

# GRIEVANCE PROCEDURE & REQUEST FOR RESOLUTION

## GUIDANCE FOR STAFF

### Introduction

1.1 The University grievance procedure applies to all employees of the University. It is consistent with the [Arbitration, Conciliation and Advisory Service \(ACAS\) Code of Practice](#) which is designed to help everyone deal with problems and grievance situations in the workplace before conflict arises.

1.2 Grievances are concerns, problems or complaints raised by members of staff with their employers. The University, through its normal day to day management arrangements, encourages and provides opportunities for staff to raise and resolve problems or concerns relating to their work, working environment or their working relationships. The aim is to resolve problems as early as possible before they escalate.

1.3 This guidance has been developed to support you through what can be quite a stressful situation and it should be read in conjunction with the [Staff Grievance Procedure](#) and the [Acceptable Behaviour at Work Policy and Guidance](#).

### 2. Informal Resolution

2.1 It is always best to try and resolve concerns and problems quickly and informally. If you have a concern or problem which involves another member of staff, you are encouraged to speak to the person concerned before considering other avenues. If you need further advice, or if you are unsure about the approach to take, you may wish to approach your line manager for advice or your line manager's manager if the concern is about your line manager. You need to be clear about the nature of your concerns and how it could be resolved. Talking through the issue and how to resolve it should be the first step wherever possible.

2.2 Grievances can sometimes occur through a misunderstanding between two employees or through a disagreement e.g. about terms and conditions of employment. It is always best to check the facts of a situation, and your line manager and Human Resources (HR) can help with this. A trade union representative together with a HR representative can support informal resolution. It is inevitable that differences of opinion occur in the workplace and as a result, working relationships can on occasions become strained however, staff are expected to work with each other to try and resolve differences in a professional and respectful manner.

2.4 The University also has a network of Acceptable Workplace Behaviour Advisors who are volunteers trained to provide an informal advisory service if you are experiencing unacceptable behaviour, bullying or harassment at work. The Advisors can also support you if you are facing allegations about your own behaviour.

2.3 Where the concern relates to a working relationship, a trained mediator can help you to resolve your grievance. Mediation is a voluntary process which requires the agreement of the parties. The trained mediator helps two or more people in dispute to reach an agreement. You do not have to meet the other staff member face to face if you do not want to and the mediator is trained to go between you and the other employee in different rooms. An agreement comes from those in dispute and not the mediator. The mediator is not there to judge or to tell those involved in the mediation what they should do. The mediator facilitates the process not the outcome. The Mediation Officer can advise on the mediation service and when it is likely to be most useful and HR can facilitate discussions about alternative informal resolution

techniques. Where mediation is not accepted by one or both parties, this will not compromise the grievance process.

2.4 The University's [Employee Assistance Programme \(EAP\)](#) enables staff to access confidential support services and provides the opportunity for employees to consider how they can best approach a problem or concern with a view to reaching early resolution. HR can advise on the services available, and information is also available on the [HR web site](#). If you are a member of a Trade Union, you can seek advice or support from them at an early stage and it can be helpful to involve them in informal resolution where appropriate.

### **3. Formal resolution**

#### ***3.1 Inform the employer of the nature of the grievance***

3.1.1 If it has not been possible to resolve a complaint informally, you should raise the matter formally and without delay. This should normally be within three months of the concern first arising or within or within 28 days of the completion of steps taken to attempt to resolve the issue informally. A complaint made outside of these timescales may exceptionally be considered if there is a reasonable justification for a delay in raising the issues however the priority should be to raise issues at the earliest opportunity for the greatest chance of successful resolution.

3.1.2 A request for resolution should be submitted in writing to your line manager using the [Request for Resolution Form](#) which forms the basis of your grievance. The statement should be factual, with care taken when completing the form not to use abusive, insulting or other unacceptable language about another employee, who will be shown the complaint. It should briefly set out the following:

- the nature of the complaint: i.e. who, what, where and when
- what attempts have been made to try to resolve the matter informally
- the resolution being sought.

The document will then be used to inform a subsequent meeting at which a more detailed account may be given.

3.1.3 The line manager or other Appropriate Manager involved in resolving your grievance should be sufficiently senior to deal with the issue(s) raised. If your line manager is the subject of the grievance, the matter should be raised with the line manager's manager who will consider the matter. If your line manager is the subject of your grievance, it will need to be clear that the nature of your grievance is not a complaint about reasonable line management activity. It is also expected that line managers will fulfil their line management responsibilities in an acceptable way.

### **3.2 Meeting to discuss the grievance**

3.2.1 The line manager, or other Appropriate Manager who is considering your grievance, will arrange a meeting with you and you may be accompanied by a trade union representative or a workplace colleague.

3.2.2 This meeting should be arranged without unreasonable delay and normally within 14 days of the grievance being received. As with the informal stage there is more likelihood of reaching a resolution if the issues are discussed as early as possible. If you or your representative are unable to attend the arranged meeting, a new date should be identified within a further period of 7 days. You should make all reasonable efforts to attend this meeting.

3.2.3 It may be necessary to adjourn the meeting to talk to other staff (or third parties) about the grievance or a full formal investigation may be appropriate. If the member of staff who is the subject of the grievance is required to attend a meeting, reasonable notice of the meeting will be given. They will receive a copy of the grievance raised and reasonable time to consider the matter and may also be accompanied by a trade union representative or work colleague.

