failure to follow them to the letter will not necessarily render the investigation and action taken void, unfair or unreasonable.

5.0 Equality Statement

QMU recognises the diverse world in which we all work and live. The University is committed to ensuring that no employee is harassed, bullied, victimised or discriminated against. It is the responsibility of both the University and all employees to promote respect in the workplace and not to apply bullying behaviour to individuals or to discriminate on any equality grounds.

6.0 Responsibility for this Policy

Human Resources. Any changes to this procedure will be made in consultation with appropriate parties.

7.0 Roles and Responsibilities

If you have any collective grievance in relation to your employment, QMU will apply this procedure to investigate all complaints thoroughly whilst providing support for the complainants **and** the respondent(s) (where a respondent is identified), ensuring both parties are treated with respect.

QMU recognises that raising a collective grievance under this procedure may be a difficult experience, for a variety of reasons. The University also realises that, in some instances, it may not be appropriate for an employee to raise complaints directly with their line manager. In these circumstances the employee can approach Human Resources or a Trade Union representative in the first instance. It should be noted if a line manager is made aware of a situation which has or could cause harm to the complainant or others the matter must be reported to HR and appropriate action will be taken immediately.

8.0 Work-related Social Events

External work-related events are considered under legislation as a continuation of the workplace. Any inappropriate behaviours including harassment or bullying which occurs at such social events, such as Christmas parties , may constitute unlawful discrimination in the same way as if the inappropriate behaviour had occurred in the workplace. Complaints of any such inappropriate behaviour will be subject the provisions of this procedure.

9.0 Malicious Complaints

The presumption will always be that complaints are made in good faith and that the complainant genuinely believes that they have grounds for raising a collective grievance. All

cases will be investigated on this basis. An unfounded complaint will not be considered as malicious unless a deliberate attempt to mislead or of dishonesty is shown.

However should an investigation reveal a complaint to be malicious, this will be treated seriously and may lead to disciplinary action against the complainant.

10.0 Public Interest Disclosure Act/Whistleblowing

If a member of staff wishes to report an incident which they feel is alleged wrongdoing by their employer, those employees who make such disclosures are protected by the Public Interest Disclosure Act 1998. The Public Interest Disclosure Act 1998 gives a worker who has made a protected disclosure the right not to be subjected to any detriment, bullying or harassment from both their employer and/or their co-workers on the ground that they have made a protected disclosure.

11.0 The Procedure

All grievances, collective and individual, should be brought to the attention of Human Resources within three months of the incident occurring. This will enable the matter to be resolved swiftly and decisively. Only in exceptional circumstances will a collective grievance be considered after three months have elapsed since the incident occurred. Where appropriate, it is recommended that any complaints raised should use the informal stage of this procedure, in the first instance. It should also be noted that if you do not observe the timescales without agreement, you may forfeit your right to proceed with your collective grievance.

Every effort should be made for both parties to aim to resolve issues informally in the first instance.

It is accepted that there may be instances where the nature of the collective grievance is too serious to be dealt with informally and it is necessary to initiate the formal procedure of the collective grievance. Formal proceedings may also be more appropriate where a previous attempt to find an informal resolution has been unsuccessful.

It should also be noted that if Human Resources, a line manager or Trade Union Representative are made aware of a situation which has (or could cause) harm to the complainant (or others), the matter must be reported to HR and action will be taken immediately, potentially bypassing the informal stage.

Throughout the informal and formal process, the respondent (where a respondent is identified) has the same right as the complainant to contact HR, line manager or Trade Union Representative for guidance and support.

Please see Appendix 1 for a flowchart overview of the process.

11.1 The Informal Procedure

In many cases issues may be resolved informally with no recourse to the formal procedure.

The informal stage can apply where the complainants simply want a behaviour to stop, there has been action which was deemed to be unfair or inappropriate, when there has been a deviation from a procedure which needs to be rectified or a potential risk has been identified.

The informal stage aims to resolve issues by adopting a variety of approaches. This may include the complainants approaching and meeting the respondent/ person responsible for the area of concern (for example Head of Division/Department) to discuss the matter, accompanied with either a colleague, line manager (if appropriate) or a Trade Union Representative. Human Resources will facilitate and if required, attend the informal meeting. The aim of this meeting is to make clear to the respondent/person responsible for area of concern what action or behaviour the complainants find unacceptable or of concern. It is hoped that both parties will suggest ways forward which are acceptable to both parties. If this informal approach is not suitable for the situation then mediation may be suggested as an alternative means of resolution.

11.1.1 Outcome One – Successful resolution

On occasion individuals may be unaware that their behaviour or an action is unwelcome and the informal meeting or mediation meeting may create an enhanced understanding of both parties points of view. This may lead to an agreement that either behaviour or actions will be modified. The individual may be comfortable to undertake this on their own or they may request support that is available from a variety of sources such as their line manager or HR Partner as well as the mediation and counselling services. In this instance, the matter will be concluded.

