





## **1. Purpose**

**1.1** This Policy is designed to ensure employees have access to a clear and systematic procedure by which they may raise concerns, problems or complaints relating to their own employment. The aim is to ensure prompt, consistent and fair treatment for all employees and to help both the employee and the University to be clear about their expectations of the process.



**3.4** Whilst not a statutory legal framework, this Policy and Procedure are in line with ACAS guidelines on Grievances.

**3.5** The University will maintain the right of all employees to exercise their freedom of speech and expression, although these rights must be exercised within the law (article 10.1 of the European Convention on Human Rights). The right to freedom of speech must be balanced by the obligation to use that freedom responsibly and professionally and respecting other rights which employees enjoy.

**3.6** If, at any time, the employee wishes to withdraw their formal grievance, they must make their intentions known, in writing, to the Investigating Officer or the People, Performance and Culture (PPC) Department Representative dealing with the

- Ensuring that all parties are dealt with fairly and receive the appropriate support;
- Referring the Reporting Person to support mechanisms to maintain health and wellbeing during the process (and accessing themselves, if required).

### **4.3 Responsibilities of the People, Performance and Culture (PPC) Department**

The PPC Department is responsible for providing advice and information on the operation and application of this procedure at any stage and has a specific role in providing professional support during the formal stages of this procedure. A Representative of the PPC Department will be present during all formal meetings to provide the Investigating Officer with procedural guidance, and to ensure fair, consistent and appropriate management of the process. PPC will also be responsible for monitoring the number of formal cases investigated each year and the outcomes of those cases.



investigation and following advice from PPC, appropriate disciplinary action may be taken against a Reporting Person. A grievance made maliciously may be considered gross misconduct and could result in dismissal. The IO will meet with the Reporting Person prior to making any such decision, advise them that they are minded to dismiss the grievance; in such cases the Reporting Person will have the opportunity to make representations as appropriate. The IO should make a final decision based on the evidence and report this decision to the Reporting Person.

**5.2.6** Should a grievance be unfounded this is not in itself a reason to conclude that it was not made in good faith. On occasion, a complaint may prove impossible to uphold; for example, if the concern turns out to be due to a misunderstanding or is not capable of being sufficiently substantiated. No one will be treated less favourably or suffer any detriment for having raised or supported a grievance made under this Policy in good faith.

### **5.3 Interaction with the Bullying and Harassment Policy**

**5.3.1** The University has a separate Bullying and Harassment Policy that should be followed if the Reporting Person believes they have been the victim of bullying or harassment.

**5.3.2** If at any stage of the grievance procedure, the grievance is also involves allegations of bullying and harassment, then the IO will review the grievance and, with advice from PPC, will determine the most appropriate policy to address the matter under. If the matter is to be addressed under the Bullying and Harassment policy, this decision will be circulated to all concerned as all relevant details, evidence and witness statements previously relating to the grievance may be considered pertinent to (or to wholly constitute) the preliminary investigations of the Bullying and Harassment procedure.

## **6. Collective Grievances**

**6.1** For the avoidance of doubt, collective grievances are distinct from collective disputes, which are the subject of negotiation or consultation with a recognised trade union and senior representatives of the University. Collective disputes will be heard under the procedure outlined in the Recognition Agreement.

**6.2** Grievances on the same issue can come from more than one employee and this will normally be dealt with collectively, rather than on an individual basis. A group of employees may raise as a collective grievance any matter relating to their employment covered by this Policy. All the employees raising the collective grievance must be in agreement with this approach, be named on the grievance and state how the issue affects them personally.

### **6.3**



**6.4** There is a right to appeal, as outlined in section 12.4. Should an appeal be raised, there will be one appeal meeting and one appeal outcome.

**6.5** In all other respects the same grievance process will be followed.

**6.6** If there is not full agreement to these principles, if the grievances are not identical or if any of the employees wish their trade union to represent them on an individual basis, the grievances will be managed individually.

## **7. Accessibility and Support**

**7.1** The University is committed to complying with its obligations under the Equality Act 2010.

**7.2.1** If any aspect of the grievance procedure causes an employee or their companion difficulty on account of any disability or medical condition that they may have, they should raise this as soon as possible with the IO or the PPC Representative, who will arrange for any reasonable adjustments to be made.

**7.2.2** Such adjustments may include extending time limits, permitting additional support in meetings or arranging meetings away from the campus. Advice may be sought from Occupational Health, if appropriate. Such information will be treated sensitively and confidentially by those who need to be aware.

