

# Grievance Resolution Procedure

## Guidelines for Staff

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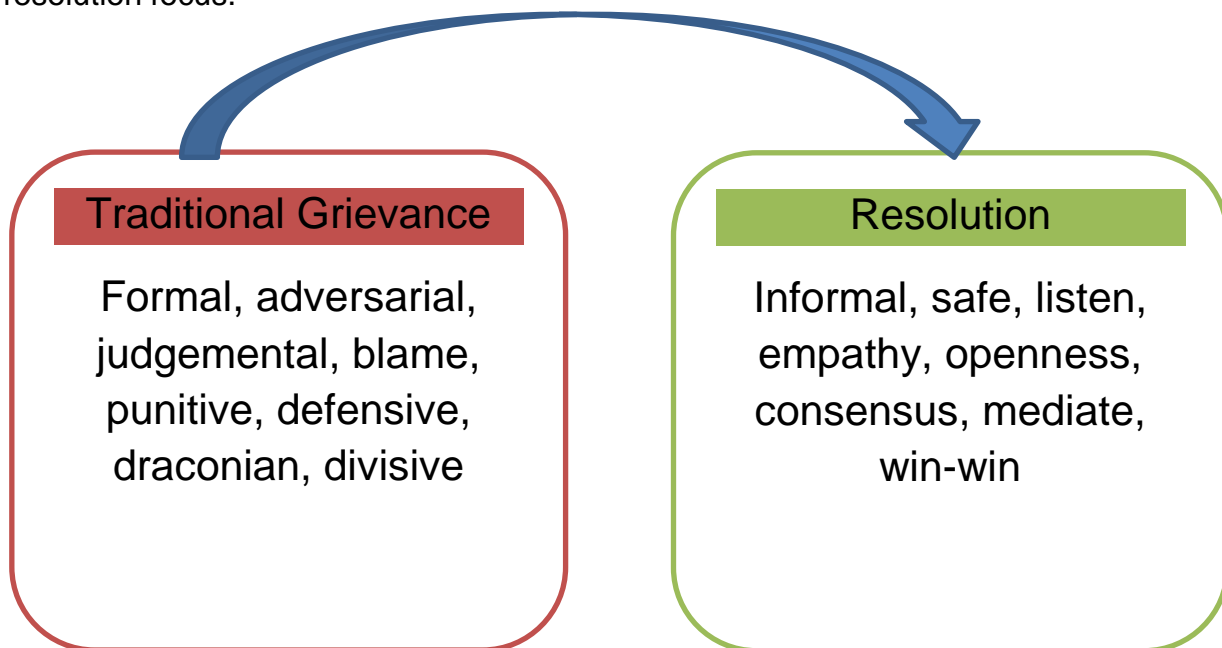
# Introduction

ACAS define a grievance as:

***'Grievances are concerns, problems or complaints that employees raise with their employers'***

This guidance is intended to explain the grievance procedure to individuals who are considering raising a concern/issue through the University's Grievance Resolution Procedure

However, here at UWS we recognize the benefits of being resolution focused and are aiming to build a culture that as far as possible moves away from the traditional approach to grievance to a resolution focus.



***We need your support embed this culture by:***

- Discussing any issues/concerns with your line manager as soon as you can.
- Thinking about how you can help to resolve the issue.
- Having open and honest conversations with your line manager and colleagues about matters that concern you, in a non-confrontation way.
- Seeking advice from your trade union representative, HR Business Partner, colleague or mentor on how you might approach a challenging conversation.
- Always trying to resolve matters informally and being open to the various options that can support informal resolution.
- Supporting our **'Working with Others' Framework.**

#### Circumstances where the grievance resolution procedure will not apply:

- If the complaint is in relation to the outcome of any case in which the disciplinary, supporting performance improvement or sickness absence management procedure has been followed. If the individual is dissatisfied with the decision on such matters, they should appeal under the relevant procedure.
- Salary or grading appeal where an alternative procedure has been established to deal with such issues.
- There is a separate procedure to follow where an employee has a concern about malpractice or impropriety which they believe is a matter of public interest which should be investigated. Please see the Public Interest Disclosure Policy and Procedure (Whistleblowing).

