

Staff Grievance Procedure – Manager’s Guidance

1. Introduction

The University has made a commitment to promote effective working relationships and create an environment in which employees feel able to raise work related issues with their managers.

The purpose of this guidance is to assist you to use the grievance procedure, it does not form part of the grievance procedure. This guidance should be read in conjunction with the [staff grievance procedure](#) and the [operating principles \(Ordinance 10\)](#). We would strongly advise that you consult with HR when considering matters that fall under this procedure.

2. Manager’s responsibilities

It is your responsibility:

1. To encourage employees to discuss any concerns which arise at work at the earliest opportunity.
2. To deal with concerns as they arise and where appropriate seek to resolve such matters informally with early action.
3. To deal with concerns consistently using the grievance procedure.
4. Consider all staff wellbeing issues - both the person raising the grievance and those who have been named as this can be a very stressful time for all concerned.

3. Support and guidance

HR teams will provide guidance and support to all parties involved in the operation of the grievance procedure.

Trade Unions may advise their members on all aspects of this procedure and may represent/accompany individuals at meetings (See [operating principles \(Ordinance 10\)](#)).

4. Early Resolution (section 2)

1. If an employee raises a concern you should attempt to resolve it informally and at the earliest opportunity.
2. In order to do this, you should promptly arrange to meet the employee to discuss their concerns. Any discussions should include identifying the nature of the concerns, the main issues and how the employee wants to resolve concerns.
3. Following discussion(s) you should consider possible options for resolving the concerns. The following options may help to resolve the issues raised:
 - Facilitated discussion

- Professional mediation
- Acceptable behaviour guidance
- Further investigations
- Formal grievance procedure

The Mediation Services Manager is available to provide confidential guidance and advice on mediation and they can be contacted confidentially at the mediation-service@bristol.ac.uk.

You are advised to seek advice from HR before proceeding down any of these routes.

5. Formal Procedure

Where it has not been possible to resolve the matter at an early stage and before proceeding to the formal procedure you should check that the matters raised are within the scope of the procedure. It is worth noting that a member of staff may go off sick, particularly the person raising the grievance, but this does not automatically stop/delay the process. In these circumstances, advice will need to be sought from HR.

You should check that the issues raised:

1. Affect the employee as an individual; or
2. Affect their personal dealings or relationships with other people or potential ability to undertake their duties;
3. Are not concerned with disputes between the University and the Trade Unions;
4. Are not concerned about changing collective terms and conditions of employment under University policies and procedures;
5. Do not relate to matters that are already being considered under another policy or procedure;
6. Relate to a current employee;
7. Are in time, i.e. the complaint was received within three months of the acts complained of taking place or within 28 days of the completion of steps to attempt to resolve the issue informally.

Under the formal procedure the employee should write to you using the [request for resolution form](#), setting out the nature of the grievance, the evidence on which it is based and their suggested way forward including the remedy sought.

You should then arrange to meet with the employee to discuss the grievance, supported by HR if required. This meeting should normally take place within fourteen days of the written acknowledgement of the request (letter drafted by HR and sent by the manager). At this meeting the discussions should include the following:

1. Discussing the concerns and identifying the main issues.
2. The employee's view of the situation.

3. What is important to the employee (how the grievance is affecting them)?
4. Identifying if any individuals are being grieved against and explaining that if so, they too will receive the relevant parts of the submitted grievance.
5. Is there anything else that the employee thinks the manager should be made aware of/may not understand?
6. Is an investigation appropriate?

After this meeting and in discussion with HR you should consider the following:

- Whether the grievance procedure is the correct procedure. If not whether the concern should be dealt with under a different procedure.
- If further information is needed in order to resolve the matter – if so, it may be appropriate for you (with the assistance of HR) to gather and collate that information yourself. If this is the case, then you may find section 6 below useful when gathering that information.
- If further investigation is needed, consider who should carry out that investigation? HR will advise on who would be appropriate to carry out an investigation and the investigator's remit. You should appoint the investigator. If you appoint an investigator you should normally write to the employee informing them: that an investigation is being undertaken; of the name of the investigator: and that the investigator will be in touch with them shortly (the letter will be drafted by HR and sent by you).
- Whether the grievance is vexatious and/or trivial in which case it may be dismissed, and you should advise the employee accordingly. Whether the complainant has acted maliciously and/or vexatiously and should be subject to the conduct procedure.

6. Investigations

Not all investigations are the same. Investigations can range from additional enquires being made by the manager considering next steps through to an investigator being appointed to carry out an investigation. It is not therefore possible to prescribe exactly how an investigation should be carried out. The nature of the investigation will depend upon the matters being investigated and the information available at the start of any such information gathering exercise. A manager who decides that it is appropriate to gather further information before deciding what steps to take, may find the approach in this section useful. These guidelines are therefore suggestions as to how an investigator or manager might proceed with an investigation.

Before commencing an investigation, the investigator (with advice from HR) should consider the concerns that have been expressed by the employee and the remit of the investigation which will normally include considering:

- Whether it is necessary to speak to anyone other than the employee concerned and if so who?
- What University policies may be relevant to the concerns expressed?
- What other documentation may assist with the investigation and where it could be obtained from?

Having established the remit of the investigation the investigator will normally:

- Write to the employee confirming: that they are carrying out the investigation/gathering information; inviting them to attend an investigatory interview and that they may bring a representative; inviting them to supply any relevant documentation; inviting them to suggest the names of any relevant individuals that they consider the investigator should interview and why and advising them of the likely length of the investigation (Letter to be drafted by HR and sent by the investigator).
- Contact any individuals who they would like to interview arranging dates and times (letter to be drafted by HR and sent by the investigator).
- Seek, with the assistance of HR, any relevant documentation.
- Consider what questions to ask both the employee and any other individuals being interviewed.

HR will:

- Attend any interviews with the investigator and will take notes of the meetings.
- Collate any documentation provided during the course of the investigation.
- Advise and provide assistance to the investigator.
- Draft any letters to the employee concerned on behalf of the investigator keeping the employee informed as to the progress of the investigation and explaining if there are any undue delays.

Having completed the investigation, the investigator will:

- Consider all of the information that they have gathered
- Prepare a report summarising the investigation; the concerns; the evidence collated, drawing attention to any undisputed factual matters; the findings and any recommendations for consideration.

7. Following Investigation

Where an investigation has been carried out, the manager who commissioned that investigation should consider the investigator's report and decide what (if any) action should be taken. This may include deciding that:

- The matter should be dealt with under a different procedure in which case the employee should be informed (HR will draft the letter to be sent by the manager).
- To meet with the individual raising the grievance.
- To seek clarification of any further issues that might have arisen.
- Allow those concerned to comment on the findings of the investigation.
- Meet with those grieved against.

Once you have decided what (if any) of the above actions need to be pursued you should write to the employee when you have completed these actions by way of an update.

It is usual for the manager's decision to follow the investigator's recommendation but that will not always be the case. Where a manager, having considered the evidence gathered by the investigator, considers that a different conclusion may be drawn they must seek advice from HR before making a decision on how to proceed.

8. Outcome

As the Appropriate Manager, you decide the outcome of the grievance. You may reject the grievance or may uphold the whole or parts of the grievance. It is also your responsibility to set out what steps have been or should be taken to resolve the grievance.

Once you have decided what action (if any) to take you must inform the parties to the grievance in writing of your decision. This should normally be within fourteen days of the letter to the employee updating them after the investigation (see 7 above).

9. Appeal

When you write to the employee setting out the decision, you should explain the decision and the reasons for it along with the employee's right of appeal.