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1. **Policy statement**

1.1. The University recognises the importance of maintaining good working relationships and seeks to promote a working environment in which problems that arise can be discussed and easily resolved at an early stage through open and honest communication.

1.2. All employees should be treated fairly and with respect.

1.3. Every effort should be made to deal with matters informally, promptly, and without unreasonable delay.

1.4. Where a complaint cannot be resolved informally, the formal grievance procedure will be followed for all employees of the University.

2. **Overview and scope**

2.1. Grievances are substantive concerns, problems or complaints that employees raise with their employers. A grievance should be concerned with the way in which an employee believes they have been treated by the University or managers acting on its behalf, or about any aspect of their employment.

2.2. Complaints or grievances should not be raised regarding the University’s expectation of the professional performance of duties of the role contained within the employee’s job description, employment contract nor in the application and adherence to University policies or procedures.

2.3. Issues that are the subject of collective negotiation or consultation with the trade union will not be considered under the grievance procedure.

2.4. If an employee’s complaint relates to bullying or harassment on the part of a colleague or manager, the matter should be dealt with under the Staff Dignity at Work Policy and Procedure in conjunction with this policy. Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Staff Disciplinary Policy and Procedure. Where necessary the Human Resources Partner will advise on the appropriate resolution channel for complaints.

2.5. Grievances raised whilst an employee is subject to disciplinary, probationary or capability proceedings will usually be heard only when the disciplinary process has been completed unless there are grounds for hearing the grievance first. Insofar as a grievance has any bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of those proceedings. Complaints about any disciplinary action taken against an employee should be dealt with as an appeal under the disciplinary procedure.

2.6. The grievance procedure will not be available in respect of matters raised in a prior grievance.

2.7. It would ordinarily be expected that any concerns raised under the grievance procedure would be brought to the attention of the relevant manager within 28 days of the concerns arising.
2.8. The University recognises that using the formal grievance procedure can be difficult for all parties involved. Staff are encouraged to access the Employee Assistance Programme (EAP) for support as required using the Freephone helpline 0800 980 6380 or online at www.ppconlineinfo.com.

3. Resolving a complaint informally

3.1. Employees should speak with their manager informally in the first instance, with a view to resolving any concerns. Most problems can be raised and settled during the course of everyday working relationships, allowing for problems to be settled quickly. The University expects the majority of complaints and concerns to be resolved in this way.

3.2. If an employee does not feel able to speak with their line manager, they may speak with either a more senior manager or their Human Resources Partner who will discuss options for resolving the matter informally. If the employee and manager believe it to be useful, they may consider an employee or trade union representative to support the employee during the informal stage as required.

3.3. In some cases, depending upon the nature of the concern, mediation can help resolve problems especially those involving working relationships. This involves the appointment of a third-party mediator, who will discuss the issues raised by the grievance with all of those involved and seek to facilitate a resolution. The use of mediation will be at the discretion of the Head of Human Resources (or his / her delegate) and will be considered in appropriate cases.

3.4. Only where genuine attempts to resolve the matter informally have been exhausted, will it be appropriate for an employee to raise a formal grievance under this procedure.

4. Raising a formal grievance

4.1. An employee should put their complaint in writing. This should be sent to their line manager. This written statement will form the basis of the subsequent grievance meeting or investigation, so it is important that this sets out clearly the nature of the grievance and the outcome that is sought, along with any relevant evidence. If the grievance is unclear, an employee may be asked to clarify the complaint before the matter is progressed.

4.2. If the complaint relates to the line manager, it may be sent to the next level of management or the Human Resources Partner.

4.3. If the matter is in relation to an action and / or decision of the Vice-Chancellor then the grievance and evidence should be sent directly to the Head of Human Resources.

4.4. Depending on the nature of the complaint, further attempts may be made to resolve the matter informally including mediation. However, if the action does not resolve the issues of concern, the matter will be dealt with under the formal procedure.

4.5. The University may investigate the grievance prior to formal consideration of the grievance.
5. **Designating a Chair to consider the grievance**

5.1. The HR Department will ensure that a suitable Chair is nominated to consider the grievance, taking into account the nature of the grievance, the requirement for any specialist knowledge, and the seniority of the staff involved.

5.2. In all instances the over-riding consideration will be to ensure that the grievance process is progressed as promptly and fairly as it can be with a view to reaching an amicable resolution.