The [ACAS Code of Practice for Discipline and Grievance](#) sets out the minimum standards that employers are expected to comply with for matters related to discipline or grievance. The good practice guidance includes:

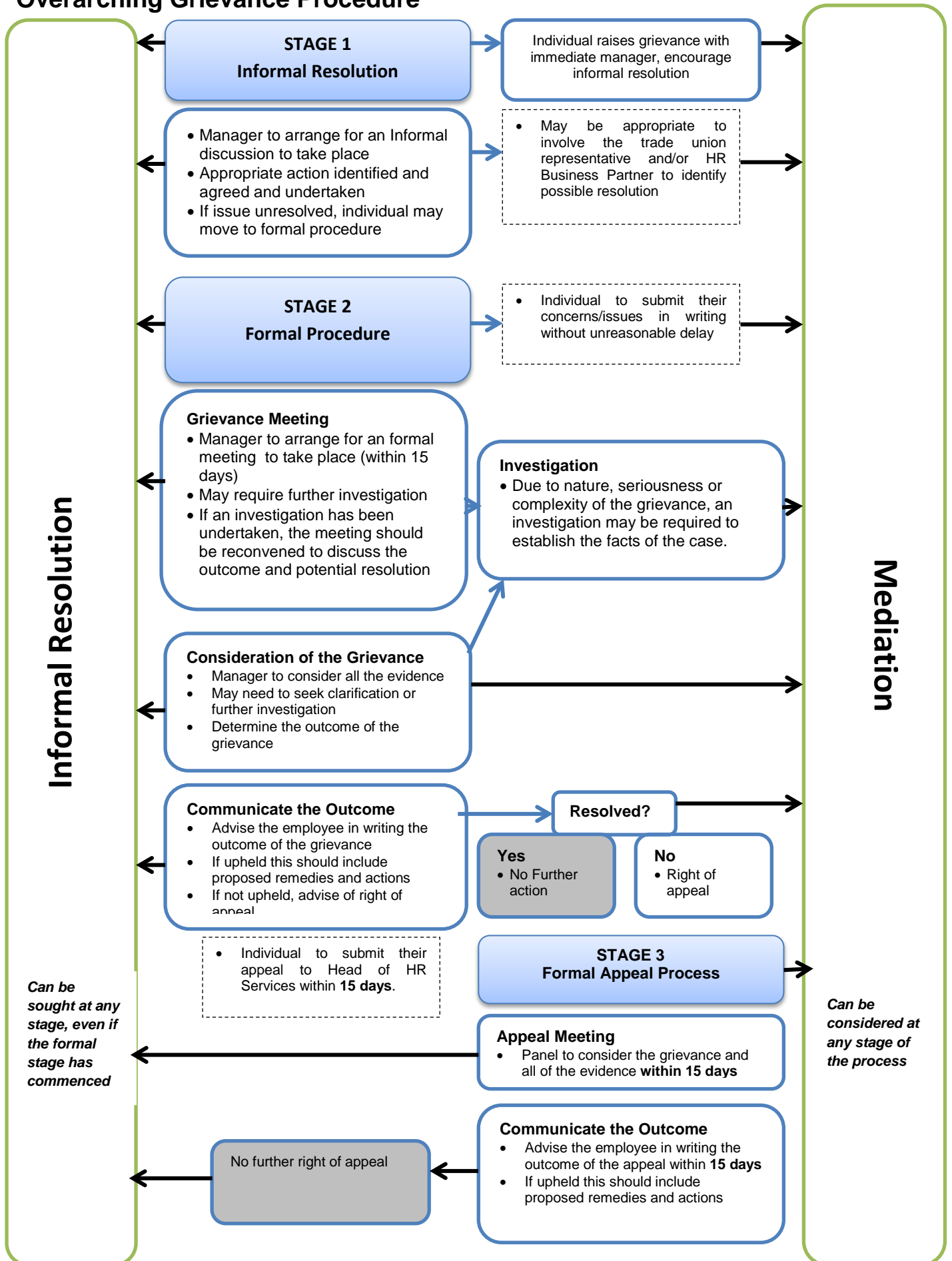
#### Dealing with formal grievances (*Extract from ACAS Code*)

Where some form of formal action is needed, what action is reasonable or justified will depend on all the circumstances of the particular case. Employment tribunals will take the size and resources of an employer into account when deciding on relevant cases and it may sometimes not be practicable for all employers to take all of the steps set out in this Code.

