



Grievance procedure

1 Introduction

- 1.1 The University will provide a supportive working environment where equality and diversity are valued, and where individuals are treated with respect.
- 1.2 This grievance procedure follows the ACAS code of practice (2009). It has been agreed with the Trades Unions (UCU, Unison and Unite) and should be read alongside the University's Dignity at Work and Equality and Diversity policies.

2 Purpose and scope

- 2.1 The purpose of this procedure is to provide a method for resolving grievances in a fair and timely manner and to promote good working relationships between employees. To support these aims, all parties should consider mediation as a potential route to resolution.
- 2.2 It is designed to deal with grievances arising directly out of an employee's employment or working practices of the University. All employees therefore have the right to raise a grievance.
- 2.3 It does not cover conduct, performance, ill-health or regrading matters (except where applicable in the determination of grading procedure); these have their own procedures for resolving disputes.
- 2.4 It may be used for the resolution of a group grievance. (See section 10).

3 Principles

- 3.1 This procedure is based on the following principles which aim to enable positive resolution of grievances.

3.1.1. Timeliness

Managers will treat grievances as high priority recognising that early intervention in addressing the concerns of employees and seeking early resolution is advantageous to all parties. Every reasonable effort will be made by all parties to resolve grievances informally in the first instance, balancing the need to resolve issues quickly with the need to ensure that they are investigated properly. All parties must make every effort to make themselves available for meetings as part of this process. Time limits referred to during the procedure will be the norm, but in exceptional circumstances can be altered provided that all parties agree.

3.1.2. Confidentiality

Grievances will be treated as confidential and sensitive by all parties. The nature of the grievance should not be shared by either party with people outside the process except where advice is being sought e.g. from HR, a senior manager or TUs.

3.1.3. Training and support

Managers involved with investigating and hearing grievances will be trained in these procedures. The manager and employee may seek advice and support from HR at all stages, and the employee should be notified where HR will be attending a meeting. Individuals will be invited to attend hearings at all stages of the procedure and may choose to be accompanied by a trades union representative or workplace colleague.

3.1.4. Equality and diversity

At all stages proper consideration should be given to the equality and diversity implications of the case and needs of the individuals involved. This is to ensure that the process is managed in a fair and equitable way, and reasonable adjustments implemented where applicable.

3.1.5. Fairness

Where at any stage either party considers that the grievance cannot be resolved in a timely manner this will be recorded and referred to the Head of HR Services (or nominee at an equivalent level) to take action to either confirm completion at this stage based on the evidence available or escalation to the next stage. Where at any stage the manager considers that the employee is making false or malicious allegations or persistently raises frivolous grievances, the reasons for this decision will be explained to the employee in writing, confirming that this stage of the process has been completed.

3.1.6. Transparency

Where a grievance is made against an individual, then she/he will be informed of this fact and have the right to see the details of the grievance.

3.1.7. Communication

The manager will regularly keep the main parties who are involved in a grievance informed of progress and, where applicable, the outcome of the grievance specific to their involvement.

4 Mediation

- 4.1 Mediation is a process whereby parties that are in dispute meet and utilise an independent third party or mediator to work out a solution together.
- 4.2 Mediation is voluntary and will take place only where all parties involved in the dispute agree to it. Advice can be sought from the HR department on how this can be provided.
- 4.3 Mediation should be considered at the earliest opportunity and can be used at any stage of the procedure. Engagement in mediation does not preclude returning to the grievance process at a later time.

5 Grievance stages

There are a number of stages in this procedure:

Stage One	Informal	The option of mediation should be considered at the earliest opportunity and is available at all stages.
Stage Two	Formal	
Stage Three	Appeal to Vice Chancellor	
Stage Four	Appeal to Governors	

6 Stage one – Informal

- 6.1 Many problems can be raised and settled during the course of everyday working relationships. The purpose of the informal stage is to attempt to resolve the grievance at the point in time closest to when it occurred.
- 6.2 Wherever possible, an employee should aim to settle the grievance informally with their line manager or with the person who is the subject of their complaint. If the employee considers that it is not appropriate to raise the issue with their line manager, then they should seek resolution through informal discussion with the next level of line management.