6. **Considering a formal grievance**

6.1. The HR Department will send the grievance along with any evidence and other material relevant to the case (such as information on previous formal meeting/s and/or appeal concerning the same grievance) to the Chair.

6.2. A meeting to consider the grievance will be held as soon as reasonably practicable and notification of a meeting date will be advised within 10 working days of the receipt of the written complaint. Relevant parties will be given at least 5 working days’ notice of the meeting date.

6.3. The Chair will write to the employee acknowledging the grievance and inviting them to the grievance meeting as well as reminding them of the right to be accompanied by either a work colleague or trade union representative.

6.4. Further documentation may be presented by any party but this should normally be made available as soon as possible, if not at least 72 hours (3 working days) before the grievance meeting. Copies of this documentation will be sent to the HR Partner.

6.5. If the employee is unable to attend the meeting for circumstances beyond their control, they should inform the nominated chair as soon as possible and efforts will be made to convene the meeting at a mutually convenient time. If an employee fails to attend the meeting without explanation or it appears that they have not made sufficient attempt to attend, the meeting may take place in the absence of the employee.

6.6. The grievance meeting will be conducted by the Chair of the grievance and attended by a HR representative. The employee will be asked to explain the nature of their complaint and how he/she considers the matter may be resolved. Where appropriate, the meeting may be adjourned to allow further investigations to take place or to speak with other staff who may be connected to the grievance.

6.7. The employee will be given every opportunity to explain their case fully, focussing on matters that are directly relevant to the complaint. Raising issues not directly relevant to the complaint or incidents that took place long before the matters in hand can hinder the effective handling of the complaint. The manager conducting the grievance meeting will intervene if he/she thinks that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.

6.8. The Chair will exercise discretion in requesting relevant employees or managers to attend the grievance meeting, either to provide information or evidence for the purposes
of clarification in appropriately listening to and resolving the grievance raised. Alternatively the Chair may decide to meet with relevant employees or managers separately in order to fully understand the nature of a grievance and ensure its effective resolution.

6.9. In cases where the grievance or any subsequent investigation is not contested, the grievance meeting may be mainly concerned with exploring a resolution.

6.10. If the grievance highlights any issues concerning policies, procedures or conduct (even if not sufficiently serious to merit separate disciplinary procedures) they will be addressed as soon as possible.

6.11. Whilst the Chair will ask the employee bringing the grievance to state or re-iterate any proposed resolution, any resolution that may be finally proposed is at the Chair’s discretion. The Chair will be assisted by a representative of the HR Department and it is the responsibility of the HR Department to ensure an accurate record of proceedings and of decision(s) of the Chair.

6.12. Following the meeting, the employee will be informed in writing of the outcome within 10 working days, wherever possible and told of any action that the University proposes to take as a result of the complaint. It is the responsibility of the Chair of the grievance meeting to ensure that any outcome proposed as a result of the grievance meeting is carried out. Actions proposed will be monitored and reviewed, as appropriate. Where an employee’s grievance is not upheld the Chair of the grievance meeting will make sure the reasons are carefully explained.

7. **Appeal**

7.1 Where a grievance is not upheld, an employee may appeal against the outcome on one of the following grounds:

- that there is new evidence which may have a direct bearing on the original grievance;
- that the outcome of the grievance was not appropriate.

7.2 The appeal should be made in writing to the Head of Human Resources. The employee should clearly state the grounds of appeal (as above) along with any documentary evidence. This should be done within 10 working days of the written notification of the outcome of the grievance.

7.3 Where the Head of Human Resources (or his/her delegate) is satisfied that there are genuine grounds for an appeal (in line with 7.1), he/she will nominate a suitable manager to consider the appeal. This will be a manager not related to the grievance and, where appropriate, more senior than the Chair considering the grievance. Where the Head of Human Resources is of the view that there are no genuine grounds for appeal, he/she will write to the employee outlining the reasons for this decision.

7.4 An appeal meeting will be arranged to take place as soon as is reasonably practical and notification of a meeting date will be advised within 10 working days of the submission of formal appeal, wherever possible.
7.5 If the employee is unable to attend the meeting for circumstances beyond their control, they should inform the nominated Appeal Chair as soon as possible and efforts will be made to convene the meeting at a mutually convenient time. If an employee fails to attend the meeting without explanation or it appears that they have not made sufficient attempt to attend, the meeting may take place in the absence of the employee.

