



University of Essex



Grievance procedure

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Table of Contents

Grievance procedure	3
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1. Statement	3
2. Scope and exclusions	3
3. Confidentiality	3
4. Informal resolution	4
5. Formal grievance procedure	5
6. Right to be accompanied	7
7. Disability	7
8. Considering wellbeing	7
9. Academic freedom and freedom of speech within the law	8
10. Equality impact assessment	8
11. Monitoring	8
12. Related university policies and procedures	8
13. University sources of support and information	9

Grievance procedure

1. Statement

- 1.1. Many problems, concerns or complaints can be informally raised and quickly settled during the course of everyday working relationships. The formal grievance procedure sets out the process to follow where it has not been possible to resolve things informally and provides assurance for how the University manages grievances fairly, consistently, and within an agreed timescale.
- 1.2. Further [guidance for managers](#) is available.
- 1.3. The University grievance procedure is aligned with the expectations set out in the [ACAS Code of Practice on Disciplinary and Grievance Procedures](#).

2. Scope and exclusions

- 2.1. The procedure applies to all permanent and fixed-term employees at the University of Essex, regardless of length of service, during their employment with the University. Employees of the [University of Essex Campus Services \(UECS\)](#) or [Wivenhoe House Hotel](#) have their own specific policies and procedures. Academic employees and some Professional Services employees in grades 7 – 11 who joined the University before October 2016 may also use the processes under [Ordinance 41](#) (.pdf). This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.
- 2.2. Not all employment matters are covered under this procedure. This includes matters that are outside the authority of the University (e.g. rules of pension schemes, income tax and national insurance.) and processes that have their own procedure and/or right of appeal including: disciplinary, capability, redundancy, job grading (HERA), and decisions of the Academic Staffing Committee. The expiry of a fixed-term contract is excluded from this procedure. This list is not exhaustive and there may be other legitimate reasons for not considering your grievance or considering it otherwise than this grievance procedure.
- 2.3. Response times may be extended in exceptional circumstances (e.g. out of term-time or due to an employee's annual leave).

3. Confidentiality

- 3.1. All grievance matters will be treated with sensitivity and respect for the privacy of any individuals involved. All individuals must treat any information communicated to them in connection with an investigation or grievance matter with appropriate confidentiality. Any breaches of confidentiality will be managed in line with the disciplinary procedure.

- 3.2. Records will be kept and shared only with those involved in the case. Meetings will be recorded with permission and the recording will be shared with participants as agreed. The manager may arrange for a summary note to be taken at the meeting and shared if the meeting is not recorded.

4. Informal resolution

- 4.1. Many issues can be resolved informally with line managers. The employee should raise their concern or complaint with their line manager and explain how they would like to see it resolved. The line manager will meet with the employee to talk it through as soon as possible and ideally, within 10 working days. To follow-up on the discussion, the line manager will confirm in writing any actions agreed to address the issues raised and arrange a future date to check-in with them.
- 4.2. If the concerns are about the line manager, it may be appropriate to involve their line manager or a more senior employee, but it would be preferable to raise the issue first with the individual concerned. Employees may also discuss the matter with their trade union representative.
- 4.3. Line managers should take advice from People & Culture at the earliest stage and People & Culture should always be involved where they become aware of any case involving a breach of the law, or which appears as if it may result in an individual being subject to a formal disciplinary sanction.
- 4.4. If the informal approach does not resolve the problem, the employee should use the formal procedure outlined below. A formal grievance must be raised as quickly as possible so that the University has the best chance of resolving it. Time limits set out in the grievance procedure may be extended by mutual agreement at any stage, but all parties should make every effort to resolve things in a prompt manner. Grievances received after 3 months may not be considered.
- 4.5. If an employee has particular requirements at any stage of the grievance procedures as a result of a disability or wishes to inform the University of any medical condition which may be relevant, the employee should confirm this as early as possible during the process by contacting their manager or a member of People & Culture. Please also see the Guide to Workplace Representatives for more information.