That said, whenever a disciplinary or grievance process is being followed it is important to deal with issues fairly. There are a number of elements to this:

- Employers and employees should raise and deal with issues **promptly** and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- Employers and employees should act **consistently**.
- Employers should carry out any necessary **investigations**, to establish the facts of the case.
- Employers should **inform** employees of the basis of the problem and give them an opportunity to **put their case** in response before any decisions are made.
- Employers should allow employees to be **accompanied** at any formal disciplinary or grievance meeting.
- Employers should allow an employee to appeal against any formal decision made.

# Overarching Grievance Procedure



# Informal Grievance Resolution

At UWS we strongly support informal resolution of individual grievances as it normally results in a more positive outcome for everyone concerned. It also allows for issues to be settled quickly.

If you are unhappy about any aspect of your work or the treatment that you have received, it is important to discuss this with your manager in the first instance, where possible. In a situation where you feel that your concerns relate to your manager, you may wish to raise these informally with a more senior manager. Many problems can be raised and resolved during the course of everyday working relationships

If you raise a concern or issue with your line manager, we expect that they speak to you about it as soon as possible with a view to understanding your concern and how this could best be resolved.

There are a number of tools to resolve your issues/concerns informally, including:

- Case Conference
- Mediation
- Coaching/Mentoring
- Training

## **Case Conference**

A case conference can be held with the appropriate people, this normally works best when the individual is a member of the trade union and a meeting is convened to discuss the issue and to jointly agree what the best resolution would be. Prior the case conference being arranged, the individual will need to agree that they are happy for the manager to contact the trade union representative to discuss the issue.

## **Mediation**

Mediation is fast becoming one of the most popular methods of informal resolution and is a process of dispute resolution whereby a neutral third party is invited to intervene in a workplace situation to assist with the constructive resolution of a specific dispute. It is normally very effective during the informal stage.

Mediation is a completely voluntary and confidential form of alternative dispute resolution. It involves an independent, impartial person helping two or more individuals or groups reach a solution that's acceptable to everyone. The mediator can talk to both sides separately or together. Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their difference or dispute.

The overriding aim of workplace mediation is to restore and maintain the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

Mediation is time limited (typically lasting one day). The mediator creates the conditions for dialogue by facilitating a safe environment where all parties can communicate and work towards the restoration of an effective working relationship.

Mediators provide a structured process which encouraged all parties to identify, consider and discuss their past, current and future interests, needs and goals.

Mediators encourage and facilitate open and honest dialogue between the parties – an approach which often leads to increased awareness, understanding and empathy.

The outcome of mediation is based on self-determination, i.e. the parties, not the mediators, generate, evaluate and agree the outcomes.

Mediation gives all parties access to a fair and equitable form of dispute resolution which encourages sustainable, realistic and shared 'win-win' outcomes.

The key features of mediation

- Mediation is voluntary. Parties cannot and should not be forced to mediate.
- Mediation is confidential. Neither the parties nor the mediator disclose what was said during the mediation afterwards. Notes from mediations are destroyed and parties sign a confidentiality agreement.
- Mediation is safe. The mediator creates a series of ground rules and controls the process with great care and sensitivity.
- Mediation is solution-focused. Mediation could be mistaken by some as a cosy chat. It is not. Mediation allows difficult issues to be aired and strong feelings to be vented. Mediators help the parties to seek a new understanding and a new way of working.

There are no hard-and-fast rules for when mediation is appropriate but it can be used:

- for conflict involving colleagues of a similar job or grade, or between a line manager and their staff ;
- at any stage in the conflict as long as any ongoing formal procedures are put in abeyance, or where mediation is included as a stage in the procedures themselves;
- to rebuild relationships after a formal dispute has been resolved;
- to address a range of issues, including relationship breakdown, personality clashes, communication problems, bullying and harassment.

### ***Coaching/Mentoring***

As part of informal resolution, coaching or mentoring could be identified as an action that will help and support the individual.

Normally the coaching/mentoring is informal and the coach/mentor can be either someone from within or out with the department/school.

### ***Mentoring***

- Selecting an appropriate coach or mentor will depend on the individual needs and circumstances.
- The purpose of mentoring is to provide additional support to less experienced colleagues who generally, are new to the university, are working towards promotion or have been promoted to a bigger role.
- Mentoring has been described as a process in which a person (mentor) is responsible for overseeing the career and development of another person.

