

## BISHOP GROSSETESTE UNIVERSITY

### Document Administration

<b>Document Title:</b>	Grievance Policy and Procedure
<b>Document Category:</b>	Policy
<b>Version Number:</b>	3
<b>Status:</b>	Approved
<b>Reason for development:</b>	This procedure provides a clear and transparent framework to deal with concerns, problems or complaints raised by employees in the course of their employment.
<b>Scope:</b>	This Policy applies to all staff
<b>Author / developer:</b>	HR Advisor
<b>Owner</b>	Director of HR
<b>Assessment: (where relevant)</b>	Tick relevant assessments: <input checked="" type="checkbox"/> Equality Assessment <input type="checkbox"/> Legal <input type="checkbox"/> Information Governance <input type="checkbox"/> Academic Governance
<b>Consultation: (where relevant)</b>	<input checked="" type="checkbox"/> Staff Trade Unions via HR <input type="checkbox"/> Students via Bishop Grosseteste University Students' Union <input type="checkbox"/> Any relevant external statutory bodies
<b>Authorised by (Board):</b>	University Council
<b>Date first version authorised:</b>	December 2015
<b>Date current version authorised:</b>	March 2020
<b>Date current version effective from:</b>	March 2020
<b>Date next review due to commence:</b>	March 2023
<b>Document location:</b>	University Website
<b>Document dissemination/communications plan</b>	University website, Staff Portal, Student Portal.
<b>Document control:</b>	All printed versions of this document are classified as uncontrolled. A controlled version is available from the <i>University website</i> .
<b>Alternative format:</b>	If you require this document in an alternative format, please contact <a href="mailto:governance@bishopg.ac.uk">governance@bishopg.ac.uk</a>

\*Please note, this document remains valid until formally revoked or replaced by the University

## **Procedure**

### **1. Application and Scope**

**1.1** - The University is committed to promoting effective working relationships and an environment in which employees feel able to raise work-related issues with their managers.

**1.2** - This procedure provides a clear and transparent framework to deal with concerns, problems or complaints raised by employees in the course of their employment in relation to:

- matters affecting themselves as individuals; or
- matters affecting their personal dealings or relationships with other employees.

**1.3** - The procedure applies to all employees employed by Bishop Grosseteste University under a contract of employment. The aim of this procedure is, as far as possible, to achieve a fair and prompt resolution to grievances.

**1.4 Exclusions** - The procedure cannot be used to challenge formal outcomes in other procedures which have an appeal process, namely:

- Disciplinary procedure
- Capability procedure
- Managing ill-health and sickness absence
- Redundancy procedure
- Probation procedure

**1.5** - Where paragraph 1.4 does not apply, a grievance raised by an employee subject to one or more of the above procedures, will be dealt with in the normal way and in parallel with the other procedure.

### **2. General principles**

**2.1** - The following principles will apply to the application of this procedure:

**2.2** - Wherever possible grievances should be resolved informally without recourse to formal procedures. It is expected that individuals will enter into the procedure in good faith, with the aim of resolving a particular issue. The grievance procedure should not be used as a substitute for normal day to day discussions.

**2.3** - It is recognised that there may be occasions when it is not possible for a grievance to be resolved informally. In such cases the procedure below at Stage 1 should be followed. All parties should be absolutely clear whether any meeting is being held under the informal or formal stage of the procedure.

**2.4** - Any steps taken under this procedure should be taken promptly, unless there is a good reason for delay.

**2.5** - At any stage in the procedure, subject to the agreement of all parties concerned, there may be a suspension in proceedings to facilitate mediation (see 3 below), fact-finding or other non-adversarial discussions with the aim of promoting resolution of the case.

**2.6** - At any stage in the procedure, the line manager dealing with the grievance may, at their discretion, defer consideration of the grievance if other activities which are relevant to the substance of the grievance are pending or in progress. In such cases the parties to the grievance will be advised of the reason for deferring consideration.

