

Grievance & Resolution Procedure

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Introduction

The University recognises that from time-to-time individual staff members may have concerns, problems, or problems and complaints in relation to their work and employment (grievances).

The University is committed to promoting effective working relationships and creating an environment in which individuals can raise concerns as soon as they arise and maintain open communication at all stages.

The purpose of this procedure is to support staff members achieve early resolution and a return to effective and positive working relationships, avoid problems escalating and potentially impacting on individuals and working relationships.

1. Scope

The grievance and resolution procedure deals with problems in relation to work and employment (grievances) that may cause concerns. These may relate to revision of terms and conditions of employment, work relations, new working practices, working environment, working relationships, and bullying and harassment, victimisation, or discrimination.

The University has a separate [Harassment and Bullying procedure](#) which should be read in conjunction with the grievance procedure for staff members who believe they have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people. Staff members must raise their concern without unreasonable delay and within three months of the issue arising. The timeframe for concerns of bullying and harassment may exceed the three-month period and will be considered on a case-by-case basis in conjunction with HR.

Disclosures in the public interest commonly referred to as “whistleblowing” should be raised through the University’s Public Interest Disclosure (Whistleblowing Policy). Where an individual feels they have been victimised for an act of whistleblowing, they may raise the matter under this procedure.

This procedure cannot be used:

- To settle disputes between the University and the Trade Unions.
- If the grievance relates to on-going matters that are already being considered under other policies or procedures which includes, but is not limited to, the Sickness, Disciplinary and Managing Organisational Restructures procedures where there are mechanisms in those procedures to escalate concerns.
- For grading issues which are managed through the annual incremental progression, and job evaluation process where there are mechanisms to raise concerns an appeal in this procedure

Where a staff member raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

2. Principles

The University promotes an environment where all staff members can perform at their best and feel supported to do so. The University recognises differences arise from time to time and the ability to discuss issues openly and respectfully is essential.

This procedure aims to:

- ensure issues raised are dealt with quickly and fairly within 3 months where possible
- encourage informal resolution of issues where possible
- support open communication and encourage all parties to act in good faith to seek a resolution to the grievance
- deal with matters confidentially and sensitively and only share information with those who have a genuine need to receive it

Staff members who raise grievances (complainants) will be advised by HR of all appropriate steps involved in resolving their complaint. Staff members who are the subject of a grievance (respondents) will be advised of the nature of the grievance (unless it is unreasonable to do so) and will be involved in the resolution process at the earliest opportunity.

A grievance can be difficult for all those involved, and the University is committed to supporting all participants, keeping them informed of progress as appropriate. In some instances, it may be necessary to deviate from this procedure to give the grievance fair consideration. Where this is proposed the reasons will be made clear to all parties. Staff members may decide to withdraw a grievance at any time. However, the University reserves the right to continue with the process where appropriate.

If there are two or more related grievances from staff members, the University will ensure the procedure and its relevant stages are followed for all grievances and:

- explain to the members of staff how it intends to address and deal with the grievances
- ensure all information received is treated in confidence and request that the members of staff observe the same
- consider the information and decide on an appropriate resolution(s) for each member of staff in accordance with the procedure

There is some flexibility in how the University will run the grievance procedure in these situations and further advice should be obtained from HR. For example, on format and forum, the University may decide to convene a single meeting to cover all grievances, if staff agree, noting that members of staff reserve the right to have their own grievance meeting in which the other members of staff who have raised a related grievance are not present.

This procedure follows the guiding principles of the Equality Act 2010 and the ACAS code of practice and step by step guidance: <https://www.acas.org.uk/grievance-procedure-step-by-step>.

3. Informal Resolution (Stage 1)

The focus of informal resolution is about exploring whether the issue can be resolved through discussion/informal interventions and where appropriate ways of avoiding similar issues arising in the future.

All staff members are encouraged and empowered to discuss day-to-day issues or concerns informally with their line manager or with the colleague with whom they have a concern if they can. In serious cases of harassment, bullying or victimisation it may be necessary to proceed straight to the formal process (see section 4).

If a staff member's concern involves their line manager, they should talk to their line manager's manager. Alternatively, if this is not appropriate, they can seek advice from HR or a Trade Union Representative.