5. Formal grievance procedure

Stage 1: Raising a formal grievance

- 5.1. The employee should outline their complaint in writing using this [form](#) (.docx) and submit it to the relevant manager and copied to the employee relations team. If the grievance is about the manager, then it may be submitted to their manager. The written grievance should set out the nature of the complaint, including any relevant facts, dates, and names of individuals involved so that the issues can be considered. The employee should also include the preferred resolution they are seeking.
- 5.2. Receipt of the grievance will be acknowledged in writing by the manager as soon as possible, and ideally within five working days, and the next steps will be explained.
- 5.3. The manager will aim to arrange a grievance hearing to take place ideally within 20 working days from receipt of the formal grievance. An employee who is named in a formal grievance has the right to see the allegations against them in full and can respond. The person(s) to whom the grievance refers will be asked to provide a written response as soon as possible and within 10 working days of notification of the grievance.
- 5.4. If the employee's complaint is a repeat of a formal concern that has been raised before, and the circumstances have not changed, the University may decide not to hear it again.

Stage 2: Grievance Hearing

- 5.5. The employee will be invited to a formal hearing to talk about their grievance. They should be ready to talk about their concerns as fully as possible with an idea of how they would like matters resolved. The hearing may be adjourned if it is necessary to carry out further investigations and will be reconvened after that investigation.
- 5.6. The University will write to the employee with the outcome within 10 working days of the grievance hearing (or reconvened hearing) to let them know if any action to address the grievance will be taken. If the line manager hearing the grievance is unavailable, it may take longer to make a decision. If that happens, the employee will be kept informed about the likely timescales.
- 5.7. The employee has a right to be accompanied at the hearing. A representative from [People & Culture](#) will be present.

Stage 3: Appeal

- 5.8. The employee may appeal the outcome of the grievance stating their full grounds of appeal, within 10 working days of the decision being sent to them. The outcome letter will explain to

whom the employee should address their appeal. If it is a repeat of a previous grievance it may not be heard.

- 5.9. It is in the interest of the appellant to make their points sufficiently clear and concise to enable the panel to fully understand the grounds for appeal. The panel will not usually need to review all the information considered at the original hearing.
- 5.10. The Chair of the appeal panel will review the letter of appeal to determine whether there are sufficient grounds for it to go to a full hearing. If they decide there are insufficient grounds the appeal will be dismissed. If there are sufficient grounds for appeal the case will proceed to an appeal hearing.
- 5.11. The appeal will not involve a full re-hearing of the case but a review of the decision already made in relation to the grounds for appeal i.e. to determine if the previous decision was fair, consider whether there were any factual or procedural errors and judge the reasonableness of the decision in relation to the policy.
- 5.12. The employee will be invited to an appeal hearing normally within the next 20 working days after the appeal is received. This appeal will be heard by a manager who has not previously been involved in the case.
- 5.13. All parties should make every effort to attend the appeal on the date scheduled. If there are exceptional circumstances, the appeal may be re-arranged for a different date but the appellant and respondent should be aware that this may cause delays in the process and undue anxiety in resolving the matter promptly. The employee is entitled to offer an alternative time and date so long as it is reasonable, including having regard to the availability of the senior employee hearing the appeal. It must be within 5 working days of the date originally proposed. Should either party not be able to attend the re-arranged date, decisions may be made in their absence on the basis of the information available.
- 5.14. The final outcome will be sent to the employee in writing within 10 working days of the appeal meeting.
- 5.15. The employee will be advised of their right to be accompanied by a trade union representative or work colleague. A representative from People & Culture will be present.
- 5.16. An appeal can only be made on the basis that, in the view of the complainant, the application of the Procedure was flawed or, that new evidence has come to light.
- 5.17. The decision of the appeal panel shall be final, and the employee does not have any further right to appeal against the decision unless eligible under Ordinance 41 (.pdf).