- 6.3 The employee should make it clear that their concerns constitute a grievance and should indicate their preferred remedy.
- 6.4 The manager will treat the grievance as a priority and hold a meeting with the employee within **three** working days, confirming these arrangements in writing with the employee.
- 6.5 The employee should consider whether it would be useful to provide any written information prior to the meeting which will help the manager to prepare.
- 6.6 At the meeting, the manager should ensure the employee has an opportunity to raise the issue which concerns them and discuss their proposed remedy.
- 6.7 The manager will consider the grievance and proposed resolution, and where necessary undertake further exploration of the issue to understand better the situation.
- 6.8 The manager will confirm their response normally via a discussion with the employee and in writing within **two** working days of the meeting, unless an extended timescale has been agreed.

7 Stage two – Formal

- 7.1 Where the employee wishes to submit the grievance directly to stage two, or is not satisfied with the outcome of stage one, they should submit their grievance with their proposed remedy¹ in writing using the grievance form (link), to their Executive Dean or Head of Service (or the next level of management if this is not appropriate) .
- 7.2 In liaison with Human Resources, the Executive Dean or Head of Service will decide whether to hear and seek resolution of the grievance themselves, or nominate a manager with the appropriate decision making authority, expertise and availability to take on this responsibility.
- 7.3 Depending on the circumstances of the grievance, a nominated manager could be appointed from within or external to the service or faculty. The manager will be at grade H and above for APT&C and manual employees, and senior management grade S for Academic employees.

¹ Unfortunately financial compensation for damages (e.g. injury to feelings) is not available as an option.

- 7.4 The Executive Dean/Head of Service or nominee should seek to hold the hearing at a mutually convenient time, within **ten** working days from the receipt of the employee's written grievance and confirm these arrangements in writing to the employee.
- 7.5 The employee will be given the right to be accompanied by either a trade union representative or workplace colleague. The employee will be asked to confirm in advance of the hearing that they are being accompanied and if any reasonable adjustments are required.
- 7.6 At the hearing, the employee will be given an opportunity to raise the issue that concerns them and discuss their proposed remedy. See appendix 1 for guidelines on conducting a hearing.
- 7.7 Where further exploration or investigation is required, the manager will seek to conclude this normally within **ten** (and no more than fifteen) working days.
- 7.8 The Executive Dean/Head of Service or nominee will confirm their decision in writing at a re-convened hearing with the employee.

8 Stage three - appeal to Vice Chancellor

- 8.1 If the employee is not satisfied with the outcome at stage two, they may submit an appeal by writing to the Vice Chancellor (copied to the Director of Human Resources). The appeal should be submitted on the grievance appeal form along with all relevant paperwork within **ten** working days from receipt of the written outcome at stage two.
- 8.2 The employee should confirm the reason for their appeal, and confirm their proposed remedy. The grounds for appeal would be:
- (a) That a failure to follow procedure had a material effect on the outcome, or that the process was flawed in some significant way.
 - (b) That any conclusion or resolution was inappropriate given the evidence presented.
 - (c) That new evidence had come to light since the hearing at stage two.
- 8.3 Where there are grounds for appeal it will be heard by the Vice Chancellor or their nominee (should the VC not be available to meet within the timeframe), who will normally be a member of the University's senior management team, supported by a Human Resources representative. Where an appeal is rejected a written statement with the rationale for the decision will be provided.

- 8.4 The appeal hearing will be held within **ten** working days on a mutually acceptable date, from receipt of the employee's written appeal and the arrangements confirmed in writing to the employee.
- 8.5 The employee will be given the right to be accompanied by either a trade union representative or workplace colleague. The employee will be asked to confirm in advance of the hearing that they are being accompanied and if any reasonable adjustments are required.
- 8.6 At the appeal hearing, the employee will be given an opportunity to raise the issue that concerns them and discuss their proposed remedy. See appendix 1 for guidelines on conducting a hearing.
- 8.7 The Vice Chancellor or nominee will confirm their decision in writing within **five** working days.

