Grievance Resolution Procedure

Guidelines for Managers
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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 support managers in the implementation of the University’s Grievance Resolution Procedure. It seeks to explain the grievance procedure, the roles and responsibilities of those involved, and the support mechanisms that are available and supports the implementation of the Grievance Resolution Procedure.

A grievance is a concern, problem or complaint that may be related to a wide range of issues; including the allocation of work, the working environment or conditions or working relationships.

We should focus on resolving individual concerns informally and quickly. This often has the best outcome and supports maintaining good working relationships between colleagues.

Circumstances where the grievance 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).

Here at UWS we recognise 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.

### Traditional Grievance

- Formal, adversarial, judgemental, blame, punitive, defensive, draconian, divisive

### Resolution

- Informal, safe, listen, empathy, openness, consensus, mediate, win-win
ACAS Code of Practice on Disciplinary and Grievance Procedure

In March 2015 ACAS updated Code of Practice on Disciplinary and Grievance Procedures which sets out the minimum standards that employers are expected to comply with. It provides good practice advice for dealing with discipline and grievances in the workplace.

 Whilst the Code of Practice is not legislation, Employment Tribunals are legally required to take it into account when considering relevant cases and can adjust compensatory awards by up to 25% for unreasonable failure to comply with any provision of the Code.

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.

**KEEPING WRITTEN RECORDS**

The foreword to the ACAS Code of Practice advises employers to keep a written record of any disciplinary or grievances cases they deal with. Records should include:

- the nature of the grievance
- what was decided and actions taken
- the reason for the actions
- whether an appeal was lodged
- the outcome of the appeal
- any subsequent developments.

Records should be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act 1998. This Act gives individuals the right to request and have access to certain personal data.

Copies of meeting records should be given to the employee including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) the employer might withhold some information.
# Overarching Grievance Procedure

## STAGE 1  
Informal Resolution
- Manager to arrange for an Informal discussion to take place
- Appropriate action identified and agreed and undertaken
- If issue unresolved, individual may move to formal procedure

Individually raises grievance with immediate manager, encourage informal resolution
- May be appropriate to involve the trade union representative and/or HR Business Partner to identify possible resolution

## STAGE 2  
Formal Procedure

**Grievance Meeting**
- Manager to arrange for a formal meeting to take place (within 15 days)
- May require further investigation
- If an investigation has been undertaken, the meeting should be reconvened to discuss the outcome and potential resolution

**Consideration of the Grievance**
- Manager to consider all the evidence
- May need to seek clarification or further investigation
- Determine the outcome of the grievance

**Investigation**
- Due to nature, seriousness or complexity of the grievance, an investigation may be required to establish the facts of the case.

**Communicate the Outcome**
- Advise the employee in writing the outcome of the grievance
- If upheld this should include proposed remedies and actions
- If not upheld, advise of right of appeal

## STAGE 3  
Formal Appeal Process

**Appeal Meeting**
- Panel to consider the grievance and all of the evidence within 15 days

**Communicate the Outcome**
- Advise the employee in writing the outcome of the appeal within 15 days
- If upheld this should include proposed remedies and actions

Resolved?
- Yes
  - No Further action
- No
  - Right of appeal

### Resolved?
- Yes
- No Further action
- No
- Right of appeal

---

**Can be sought at any stage, even if the formal stage has commenced**

**Can be considered at any stage of the process**
Informal Resolution

Informal Resolution: Procedure Flowchart

Issue/Complaint/Concern raised by individual

Line manager to arrange an informal meeting

Meeting should take place as soon as possible and may be appropriate for HRBP and TU Rep

Record a summary of discussion and agreed actions/outcome

Resolved?

Yes

If appropriate continue to monitor and review progress

No

No further action

Tool: How to carry out an informal meeting

Tool: Meeting Template

Formal Grievance Raised

See Formal Grievance Procedure
Informal 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.

We would encourage individuals to raise any issues as they arise directly with their line manager. Many problems can be raised and resolved during the course of everyday working relationships.

When an individual raises a concern or issue with you (the line manager) you should ensure that you act upon it as quickly as possible. Normally, this would involve a meeting with the individual to listen and understand their concerns and to discuss possible resolution. At times, it may also be appropriate to carry out further informal investigations before proposing a resolution.

Whilst the approach is to resolve issues informally, at times it may be helpful to involve the HR Business Partner and the individual’s trade union representative in the discussions to help identify an appropriate resolution.

Once an outcome is reached this should be discussed with the individual and then summarised briefly in writing. It may not always be possible to achieve the desired resolution identified by the individual raising the issue or concern. If this is the case this should be fed back and the alternative outcome explained.

Informal resolution can include:
- 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. 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. 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. They 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.

Additional Reading: ACAS and the CIPD have published a guide, ‘Mediation: An Approach to Resolving Workplace issues’ which is available here.
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 learning and development intervention that has not been previously identified.
How to... Carry out an informal meeting

This is for guidance purposes only; we recognise that the manager will need to determine the best approach based on the circumstances of the grievance.

**Prepare**

- Arrange an informal meeting, preferably, fact-to-face to discuss the issues and concerns
- Provide re-assurance that you will do the best you can to resolve the issues/concerns
- Ensure that you meeting location is private and that you won’t be disturbed

**The meeting**

- Hold an informal meeting, confirming that this an informal meeting aimed at supporting the individual in addressing their specific concerns
- Allow them to explain concerns, provide any evidence or information relating to their concerns and discuss the impact these concerns are having on them and/or their role.
- Explore how issues can be addressed and what the individual is seeking in terms of a resolution
- Agree any follow up action
- Advise of support available to the employee (OH, Health Assured etc)
- Advise that the key points of discussion/support arrangements/timescales will be noted and a copy provided.
- Check if the individual wishes to add anything or has any questions to ask.
- Where informal action is to be implemented to resolve issue, arrange a follow up meeting to review the situation.