11.1.2 Outcome Two – Unsuccessful resolution

If however, there is not agreement that the procedure, actions or behaviour is inappropriate or parties are not prepared to consider a modification then the complainants in consultation with HR should consider whether a formal process is required.

The respondent will be advised that, if so;

- a) a formal collective grievance has been raised with HR
- b) to effectively conduct an investigation the formal grievance should include tangible and substantive examples of the concerns leading to the collective grievance
- c) a formal investigation (and possible disciplinary action, if appropriate) can only occur if the complaint is investigated under the formal procedure;
- d) a written record of the action taken will be made and filed with HR, to assist in any formal proceedings which may arise if the unwanted behaviour does not stop. Failure to maintain such a record will not invalidate proceedings at the formal stage.

11.2 The Formal Procedure

Stage 1: Written Collective Grievance

If the informal approach does not resolve the issue and you wish to raise a formal collective grievance you must set out the nature of your collective grievance in writing by completing and sending a Written Collective Grievance Form (Appendix 2) to Human Resources.

Human Resources will advise your line manager that a collective grievance has been raised. If you raise a collective grievance, it is normal for you, or a nominated spokesperson representing those raising the collective grievance, to attend a meeting with HR to give your side of events. If there is a Respondent named in your collective grievance they will be advised that a collective grievance has been raised and will receive a copy of the Written Collective Grievance Form for information. Where any issue is already the subject of consultation or negotiation with trade unions this procedure is not appropriate and you should refer to Human Resources for advice.

An investigating officer from HR will be appointed to conduct an investigation into your collective grievance. The purpose of the investigation is for the University to establish a fair and balanced view of the facts relating to your complaint and to establish whether disciplinary action is required or if another policy/procedure is more appropriate. The amount of investigation required will depend on the nature of the allegations and will vary from case to case.

You must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required. The information gathered during the investigation will remain confidential unless specific permission is granted by the complainants, respondent(s) or investigation interviewees to share the information.

Both parties may be accompanied at all stages of the process by a work colleague or trade union representative (including full time officials).

The Investigating Officer will conduct a full and thorough investigation as speedily as possible and document the results. The investigation may involve interviewing and taking statements from the employee and any witnesses and/or reviewing relevant documents.

The investigation will seek to:-

- establish the nature and circumstances of the alleged offence or problem
- allow the complainants, the respondent(s) and any witnesses to give their version of events to the investigating officer.
- Consider each allegation and set out what evidence there is to support it or reject it.
- take into account any personal or mitigating factors that may come to light during the investigation.
- assess whether this justifies suspending the collective grievance procedure and applying another more appropriate policy.

After completing the investigation, the investigating officer will provide the Head of HR with an investigation report to enable the Head of HR to decide:-

- that no action is required
- whether it would be more appropriate to use other related procedures
- whether there are grounds for formal disciplinary action and to refer the matter to a disciplinary hearing for consideration

In the event of a recommendation for formal disciplinary action, all information gathered during the collective grievance investigation will be shared with the Disciplinary Panel members, the complainants and those responding to the complaint.

Stage 2: Collective Grievance Meeting

Having investigated your complaint, Human Resources will normally invite you, or your nominated spokesperson, to a meeting to discuss the outcome of the investigation. This meeting will normally take place 5 working days after the conclusion of the investigation.

Human Resources will also meet with the respondent/person responsible for the area of concern to inform them of the outcome of the investigation. In some circumstances a meeting may not be the preferred option to communicate the outcome and in this situation every effort will be made to ensure that the most appropriate form of communication is used.

The Decision

The outcome of your collective grievance /complaint and the action the Head of HR intends to take together with the right to appeal will be notified to you at the Collective Grievance Meeting and confirmed to you in writing thereafter. The Head of Human Resources' Final Report and a copy of the Investigation Report will be provided. Appendices to the Investigation Report, i.e. statement and notes of meetings etc. will not be provided.

Stage 3: Appeal

Both the complainants and those responding to the complaint have the right of appeal against the decision to uphold or not uphold the complaint.

The appeal should not amount to a re-hearing of existing evidence and an appeal must be based on the following grounds:

- (a) substantive – new evidence has come to light
- (b) procedural – the policies and procedures were not observed correctly

The appeal must be in writing and state the grounds for the appeal and must be submitted in writing within 5 working dates from being informed of the outcome of the Investigation report.

The appeal must be sent to the Head of HR, who will appoint a Senior Management Panel to hear the appeal. The Panel will comprise of two senior managers from outwith the complainants' area of work.

The members of the Panel hearing the appeal should not have had any involvement in the initial complaint. An appeal hearing will only be held where the complainant/respondent wishes to present new evidence or raise procedural irregularities. The outcome of the appeal hearing will be given in writing within 5 working days of the appeal hearing date.