9 Stage Four - Appeal to Board of Governors

- 9.1 If the employee is not satisfied with the outcome at stage three, then they may submit an appeal to the Clerk to the Board of Governors. The appeal should be submitted on the appeal grievance form along with all accompanying paperwork, within **five** working days from receipt of the written outcome at stage three. The Chair of the Board of Governors (or nominated Governor) will take a view on whether there are grounds for appeal. Where governors do not agree that there are sufficient grounds for an appeal they will provide a written response to the appeal with the rationale for not proceeding to appeal.
- 9.2 If governors agree that there are grounds for appeal the appeal hearing will normally be held within **ten** working days from receipt of the employee's written appeal and the arrangements confirmed in writing to the employee.
- 9.3 The employee will be given the right to be accompanied by either a trade union representative or workplace colleague. The employee will be asked to confirm in advance of the hearing that they are being accompanied and if any reasonable adjustments are required.
- 9.4 At the appeal hearing, the employee will be given an opportunity to raise the issue that concerns them and discuss their proposed remedy. See appendix 1 for guidelines on conducting a hearing.
- 9.5 The Board of Governors panel will confirm their decision in writing within **five** working days of the hearing.

10 Dealing with group or collective grievances

- 10.1 Where a group of two or more staff who have the same or different reporting line wish to raise the same grievance and feel that this can be dealt with collectively, they should appoint a spokesperson(s) who will represent the group.
- 10.2 The procedure will then follow as for an individual grievance; all communication to and from the group will be via the spokesperson(s). It will be for the spokesperson(s) to communicate with the rest of the group about progress in the case. In such cases it is not necessary for all those involved to be present at the meeting and appropriate representative numbers from the group must be agreed at each stage.

11 Dealing with grievances for individuals who have left UWE

- 11.1 If an employee leaves the University's employment whilst a formal grievance is ongoing, they will be given the option to:
- (a) attend a hearing, or
 - (b) conclude the procedure via correspondence.
- 11.2 The manager will seek to confirm their decision in writing within five working days of completion.
- 11.3 Former employees cannot use this procedure to raise a new grievance.

12 Where grievances and other University procedures interact

- 12.1 Where a grievance is raised during a disciplinary process, if the matters are unrelated, consideration should be given to temporarily suspending the disciplinary process in order to deal with the grievance until completion of stage two of the grievance.
- 12.2 Where a disciplinary matter is raised during a grievance process, if the matters are unrelated, consideration should be given to temporarily suspending the disciplinary process in order to deal with the grievance until the completion of stage two of the grievance. Where the disciplinary matter is deemed serious it will be appropriate to deal with both issues concurrently. Consideration should also be given to appointing different managers to deal with each process.

12.3 Where the grievance and disciplinary cases are related, then the cases would normally be dealt with concurrently. Consideration should also be given to appointing different managers to deal with each process.

13. Status quo

13.1 Where an employee feels it is necessary to maintain arrangements that were in place prior to the proposed changes that gave rise to their grievance this will be given due consideration. This will only be allowed on an individual basis where any changes are outside of formal consultation or negotiation processes and where the individual has not had ample opportunity to respond. Both parties will agree the terms of the status quo which will remain in place up to the completion of stage three of the grievance procedure. The individual must notify their intention to appeal the outcome of stage two within two working days of its notification otherwise the status quo will no longer prevail. Once stage three has been completed the status quo will no longer prevail.

**Human Resources
March 2014**

Appendix 1 – Managers guide to conducting a grievance hearing

1. Introduce all parties present and explain the purpose of the hearing.
2. Confirm that notes of a formal hearing will be taken.
3. Invite the employee (or their trade union representative or work colleague) to summarise their grievance and state how they would like to see it resolved. Where applicable, the employee will also be asked to explain the reason why they are not satisfied by the response at the earlier stages of the grievance procedure.
4. Explore solutions through discussion in the hearing to attempt to achieve resolution.
5. Summarise the main points and explain to the employee when they might reasonably expect a response
6. It is good practice to adjourn the hearing before a decision is taken about how to deal with the grievance. This allows time for reflection and proper consideration. It also allows for any further exploration or investigation of any matters raised.

Confirm the decision in writing (at a re-convened hearing at stage two) and complete the Manager's record of hearing/appeal form.

Notes:

Ensure that the procedure is correctly followed and appropriate records produced and retained. Proceedings may by mutual agreement be audio-recorded

Records will be kept detailing the nature of the grievances raised, the managers' response(s), the action taken, the reason for the action and whether an appeal was lodged and the outcome of the appeal. These records will be kept confidential and retained in HR in accordance with the Data Protection Act 1998.