**2.7** - If, on investigation, the grievance is found to be vexatious or trivial the manager may dismiss it without further consideration. The employee will be advised accordingly.

**2.8** - The University may, with the agreement of the employee, vary this procedure as appropriate to a particular case. In the event that it becomes impracticable to continue with the procedure, it may be discontinued. In such cases the University will advise the aggrieved parties of the outcome of their grievance in writing.

**2.9 Right to be accompanied** - All employees who are the subject of this procedure will have the right to be accompanied at any formal meetings held under this procedure by a trade union representative or work colleague.

**2.10 Equality and Diversity** - To ensure fair treatment and, where appropriate, provision of support by the University in the application of this procedure, employees should be invited to provide information about any equality or diversity issues which may be relevant.

**2.11 Confidentiality** - All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the University.

**2.12 Timescales** - While every endeavour will be made to comply with timescales, due to the complexity and or specific circumstances of a case, timescales may be extended. In such circumstances the individuals concerned will be advised of the reasons for any delay.

**2.13 Involvement of Human Resources** - A member of the Human Resources team will be consulted and will advise on the formal process.

**2.14** - In very exceptional circumstances where the individual is reluctant to pursue a formal complaint through the Grievance Procedure, but where the alleged harassment is deemed very serious in nature or where the manager is aware there are broader issues of concern around the culture of a team/group of individuals, an investigation may anyway be instigated, with the agreement of the Head of Department and on the advice of the HR Business Partner.

### **3. Mediation**

**3.1** - At any stage in this procedure, the parties to the grievance may request that the matter be referred for mediation. Mediation is likely to be most appropriate in cases involving interpersonal relationships. There may, however, be circumstances in which alternative non-adversarial discussions may be undertaken with the aim of promoting a speedy resolution.

**3.2** - Mediation is voluntary and will take place only if all parties agree. It is, however, hoped that employees will recognise the benefits of seeking to resolve issues via mediation and will be amenable to and cooperate with this approach.

### **4. Informal procedure**

**4.1** - Grievances can often be resolved quickly and informally through discussion with managers and there is an expectation that every effort will be made to resolve matters informally. Employees are therefore expected to raise any concerns or issues informally with their immediate manager. The manager will give careful consideration to the matter and decide what action is required. Consideration should be given to adjourning the matter for any investigation that may be necessary.

**4.2** – Line managers will discuss an employee's concerns in confidence with them, make discreet investigations, as appropriate, and attempt to address their concerns fairly and promptly.

**4.3** - It is the manager's responsibility to seek to resolve the grievance informally and to notify the individual of the outcome. This would normally take the form of a summary note of the discussion and its outcome.

**4.4** - It is expected that an employee will seek to resolve their grievance informally in the first instance and will only progress to a formal grievance if the issue cannot be resolved by informal means. Where this has been unsuccessful, or circumstances make this route inappropriate, the matter should be raised formally through the grievance procedure.

**4.5** - If the grievance is against the employee's manager it should be raised at the next level of line management who will seek to resolve the matter informally as appropriate. If employee is unsure who this would refer to they should ask HR.

**4.6** – Notes should be taken throughout except in minor cases; the outcome of the meeting including any remedial action will be clearly stated in writing by the manager.

## **5. Formal Procedure**

### **5.1 - Stage One - Formal resolution**

**5.1.1** - If it is not possible to resolve a grievance informally, the employee should raise the matter formally, and without unreasonable delay, by putting their grievance in writing to HR.

**5.1.2** – HR will write to the employee acknowledging receipt of the grievance, normally within five working days.

**5.1.3** - The manager will invite the employee to attend a formal grievance meeting in order to discuss the grievance. This meeting will normally take place within ten working days of the written acknowledgement. A member of the HR Department will also be present.