- A mentor is usually an individual who has previous experience in a similar type of role, and can understand the problems and politics associated with the role.
- This enables the mentor to help the mentee think about what is expected of them in the role, help them to grow in the role, help them to keep going when they are finding the role difficult and to encourage them to discover ways in which they can deal with obstacles or problems . The Mentor will use their own experience to ask questions of the mentee that will help lead them to their own solutions.
- The Talent & OD team can provide guidance on how to work with a mentor and also advise on the selection of a mentor from individuals with the appropriate skills and commitment.

### ***Coaching***

- A **coaching** session is a totally confidential, one-to-one meeting between an individual and a coach. The process of coaching involves the individual and the coach getting together to have a learning conversation with a focus on moving forward.
- Coaching can help develop a greater awareness and appreciation of individual circumstances. In addition it may also create new ways to resolve issues, produce better results and generally achieve goals more easily.
- Coaching promotes a greater self-awareness, and fuller appreciation of the individual's situation and circumstances. Sometimes, change can be promoted by a simple shift in perspectives. Coaches use their own experience to ask questions that lead to new insights and conclusions, helping the individual develop their own wisdom and experience.

### ***Training***

It may be that the issue can be resolved quickly by a leaning and development intervention that has not been previously identified.

Further advice on informal resolution is available from People & OD.



# Formal Grievance Resolution

If attempts to resolve your concerns, informally or via mediation, prove unsuccessful or you feel that the matter is sufficiently serious to address formally, you should raise your grievance in writing with your manager. If your complaint relates to the way in which your manager is treating you, the complaint may be sent to their manager or more senior manager.

You should submit your grievance using **Grievance Resolution Form (GRF1)**. This will form the basis of the subsequent grievance meeting and any investigations, so it is important that you:

- Set out clearly the nature of your grievance.
- Indicate the reasonable outcome/resolution that you are seeking. This may be an apology, a change within a process, the opportunity to access a specific development opportunity etc.
- Concentrate on the facts of the situation.
- Provide clear indisputable evidence for the facts and figures. (As part of this evidence you may call upon witnesses, however, it is important to first consider whether a witness has something relevant to say to support your grievance).
- Submit all evidence with your grievance letter (in some instances this may result in the need to delay the submission of your grievance for a short period whilst you pull this evidence together, as once received a grievance meeting will usually be convened in 7 calendar days).
- Date your letter and retain a copy.

If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place. As such, if appropriate you may wish to discuss with your trade union representative how best to clearly present your grievance in your form.

Depending on the nature of your complaint, further attempts may be made to resolve the matter informally. However, if you are not satisfied with the outcome, you may insist on the matter proceeding to a full grievance meeting.

In some cases it may be appropriate to address a grievance in writing, without the need to convene a grievance meeting. This option will only be used with your agreement, and may be deemed appropriate, for example, in simple cases where the evidence and circumstances are very clear and not disputed. However, in the majority of cases a grievance meeting will be more appropriate to provide all parties with the ability to explore issues fully and to avoid the potential for misunderstandings/issues being unaddressed.

# Grievance Resolution Form (GRF 1)

This form should be used when you wish to submit a formal grievance. Please remember that before using this form, you can seek to resolve the matter informally by raising your concern with your line manager or HR Business Partner.

<b>Formal Grievance</b>	
<b>Your Details</b>	
Name:	
Job Title:	
School/Department:	
Date:	
Does your grievance relate to your line manager:	Yes/No
Have you attempted informal resolution:	Yes/No
<b>Summary of grievance</b>	
Please clearly set out the details of your complaint (it is important that you provide as much detail as possible).	
<b>Individuals involved in your complaint</b>	
Please provide the details of any other colleagues involved in your complaint, either those who you are making a complaint about or witnesses.	
<b>Preferred Resolution</b>	
Please detail what your preferred resolution is to your complaint, including why and how you believe this will resolve your issue.	
<b>Declaration</b>	
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)	
Signed:	
Date:	
<b>For completion by the manager</b>	
Date form received	
Name:	
Job Title:	
School/Department:	

# Investigation

Depending on the nature of your grievance, it may be appropriate to carry out an investigation. If an investigation is appropriate, the manager will make arrangements for an independent manager to carry out the investigation.

As the person raising the grievance, you will have input the scope of the investigation and you will receive a copy of the investigation plan, which will outline the basis on which the investigation will take place along with projected timescales for conclusion.