Ordinance 41: (if applicable)

- 5.18. The employee submits an appeal to the Vice-Chancellor once all other remedies have been exhausted.
- 5.19. The Vice-Chancellor determines the next stage of action. This can include:
- a. dismiss the matter if they consider that it has been finally determined under separate processes in Ordinance 41 for disciplinary action, removal for incapacity on medical grounds, or regarding an appeal, or if grievance is trivial or invalid
 - b. defer action until a determination has been made on a disciplinary matter, removal for incapacity grounds, or an appeal
 - c. decide to deal with the matter informally
 - d. refer the matter to a Grievance Committee
- 5.20. Ordinance 41 (.pdf) applies to academic employees and any professional services employees at grades 7 – 11 who joined the University before September 2016. The same criteria for making an appeal apply. Employees will usually need to go through Stages 1 and 2 of this grievance process before any appeal to the Vice-Chancellor

6. Right to be accompanied

- 6.1. The employee has the right to be accompanied at any formal hearing. Please see Guide to Workplace Representatives for more information.

7. Disability

- 7.1. If an employee has particular requirements at any stage of the grievance procedure as a result of a disability or wishes to inform the University of any medical condition which may be relevant, the individual should confirm this as early as possible during the process by contacting their line manager or a member of People & Culture.

8. Considering wellbeing

- 8.1. When going through a grievance procedure it is important to consider the wellbeing and mental health of all employees involved. Managers should signpost to support where required.

9. Academic freedom and freedom of speech within the law

- 9.1. We are committed to securing and promoting academic freedom and freedom of speech within the law, which we promote as core values and vital components of being an inclusive community. Academic freedom and freedom of speech are essential parts of academic and University life, and flourish where there is tolerance of a wide range of ideas and opinions which are lawfully expressed. Promoting the lawful expression of diverse ideas and opinions or the sharing of information by means of speech, writing, images (including in electronic form) or through events that we hold, including the lawful expression of ideas and opinions that some may find objectionable or offensive, is an important part of our responsibility to be inclusive. It enables all members of the University to feel able to express their ideas and opinions within the law and be encouraged to be active members of our university community.

Our Code of Practice: Academic Freedom and Freedom of Speech affirms our commitment to securing and promoting academic freedom, freedom of speech within Higher Education and inclusion within the law and our founding charter also enshrines academic freedom within the law. The management of complaints or concerns about academic freedom and freedom of speech within the law in relation to action taken or not taken by the University is explained in the [University's Freedom of Speech Complaints Policy \(.pdf\)](#).

10. Equality impact assessment

- 10.1. The University has conducted an Equality Impact Assessment on this policy and is satisfied that its application should not result in a differential and negative impact on any groups of employees identified under the Equality Act 2010.

11. Monitoring

- 11.1. [People, Culture, and Inclusion Advisory Group \(.pdf\)](#) will monitor the impact of this policy.

12. Related university policies and procedures

- [Equality and Diversity Policy and Strategy](#)
- [Zero Tolerance of Harassment and Bullying](#)
- [Health and Safety Policy](#)
- [Grievance Procedure](#)
- [Disciplinary Procedure](#)

- [Sickness Absence Policy and Procedure](#)
- [Stress Management Policy](#)
- [Probation](#)
- [Flexible Working Policy](#)
- [Whistleblowing Policy](#)
- [Special Leave Policy](#)
- [Social Media Policy](#)
- [Essential Training Policy](#)
- [Academic Freedom and Freedom of Speech](#)

13. University sources of support and information

- [Health and Wellbeing](#)
- [Work-Related Stress](#)
- [Coaching Essentials for Line Managers](#)
- [Report and Support](#)
- [Mental Health First Aid](#)
- [Employee Assistance Programme](#)
- [Non-disclosure agreements](#)

Document Control Panel

Field	Description
Title	Grievance Procedure
Policy Classification	Procedure
Security Classification	Open
Security Rationale	N/A
Policy Manager Role	Policy and Projects Officer
Nominated Contact	develop@essex.ac.uk
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