**5.1.5** - The employee is entitled to have a colleague, a trade union representative or an official employed by a trade union present. At this meeting the employee will be asked to explain their grievance and how they think it should be resolved. If the grievance relates to their line manager the employee should raise the issue with the next level of line management.

#### **5.1.6 Conducting the meeting –**

- Remember that the best outcome is one where discussion and dialogue leads to an amicable solution.
- Invite the employee to restate their concern and how they would like to see it resolved.
- Make allowance for the employee “letting off steam”.
- Consider adjourning the meeting if it appears that further investigation may be necessary. At this stage managers should seek further advice from Human Resources. If an investigation is required it will begin as soon as possible. The investigation and any subsequent disciplinary action will be carried out in accordance with the disciplinary policy and procedure.
- Sum up the main points.
- Tell the employee when they might reasonably expect a response if one cannot be made at the time.
- Remain calm and objective.

**5.1.7** - As a result of the initial grievance meeting, the manager may determine that it is necessary to make further enquiries and/or may appoint an investigating officer to conduct an impartial and thorough investigation into the background facts or into any allegations made by the employee.

**5.1.8** - Following this meeting the employee will receive written confirmation of what action the manager intends to take to resolve the grievance.

## **5.2 Investigation**

**5.2.1** - If an investigation is deemed appropriate, HR will appoint an investigating officer. Where the grievance relates to other employees, the individuals involved will be informed in writing of the nature of the complaint and will be given the opportunity to submit a response.

HR will inform the complainant of the process and timescales.

**5.2.2** - The results of the investigation will be provided to the commissioning line manager in the form of an investigation report. This report will also be made available to the employee raising the grievance and any employee(s) named in the grievance. Following the investigation, the commissioning line manager may deem it appropriate to hold a further grievance meeting with the employee raising the grievance. The purpose of this meeting is to seek clarification on any further issues that might have arisen and to allow the employee to comment on the findings of the investigation.

**5.2.3** - In some cases it might be appropriate to hold a grievance hearing with the aggrieved individual and the person(s) against whom the grievance lies.

## **5.3 Outcome**

**5.3.1** - The manager will determine the outcome of the grievance. They may reject the grievance, or may uphold the complaint and indicate what steps have been/should be taken to resolve it.

**5.3.2** - The manager will inform the individual, in writing, of the decision and the right of appeal normally within ten working days of receiving the investigation report or of the final grievance meeting/hearing. The employee will be given an explanation if this is not possible and will be advised when a response can be expected.

**5.3.3** - Any employee(s) named in the grievance will also be advised, in writing, of the decision.

## **5.4 Stage Two - Appeal**

**5.4.1** - If an employee remains aggrieved, they may write to the Director of HR within ten working days of the date of the decision under Stage 1, exercising their right of appeal. If the employee is on annual leave or absent for other reasons then consideration will be given by the Director of HR.

**5.4.2** - Appeals will be considered by a more senior manager (Appeal Officer). The Appeal Officer will have had no prior involvement in the case and will be supported by a member of the HR Team.

**5.4.3** - Where the appeal involves other employees, the person(s) named in the grievance will be informed of the appeal and the outcome.

**5.4.4** - This procedure may, in the interest of natural justice, and following consultation with relevant parties, be varied and altered by the Appeal Officer who will detail the reasons for the variation.

**5.4.5** - The decision may be given verbally at the appeal hearing and will in any event be conveyed or confirmed in writing within ten working days of the hearing. Any recommendations for further action will be clearly stated in the letter.

**5.4.6** - The decision following the appeal is final and there will be no further internal right of appeal.

This procedure will be reviewed periodically to ensure compliance with changes in employment law and equality and diversity legislation.

## **6. Collective disputes**

Grievances that are raised on behalf of two or more employees by a representative of a recognised trade union will be dealt with under the University procedures for resolving collective disputes. Any

such matters should in the first instance be raised with the Vice Chancellor with a view to achieving a satisfactory resolution.