<b>The Timing</b>	<p><b>At the Start</b></p> <ul style="list-style-type: none"> <li>• It may be apparent that an investigation is required before the process proceeds to a grievance meeting</li> </ul> <p><b>During the Grievance Meeting</b></p> <ul style="list-style-type: none"> <li>• It may become apparent through the grievance meeting that further investigation is required</li> <li>• If this is the case, the meeting will be adjourned until the investigation is carried out</li> </ul>
<b>Investigation Plan</b>	<p><b>The Investigation Plan will seek to:</b></p> <ul style="list-style-type: none"> <li>• Defining the allegations/issue/concern subject to the investigation</li> <li>• The scope of the investigation – this should be discussed with your</li> <li>• The most appropriate method for conducting the investigation</li> <li>• What information may be required</li> <li>• If there will be a requirement for any witnesses</li> <li>• What the timeline will be for concluding the investigation</li> </ul>
<b>Right to be accompanied</b>	<p><b>Statutory Provision</b></p> <ul style="list-style-type: none"> <li>• There is no statutory provision to allow you to be accompanied during the investigation stage</li> </ul> <p><b>UWS Ethos</b></p> <ul style="list-style-type: none"> <li>• To support partnership principles, the person responsible for the investigation will allow you to be accompanied by your trade union representative if you wish</li> </ul>
<b>Fact Finding Report</b>	<p><b>On conclusion of the investigation:</b></p> <ul style="list-style-type: none"> <li>• You will be provided with a copy of the fact finding report in advance of your grievance meeting. This will allow you time to prepare and consider your response if appropriate</li> <li>• In exceptional circumstances, the evidence given by individuals may need to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you</li> </ul>

# The Grievance Meeting

The meeting will be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations, normally within 10 working days of the receipt of your written grievance. The meeting will usually be arranged by your manager, or, if the grievance is about your manager, their line manager

It is really important that you attend the meeting on the date and time that has been arranged. This helps ensure that we all make every effort to resolve your complaint quickly. If you are unable to attend because of circumstances beyond your control, you should inform your manager as soon as possible.

You should make your manager aware of any reasonable adjustments for yourself or your representative as soon as possible to ensure that any adjustments can be made in good time.

## ***You will receive the following in writing at least 5 calendar days before the meeting:***

- The practical arrangements: date, time and location of the meeting;
- Copies of the evidence to be considered;
- Details of the people who will attend the meeting;
- Advised of your right to be accompanied by your trade union representative or colleague

## ***At the meeting you may:***

- Be accompanied by a colleague or trade union representative;
- Have reasonable adjustments if you are disabled or have other special requirements;
- Call relevant witnesses in support of your case

## ***Ahead of the meeting you should:***

- Advise the manager of the person accompanying you (if you wish to be accompanied) and any special requirements (e.g. disability, language requirements);
- Supply any evidence with your written grievance;
- Confirm your attendance
- Advise the manager of any witnesses that you wish to call

## ***During the meeting:***

- The manager will advise you of the proceeding for the meeting
- You will be given the opportunity to explain your grievance and your preferred resolution
- You should ensure that you stick to the facts of your case, ensuring that they are relevant
- If relevant, you will be able to call/question any witnesses to the case
- You will have the opportunity to question the evidence presented in the papers
- Depending on the conversation, the manager may adjourn the meeting to undertake investigation
- Once everyone has spoken, the manager will make you aware of what will happen next. In most cases, the manager will adjourn the meeting to take full consideration of your grievance
- You will be advised that you will receive a written outcome to your grievance within 10 working days and that if you are dissatisfied with the outcome, of your right to appeal

## ***The Outcome:***

- You will be advised in writing of the outcome of your grievance within 10 working days of the hearing
- If you are dissatisfied with the outcome, you will be advised of your right to appeal

# Grievance Appeal Procedure

If you are unhappy with the outcome of your grievance meeting, you have the right to appeal.

## The ACAS Code of Practice states:

- Where an employee feels that their grievance has not been satisfactorily resolved they should appeal. They should let their employer know the grounds for their appeal without unreasonable delay and in writing.
- Appeals should be heard without unreasonable delay and at a time and place which should be notified to the employee in advance.
- The appeal should be dealt with impartially and wherever possible by a manager who has not previously been involved in the case.
- Workers have a statutory right to be accompanied at any such appeal hearing.
- The outcome of the appeal should be communicated to the employee in writing without unreasonable delay.