The staff member should communicate their concern to the manager with an open, honest and solution focused approach, setting out how they would like the matter resolved. This can be in writing or by requesting a meeting. The manager should arrange to meet with the individual and listen to their concerns. The manager will discuss potential approaches for resolving the issue with the individual(s) and establish next steps and indicative time scales. The manager will seek advice from HR as appropriate and log all informal grievances to support reporting. Concerns can often be resolved quickly when staff members are supported, coached, and empowered to do so themselves.

The manager will need to keep a record of discussions, any outcomes, agreed actions and share with the individuals concerned. The manager is responsible for the effective implementation and monitoring of any actions under this procedure and relating to the outcome and will be supported by HR with appropriate support and training.

It may be that the staff member does not wish any action to be taken but that they just want to be listened to and receive some advice and guidance. Alternatively, they may wish to explore, or the manager may choose

to recommend, one or more of one of the following informal interventions non-sequentially and as the case requires:

Individual Discussion:

Staff members are empowered to resolve the matter themselves in the first instance if they feel they can. Meeting the person to discuss the issue in an open, honest, and respectful manner with a view to agreeing a positive and restorative outcome can often resolve the matter. Helpful advice and coaching can be obtained from a manager before the staff member approaches the individual.

Facilitated Meeting:

Alternatively, the manager can arrange for a facilitated conversation to help empower and support the staff member to resolve the situation. The manager may choose to conduct this meeting themselves or arrange for another manager to help support this. This meeting may suggest Restorative Steps to reach a positive outcome. Restorative practice can be an effective way to resolve issues by:

- bringing together all those affected by the complaint
- providing a safe environment for the expression of emotion
- allowing staff members to come to a shared understanding
- identifying creative ways to deal with complaint and preventative steps to help prevent the issues reoccurring
- providing opportunities to rebuild damaged relationships and strengthen internal teams and/or wider stakeholders as applies

Mediation:

If the staff member does not feel comfortable with approaching the individual themselves or if it is not a practical remedy for the staff member or manager, one possible approach would be if both agree to enter mediation.

Mediation is a voluntary process and involves an independent and trained mediator. The aim is to assist individuals to reach a positive and collaborative solution that is satisfactory to everyone. Mediation is voluntary and confidential and will only take place if all parties agree to engage. The line manager should speak to HR for further guidance about mediation. Mediation can be requested or recommended at any time during the process and is most effective when used at the earliest opportunity. Details of independent trained mediators can be obtained from HR.

In some instances, it may be appropriate for the manager to bring together all parties and any relevant managers to review the matter and explore how the grievance may be resolved (referred to as a case conference). Further information on Restorative Steps, Facilitated Meetings, Case Conferences, Mediation and Support can be found in this procedure's [Toolkit](#).

4. Formal resolution (Stage 2)

The University encourages staff members to engage with the informal process to resolve issues in the first instance. This paves the way for positive, collaborative working relationships and supports staff members health and wellbeing.

In the event a resolution has not been possible using the informal process the staff member may begin the next stage of this procedure by submitting a formal grievance using the [Formal Grievance Resolution Form](#). Support for staff members to complete the form is available via HR or a union representative. Additional support may also be obtained from the [Employee Assistance Programme](#).

The grievance should set out the nature of the complaint, where possible including relevant facts, names, and dates, so that the matter can be investigated if necessary. The staff member raising the grievance should state the desired outcome/s providing specific suggestions on how they feel it should be resolved. It should be submitted to their line manager (or their line manager's manager if the complaint is about their line manager) and HR.

Upon receipt of the grievance form HR will appoint an appropriate, independent manager known as 'the Chair'. If the Chair believes that the informal process has not been fully explored, they may suggest further measures to address the matter informally.

If the Chair believes that all reasonable steps have been taken to resolve the matter informally, they will arrange a grievance meeting as soon as reasonably practical. The staff member(s) will be invited to attend a grievance formal resolution meeting with details of the complaint and all attendees which will be shared in advance in respect of any queries or concerns which may be addressed back to the Chair. All details will be written on a [Formal Resolution Terms of Reference Form](#) which the Chair completes.

Staff members may be accompanied by their trade union representative or a work colleague and should make every effort to attend the meeting. Staff members or their companion who cannot attend should inform the Chair as soon as possible and every effort will be made to agree an alternative.