**7.3** A grievance process can be stressful for everyone involved and different individuals will respond differently to stressful situations. There may be occasions where the process causes distress and impacts on a person's mental health. Where there are signs of this happening to anyone involved in the process, the University will consider whether the process can be adjusted in a reasonable way and the IO / PPC Representative will inform the individual's Line Manager who should signpost the individual to support available to them within the University or to their GP, if appropriate.

### **7.4 Employee Assistance Programme**

Confidential counselling via the Employee Assistance Programme is available, should it be required. Further details can be found on the University PPC portal page.

### **7.5 Mental Health First Aiders (MHFA)**

**7.5.1** University Mental Health First Aiders (MHFA) can also be a point of contact and support for employees involved in this process. The role of a MHFA is to recognise mental ill health and help people find the support they need. They strive to achieve the University's ambitions of creating an inclusive culture, whereby attitudes and behaviours to mental ill health are not stigmatised, and employees feel

able to talk about their mental health without fear of repercussion or judgement.

MHFA can:

- Understand the important factors affecting mental ill health;
- Identify the signs and symptoms for a range of mental health conditions;
- Listen non-judgmentally and hold supportive conversations;
- Signpost employees to professional help and ongoing support.

**7.5.2** MHFA are not directly involved in the informal or formal procedure under this Policy.

reached the individual should give written reasons for the disagreement and these should be attached to the notes. Notes of formal meetings will be kept in line with the University's Records Management Policy.

**8.4** In some circumstances it may be necessary to redact documents and/or meeting notes. Redacting may happen when information is presented that is not directly relevant to the grievance or its relevant context, and which could cause offence, is inflammatory, financially or commercially sensitive, personal data and/ or otherwise confidential. Any redacting will be completed by the PPC Department

**9.4** The informal stage will normally be dealt with in a confidential one-to-one basis with the immediate Line Manager. The employee should be encouraged to talk the issues through with their Line Manager, and discuss ways in which the matter can be resolved. The Line Manager should discuss how the



## **11. Submitting a Formal Grievance**

**11.1** If the Reporting Person feels that informal discussion has not resolved the matter, they should complete and submit the Grievance Form at Appendix 2 to both the Line Manager and PPC.

**11.2** The Grievance Form will help the Reporting Person clearly set out the grievance issue, so that the matter can be responded to effectively. A key focus of the Grievance Policy is resolution; therefore, it is important that the Reporting Person states how they would like the grievance resolved.

## **12. The Formal Grievance**

### **12.1 Invitation to the Fact Finding Meeting**

**12.1.1** Once the Grievance Form (Appendix 2) has been received by PPC, an appropriate independent Investigating Officer (IO), will be appointed by PPC and the Line Manager of the Reporting Person, to lead the next stage of the process. The IO will have no conflict of interest or prior involvement with the matters of the grievance. The IO will be supported by a member of the PPC Department who will provide procedural advice.

**12.1.2** The PPC Department reserves the right to appoint an external investigator in cases where it deems this is necessary. This will only be done in exceptional circumstances and in consultation with the Chief People Officer.

**12.1.3** To avoid any conflict of interest, if the Reporting Person has a genuine and valid reason why it would not be appropriate for the IO assigned to investigate the grievance, they must raise this at the earliest opportunity with the PPC Representative, clearly stating the reasons for their objection. Such comments will be taken into consideration in determining the appropriateness of the IO assigned. Where objections remain regarding the choice of IO, the matter should be referred to the Chief People Officer, whose decision will be final.

**12.1.4** The IO's preparatory work will be to consider the details provided on the Grievance Form (Appendix 2) by the Reporting Person, and as detailed in section 4.4 above, this may necessitate further conversation with the Reporting Person. Dependent on the nature of the grievance i.e. the seriousness and sensitivities of the grievance, the IO will decide the scope of their investigation, where relevant witnesses need to be interviewed and / or statements requested, and advise PPC accordingly.

**12.1.5** The method of communications regarding meetings and outcomes will be agreed individually with all parties. In the absence of agreement, the preferred method of communication will be by email to the employee's University email account.









## **12.4 The Appeal Process**

**12.4.1** An appeal, which is the final stage of this process, can be submitted in writing using the Appeal Form at Appendix 3 to PPC. This must be done within 10 working days from receipt of the decision by the Reporting Person as detailed at section



## 14. Appendix 2

# Grievance Form

To be completed by the Reporting Person and sent to the Line Manager and Department of PPC. Please ensure you have read the Grievance Policy and Procedure before completing this form.