7.5 The appeal meeting will only consider the stated grounds for the appeal, rather than reconsider all matters raised within the original grievance. In considering the grounds for the appeal, the Appeal Chair will assess whether or not the conclusion reached in the original grievance meeting/s was appropriate.

7.6 Following the appeal meeting, the employee will be informed of the outcome in writing, within 10 working days, wherever possible. The outcome of this meeting will be final.

7.7 It is the responsibility of the Appeal Chair to ensure that any outcome proposed as a result of the hearing is carried out.

8. **The right to be accompanied**

8.1. An employee has the right to be accompanied by a work colleague, a trade union representative or an official employed by a trade union at any grievance meeting or subsequent appeal. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker. Certification may take the form of a card or letter.

8.2. Please note that individual workers are not obliged to agree to act in this capacity. However University employees will be given appropriate paid time off to allow them to accompany colleagues at a grievance or appeal hearing. As a matter of good practice, in making a choice for representatives, employees ought to bear in mind the practicalities of the arrangements. For instance, an employee may choose to be accompanied by a companion who is suitable, willing and available onsite rather than someone from a geographically remote location.

8.3. Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that an alternative time can be arranged within five working days of the scheduled date.

9. **The role of the representative**

9.1. At any formal meeting or appeal hearing, the chosen companion will be allowed to address the meeting, respond on behalf of the employee to any view expressed in the hearing, and sum up the case on behalf of the employee. However, both relevant formal meeting/s and appeal hearing are essentially meetings between the University and the employee, so any questions put directly to the employee must be answered by the employee. The companion does not have the right to answer questions on the employee’s behalf, address the hearing if the employee does not wish it or prevent the University from explaining their case.

10. **Witnesses**

10.1. Employees of the University who are witnesses to a grievance raised will be given time off to attend any investigation meetings which may be called under the grievance
procedure. Witnesses are expected to attend, unless there is a good cause not to do so.

10.2. Witnesses have the right to be accompanied should they be the subject of any complaint which is of a nature which could later result in any form of informal or formal reprimand under the disciplinary procedure or pre-procedure.

11. **Accessibility**

11.1. If any aspect of the grievance procedure causes difficulty for the employee on account of any disability they may have, or if assistance is required because English is not the employee’s first language, this issue should be raised with the Human Resources Partner, who will make appropriate arrangements.

11.2. For a disabled employee, the duty to make reasonable adjustments may extend to permitting additional or alternative representation by someone outside of the prescribed categories, for example a support worker or family member experienced in managing the worker's disability. Disabled companions may also require reasonable adjustments to premises or meeting arrangements.

12. **Instigating the Staff Disciplinary Procedure**

12.1. The Disciplinary Procedure may also be used, if after due investigation, and following the grievance meeting or appeal if it has been concluded that misconduct may have occurred or that the grievance itself may be malicious or vexatiously raised.

12.2. If an appropriate investigation has already been conducted through the grievance process, the investigation stage of the disciplinary procedure does not apply. In these cases, the Chair of the relevant grievance meeting will present their findings at the disciplinary hearing.

13. **Keeping records**

13.1 It is important and in the interest of both the University and employees that written records are made during the grievance and any subsequent appeal process. It is the responsibility of the HR Department to ensure that accurate records are made. Such records should include:

- The nature of the grievance
- A copy of the written grievance
- The employer's response
- Action taken
- Reasons for action taken
- Whether there was an appeal and if so the outcome
- Subsequent developments

13.2 Copies of meeting records should normally be given to relevant employees including any notes that may have been taken. In certain circumstances (for example to protect a witness) the employer might withhold some information. Records will be treated as confidential and kept no longer than necessary in accordance with the University’s Data Protection Policy.
14. **Review**

This procedure will be reviewed 5 years from the date of agreement/implementation or earlier by mutual agreement between the unions and management.
15. Grievance Procedure Overview (Flowchart)

Complaint Made

Informal Meeting to establish facts/seek informal solution. (within normal line management structures)

Outcome

Issue Resolved

Mediation

Formal Grievance Raised

Investigate

Formal Grievance Meeting

Outcome

Resolved

Not Resolved

Right to Appeal

Appeal Meeting (if appropriate)

Outcome

1) Expected Resolution Pathway

2) Pathway to be used only when Informal process has been exhausted