The purpose of the grievance meeting is to enable a staff member to explain their grievance and how they think it should be resolved, whilst assisting the Chair in reaching a decision based on the available evidence and the representations made.

After the initial grievance meeting, the chair may deem appropriate to carry out further investigation and/or hold further grievance meetings. Such meetings will be arranged without unreasonable delay. In more serious cases the Chair may outline the scope of the investigation and may appoint an independent investigator to carry out the investigation on behalf of themselves. Staff members will be advised on the likely timescales for any investigation and will be kept updated and informed of the investigator in respect of their commission and any queries or concerns which may be addressed back to the Chair.

The purpose of any investigation is for the Chair to establish a fair and balanced view of the facts relating to the grievance. The nature and depth of the investigation required will vary from case to case. It may involve re-interviewing and taking statements from the complainant / and respondent and other individuals involved as well as reviewing any other relevant documents to support the detail and basis to form a view on an appropriate resolution.

All staff members must co-operate fully and promptly in any investigation. This will include providing the names of any relevant witnesses, disclosing any relevant documents, and attending investigative interviews if requested. Where the grievance includes other staff members, they will be informed of the nature of the complaint and may be provided with a copy of it.

The Chair will write to the staff member as soon as reasonably possible following the conclusion of any investigation/grievance meeting(s), to inform them of the outcome using the [Formal Resolution Stage Outcome Letter](#). Where the grievance involves other colleague(s) they will also receive a copy of the outcome as appropriate.

Possible outcomes may include:

- Grievance not upheld
- Grievance upheld
- Grievance upheld in part

The outcome may include any further action that it is needed to resolve the grievance and by whom this action will be taken. This may include a recommendation that action is taken under another policy, including the [Disciplinary procedure](#).

Any recommendations and agreed actions will be monitored and advice may be provided on restorative processes. Where appropriate, a meeting may be held to give the staff member(s) this information in person to support a restorative process between parties. Restorative approaches can also be used proactively and in a preventative way by teams to build strong, positive relationships.

Subsequent post-grievance staff meetings, for example, can be restorative to build on weakened relationships around a foundation of ongoing and shared mutual respect. Further information on restorative processes can be found in the Toolkit for this procedure.

5. Appeals (Stage 3)

Should a staff member wish to appeal they should set out the grounds of their appeal in writing within **10 working days** of the date of the grievance outcome letter using the appeals section in the [Formal Grievance Resolution Form](#).

They should submit their appeal to their SLT member (Dean or Director who will have delegated responsibility from the Vice Chancellor to hear the appeal or appoint an appropriate, independent Chair). A copy of the appeal should also be sent to HR. Should an individual consider it not appropriate to send it to their SLT member they should send it to HR in the first instance explaining their reasons.

The staff member should set out the grounds for appeal. Grounds for appeal should fall within the following categories:

- The procedure was not followed correctly, which would have made a material difference to the outcome
- The action or outcome does not support the evidence and/ or is not appropriate in the circumstances of the case
- New evidence has come to light - that could not have been known at the time of the meeting and may have had an impact on the decision.

Any new evidence that was not available during the earlier stages of this procedure should be attached to the form. It is important that the staff member sets out their desired outcome. An appeal is not a rehearing of the original grievance meeting(s).

The staff member(s) will be invited to an appeal meeting. The meeting will take place within **10 working days** of the SLT member having received the appeal in writing. The Chair from the previous stage may be invited to the appeal meeting to present their conclusions and decision.

Possible Appeal outcomes may include:

- Original decision not upheld
- Original decision upheld
- Original decision upheld in part

The staff member(s) and line manager are responsible for taking ownership and accountability for implementing any recommendations set out by the appeal Chair as part of the outcome.

This is the final stage; there is no further right of appeal.

[Vexatious grievances and misuse of the procedure](#)

A vexatious grievance is one pursued, regardless of its merits or falsely, solely to create a nuisance or prevent actions that are considered reasonable and is considered an abuse of trust. The University wishes to deter all misuses of this procedure which is intended to support staff members with genuine workplace or employment concerns. Accordingly, the University will remit and refer any suspected misuse of the grievance and resolution procedure by a member of staff or by members of staff with related concerns that appear to be vexatious for investigation and consideration under the disciplinary procedure to deter all alleged or suspected abuses.