This form should contain all relevant facts and circumstances that will enable the grievance to be investigated fully. The information provided should be clear and concise so the Investigating Officer hearing the grievance can articulate the key concerns. If there are several elements to your grievance, you should use separate headings to address these points.

Please note that the grievance procedure cannot be initiated unless this form is complete. If you have any queries about completing this form, please contact the PPC Department or your Trade Union Representative.

<b>Name</b>		<b>College / Directorate</b>	
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**DESCRIPTION OF GRIEVANCE:** Please answer the questions as outlined below as this will help the Investigating Officer to deal with your grievance more effectively.

**Please provide a summary of the events leading up to your grievance**

**Please provide the date(s) and time(s) the alleged incident(s) occurred**

**Please explain what action, if any, you took in response to the alleged incident(s)**

**Please explain what steps, if any, you have taken to resolve the alleged incident(s) informally**

**Please explain what steps, if any, have been taken by your Line Manager to resolve the alleged incident(s) informally**

**Please outline how you would like your grievance to be resolved**

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**SUPPORTING WITNESSES AND EVIDENCE:** Relevant and up-to-date evidence should be included where applicable.

If relevant, please provide the names of any witnesses to the specific alleged incident(s) and why you consider them to be relevant to your grievance:

<b>Witness Name</b>	<b>Why they are a relevant witness</b>

Please provide a list of any materials you would like to submit as evidence in support of your grievance i.e. emails, contract clauses etc. and why you consider it relevant.

<b>Item</b>	<b>Why it is relevant to your grievance</b>

I provide this information in good faith and I am aware that the content will be discussed with relevant people connected to this grievance.

<b>Electronic Signature / Name</b>		<b>Date</b>	
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## 15. Appendix 3

# Grievance Appeal Form

To be completed by the Reporting Person and sent to the Line Manager and Department of PPC. Please ensure you have read the Grievance Policy and Procedure before completing this form.

This form should contain all relevant facts and information that will enable the appeal to be investigated fully.

Please note that the appeal is subject to the provisions of the Grievance Policy and Procedure. The appeal is subject to the provisions of the Grievance Policy and Procedure. The appeal is subject to the provisions of the Grievance Policy and Procedure.

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**Please outline how you would like your appeal to be resolved**

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## 16. Appendix 4

# Grievance Witness Statement Form

To be completed by the witness and sent to the Department of PPC. Please ensure you have read the Grievance Policy and Procedure before completing this form.

If you have any queries about completing this form, please contact the PPC Department or your Trade Union Representative.

<b>Name</b>		<b>College / Directorate</b>	
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The Department of PPC will have provided you with an outline of the grievance you have been named as a witness in.

**Please explain what action, if any, you took in response to the alleged incident(s)**

**SUPPORTING EVIDENCE:** Please provide any evidence, where applicable, in support of your statement and why you consider it relevant.

## 17. Appendix 5

### **The Role of the Companion under this Policy**

Under the formal procedure for dealing with grievances the companion may be a Trade Union Representative or work colleague. The employee must notify PPC of the name of the chosen companion in advance of the first meeting. It is not reasonable for the employee to insist on being accompanied by a colleague whose presence would prejudice the meeting or who might have a conflict of interest.

The role of the companion is to assist and support the employee by putting forward the employee's case or summarising it at the end. They may also ask questions to clarify understanding of the situation and ask to confer with the employee outside the room with the employee's agreement about any pertinent matters. However, a companion cannot answer questions on behalf of the employee where questions are directed at the employee. They cannot address the hearing if the employee does not want them to, or prevent the employer from explaining their case, nor can they prevent any other person at the hearing from making a contribution.

Colleagues who do not wish to accept an invitation to act as a companion are not obliged to do so.

Companions may attend meetings during working hours without loss of pay and will be given reasonable time to familiarise themselves with the matter and confer with the employee both before and after meetings.

Employees are responsible for ensuring their companions are willing to support them and attend meetings.

Employees may not appoint a legal representative or anyone external to the University, other than a recognised TU official, to act as a companion.

Where a companion is a witness (or is otherwise involved, or is potentially involved) in the investigation, the employee should be advised of the need to select a different companion in order to avoid any suggestion of collusion or conflict of interest.



# Grievance Policy and Procedure

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