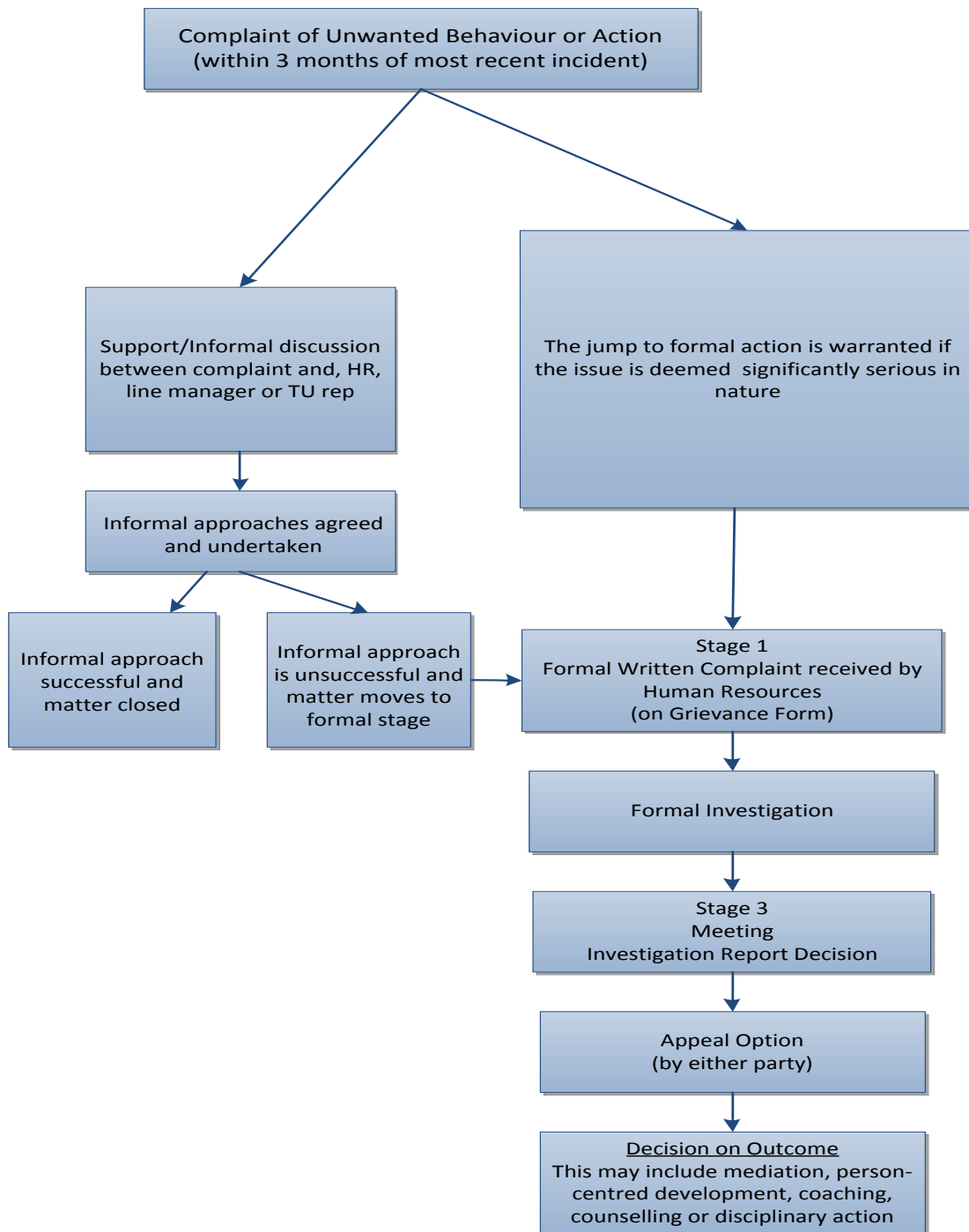
The decision at the appeal hearing is final and there is no further right of appeal.

Mediation and other alternative methods of resolution

Where the collective grievance procedure fails to resolve the issue, the University may consider the use of conciliation or mediation to try and resolve the problem. This provision is not a formal requirement of the collective grievance procedure but may be used in exceptional circumstances.

Where all parties agree there may be alternative methods called upon to resolve a grievance complaint, for example work study analysis or team building interventions. All reasonable alternatives should be considered.

Appendix 1 Collective Grievance Procedural Flowchart



Appendix 2 – Written Collective Grievance Form



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Written Grievance	
Employee's name:	
Employee's job title:	
Employee's School/ Department:	
Date:	
Does your grievance relate to your line manager?	Yes/No
Summary of complaint:	
<p>Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required.</p>	

Individuals involved in the alleged incident/complaint:

Please provide the names and contact details of any people involved in your complaint, including witnesses.

Outcome requested:

Please set out how you would like to see your complaint 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 the University. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)

Form completed by:

Signature:

For completion by Human Resources

Date form received by Human Resources:

Name of relevant HR Partner:	
Signature:	