## How to Appeal

If you wish to appeal against the outcome of the formal meeting, you should submit an appeal using the **Grievance Appeal Form (GAF1)** to the Head of HR Services within 10 working day of receipt of the outcome.

You must clearly state the grounds of your appeal. This might be, for example, the reasons you believe that the outcome was not right or the action was inappropriate.

On receipt of your Grievance Appeal Form, The Head of HR Services will make arrangements for your grievance to be acknowledged who will also identify an appropriate manager to hear the Appeal. This will be someone that has had no prior involvement of the case.

## The Appeal Hearing

It is important to be aware that the appeal will not be a rehearing of your original grievance, but rather a consideration of the specific areas with which you are dissatisfied in relation to the original grievance.

However, in some exceptional cases, it may be possible to identify where an appeal panel may potentially deem it appropriate to require a full or partial rehearing, for example, where there has been a procedural flaw.

***You will receive the following in writing at least 5 calendar days before the Hearing:***

- The practical arrangements: date, time and location of the meeting;
- Copies of the relevant paperwork from the grievance meeting;
- Details of who will hear the grievance appeal;
- Advised of your right to be accompanied by your trade union representative or colleague.

***At the Hearing you may:***

- Be accompanied by a colleague or trade union representative;
- Have reasonable adjustments if you are disabled or have other special requirements;

***Ahead of the Hearing you should:***

- Advise the manager of the person accompanying you (if you wish to be accompanied) and any special requirements (e.g. disability, language requirements);
- Supply any additional evidence with your appeal;
- Confirm your attendance

***During the Hearing:***

- The manager will advise you of the proceeding for the hearing
- You will be given the opportunity to explain your specific grounds for appeal - explain why you believe the original decision to be incorrect and your preferred resolution
- You should ensure that you stick to the facts of your case, ensuring that they are relevant
- You will have the opportunity to question the evidence presented in the papers
- Once everyone has spoken, the manager will make you aware of what will happen next. In most cases, the manager will adjourn the meeting to take full consideration of your appeal
- You will be advised that you will receive a written outcome to your grievance within 10 working days and that if you are dissatisfied with the outcome, of your right to appeal

***The Outcome:***

- You will be advised in writing of the outcome of your grievance within 10 working days of the hearing
- The internal process has been exhausted, there is no further right to internal appeal

# Grievance Appeal Form (GAF 1)

This form should be used when you wish to submit an appeal within the University's Grievance Resolution Procedure. Please return this form to the Head of HR Services within 15 working days of receipt of your outcome.

<b>Formal Grievance Appeal</b>	
<b>Your Details</b>	
Name:	
Job Title:	
School/Department:	
Date:	
Date of your original grievance:	
Date you were given the outcome of your grievance:	
Does your grievance relate to your line manager:	Yes/No
Have you attempted informal resolution:	Yes/No
<b>Summary of appeal</b>	
Please clearly set out the specific grounds of your appeal (include as much detail as possible, including any grounds for considering the grievance procedure to have been flawed, interpretation or lack of consideration of evidence)	
<b>Individuals involved in your appeal</b>	
Please provide the details of any other colleagues involved in your complaint, either those who you are making a complaint about or witnesses.	
<b>Preferred Resolution</b>	
Please detail what your preferred resolution is to your complaint, including why and how you believe this will resolve your issue.	
<b>Declaration</b>	
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)	
Signed:	
Date:	
<b>For completion by the manager</b>	
Date form received	
Name:	
Job Title:	
School/Department:	

# Further Information

## **HR Business Partner**

Your HR Business Partner will be able to provide you with advice and guidance throughout the grievance procedure. You will find contact details [here](#).

## **Development Toolkit**

UWS subscribes to the Good Practice Development Toolkit and this licence gives all staff access to an extensive range of articles, exercises, case studies and info-graphics which will assist with their continued professional development. Many of the resources provide additional reading and will supplement the workshops run by Talent and OD staff.

To log onto the UWS Development Toolkit click **here** and use your Account Id (eight digit AD number) and normal system password.

## **ACAS Code of Practice**

The ACAS Code of Practice for Discipline & Grievance (2015) sets the expectations that we should comply with and is available [here](#).

Discipline and Grievances at Work: The ACAS Guide is available [here](#).