If an investigation is instigated, the investigating officer will prepare a written report which will review the evidence and may:

i. Make recommendations for resolving the matter (without necessarily attributing blame or responsibility) in a way that seeks to establish and promote a professional and respectful working relationship between the parties;

ii. Decide that there is a case to answer and recommend that the person against whom the complaint was made should receive appropriate staff development or other supportive measures;

iii. Recommend that, if appropriate and practicable, adjustments are made to the working environment to assist in restoring a professional and respectful relationship between the parties; or

iv. Decide that there is a case to answer and recommend that the matter be dealt with under another procedure which could include the disciplinary or capability procedure.

v. Recommend that on the basis of the evidence the complaint is dismissed and/or that the complainant receives appropriate staff development or other supportive measures;

3.2.4 A member of the HR team will be present at meetings with you and will advise on procedure and will facilitate discussion to support resolution. A record of this meeting will be taken, and you will be provided with the summary notes of the meeting normally within 10 days of the meeting. These notes will not be a verbatim record of the meeting. It may not be appropriate for you to receive notes of other meetings held as part of any investigation.

### **3.3 Decide on appropriate action**

3.3.1 Once all information has been gathered and all interviews conducted, your line manager or other Appropriate Manager considering the grievance will prepare a response to the issues raised in either letter or report format. The format will depend on the nature and complexity of the issues raised. The possible outcome options include:

| <b>Option</b> | <b>Outcome</b>  |
|---------------|---|
| 1             | The Grievance or complaint is upheld  |
| 2             | The Grievance or complaint is partially upheld  |
| 3             | The Grievance or complaint is not upheld  |
| 4             | The Grievance or complaint is referred to another procedure, for example, the Disciplinary Procedure and/or training is recommended |

3.3.2 A letter will normally be sent to you to confirm the outcome of your grievance. Depending on the circumstances, it may not be appropriate to fully disclose to you either the full investigation report or any sanctions relating to another staff member.

3.3.3 Where the outcome of the grievance is not upheld, this decision will be confirmed by letter to all parties.

3.3.4 There may be circumstances which means that timescales laid out in this procedure would need to be extended. In this case we will write to you to explain the reason for the delay and expected date for the conclusion of the consideration of the grievance.

#### **4 Right of Appeal**

3.4.1 If you are dissatisfied with the outcome of the grievance you have raised, you may submit an appeal to the Chief People Officer setting out the grounds of your appeal in writing within 14 days of the date of the letter you received from the manager who considered the grievance.

3.4.2 Another Appropriate Manager will be appointed as the Appeal Officer to hear and determine the appeal supported by a member of HR or the Secretary's Office who has not previously been involved with the case. This initial meeting will be arranged without unreasonable delay and, normally, within 14 days of the appeal being received. The meeting will be noted and a copy of the notes of your meeting will be provided to you normally within 10 days of the meeting. The notes should be signed as confirmation that they are a correct record of the meeting and a copy returned to HR as soon as possible. The outcome of the appeal should be communicated to you normally no later than 10 days following the hearing. This decision will be final and will exhaust the University's Grievance Procedure.

3.4.3 During the appeal process, you are entitled to be accompanied by a trade union representative or other work colleague. You can call witnesses and you should provide, in advance and no later than 3 working days prior to the hearing, the names and rationale for calling each witness to the Appeal Officer who will decide if the witnesses are relevant.

The Appeal Officer may allow or dismiss the appeal in whole or in part.

#### **4. Overlapping grievance and disciplinary cases**

4.1 It is not normally possible to raise a grievance when other procedures are in progress however these procedures may exceptionally need to be temporarily suspended in order to

deal with a complaint. It can also be the case that where the disciplinary and grievance cases are related it may be appropriate to deal with both issues concurrently and this will be considered by the Chief People Officer or their delegate. In the event that the person against whom you have raised a grievance makes counter allegations, these will normally be treated as part of the same grievance process but may be dealt with separately, through a separate investigation depending on the circumstances.

4.1.2 If, as a result of the consideration of the grievance, the person managing the grievance reaches the conclusion that the behaviour or conduct of any party was inappropriate, the matter will be transferred to the University's disciplinary procedure. The information and documentation collected as part of the grievance procedure will form part of the investigation under the disciplinary procedure. Other evidence may be gathered if it is felt to be in the interests of natural justice.

4.2 If it is considered that complaints contain allegations that are vexatious or made with a view to personal gain, particularly if complaints are persistent, then this may result in disciplinary action.

## **5. Support**

5.1 We recognise that it can be distressing if you are involved in a grievance process, which is why the University emphasises the importance of staff trying to deal with the matter informally and as early as possible. We offer alternative dispute resolution processes through the Acceptable Behaviour Advisory Service or professional mediation. Attempting to reach a resolution through constructive dialogue and discussion is usually the best way forward.

5.2 If you raise a grievance or you find yourself the subject of a grievance, support is available through the University and may be provided by a member of HR, the employee's line manager or a Union Representative. Counselling is also available as is support through the Employee Assistance Programme and all staff have direct access to this service.

## **6. Group Grievances**

6.1 Where a grievance is raised by a group of staff, that is where more than one person brings a grievance, this will be addressed in the same way as outlined above.

## **7. Status Quo**

7.1 Until all the stages of the grievance procedure have been exhausted the working arrangements that exist at the time the grievance was submitted will be maintained.

7.2 In exceptional circumstances, if it is not possible for the status quo to be maintained, the Chief People Officer or their delegate would be required to approve any alternative arrangements.

## **Appendix 1: [Request for Resolution Form](#)**