**Record**

- Record a summary of the discussion and any agreed actions/outcomes
- Store securely, as they may be required at a later stage in the process

**Review**

- Check with the individual if they feel that the issue has been addressed
- If not fully, explore what else could be reasonably considered to address any remaining concerns.
- If the employee feels that informal action has not resolved their concerns, they should be advised of the availability of informal mediation, if appropriate, and the formal grievance procedure.
- Address any new issues as they arise.

**Note:** Please ensure that all your discussions during this process are fair, appropriate and transparent.
This is a template that managers may find helpful to note the conversations/outcomes in relation to informal meetings.

<table>
<thead>
<tr>
<th>Individual details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Role:</td>
</tr>
<tr>
<td>Date of meeting:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary of conversation/Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background/Issue/Concern Raised by individual:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Exploration of issue/concern &amp; summary of key points:</th>
</tr>
</thead>
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<table>
<thead>
<tr>
<th>Agreed actions/outcome:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Manager details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Role:</td>
</tr>
<tr>
<td>Date of meeting:</td>
</tr>
</tbody>
</table>

Please provide the individual with a copy of this note
Formal Grievance

Formal Grievance Raised: Procedure Flowchart

1. **Formal Grievance Raised**
   - Individual to submit grievance on GP1 Form
   - Attempt to resolve informally

2. **Seek advice from HRBP/TU Rep**
   - Carry out Investigation (if appropriate)

3. **Arrange Grievance Meeting**
   - Invite individual to meeting

4. **Hold Grievance Meeting**
   - Within 10 working days

5. **Consider outcome and action**
   - Within 10 working days

6. **Confirm outcome in writing**
   - Grievance Upheld
   - Grievance Partially Upheld
   - Grievance Not Upheld

7. **Resolution/Action implemented**
   - Grievance Upheld
   - Grievance Partially Upheld

8. **Appeal Submitted**
   - See Appeal Procedure
   - Grievance Not Upheld

**Tools:**
- How to carry out an Investigation
- How to chair a formal meeting

**Within 10 working days:**
- Attempt to resolve informally

**Carry out Investigation (if appropriate):**
- Tool: How to carry out an Investigation

**Invite individual to meeting:**
- Tool: How to chair a formal meeting

**Adjourn meeting to enable further investigation if appropriate:**
Formal Grievance Procedure

To initiate the formal procedure, the individual must submit their grievance in writing without unreasonable delay using GP1 Form.

Normally the formal grievance procedure is only initiated when the individual feels that they have no option.

The formal grievance procedure traditionally is adversarial, stressful and blame orientated and you must manage the formal procedure carefully in order to get a resolution whilst at the same time keeps those involved engaged. Therefore, you should still promote a resolutions based approach throughout the formal stages.

It is important that you:

• Speak to the individual as soon as possible, even if it is to acknowledge that you have received the written grievance.

• Assure them that you will meet with them to discuss their issues as quickly as possible.

• If appropriate, offer them/signpost them to additional support that may be available (for example, Occupational Health, Health Assured).

• Recognise that informal resolution often results in the best outcome, after considering the information presented in GP1 Form, you can speak with the individual and make a further attempt at resolving the matter through the informal procedure.

Note: Individuals have the right to be accompanied by your trade union representative or work colleague throughout the formal stages of the grievance resolution procedure.
How to... Conduct a Grievance Investigation

You may be required to have all or some of the elements of the individuals concerns/issues investigated. You might know this from the outset or it may become apparent during the grievance meeting. You should appoint an appropriate independent manager to carry out the investigation.

Here are some of the key considerations for a successful grievance investigation:

### Step 1 – Preparation

Like any project, preparation is key to success and an overarching plan should be developed. It should take account of:

- Defining the allegations/issue/concern subject to the investigation
- The scope of the investigation – this should be discussed with the individual who has submitted the grievance
- The most appropriate method for conducting the investigation
- What information may be required
- If there will be a requirement for any witnesses
- What the timeline will be for concluding the investigation

Once complete, the investigation plan should be submitted to the individual raising the grievance, the line manager, HR Business Partner and trade union representative.

### Step 2 – Notify the Individual and if appropriate, any witnesses

Once the Investigation Plan is complete, the investigation officer should then make appropriate arrangements to undertake the investigation:

- Anyone subject to an investigation should be made aware in writing that an investigation will be undertaken, and should be provided with a brief summary of the reasons for this
- Within the notification, include any paperwork/information which will be needed to be seen or considered prior to the interview
- Take appropriate steps to ensure the confidentiality of the investigation process
- If applicable, notify the witness’ manager of their involvement in the investigations, so that they can attend any relevant meetings
### Step 3 – Investigation Interviews

The investigation interview should be held in a location that is confidential and that you or the individual/witness will not be disturbed. The following guidance relates to the interview:

- Thank the individual for attending and make any necessary introductions (include an explanation of roles)
- Confirm that it is a fact-finding meeting. It is important to remain objective
- Explain the need for confidentiality/implications for breach of this e.g. potential impact on investigation
- Explain that there will be notes taken throughout the interview which will be shared with the individual to ensure accuracy
- Confirm the issue or allegation around which the individual or witness will be asked to comment
- When interviewing the individual where there has been allegations made against them, ensure that they understand and are clear that the allegation is about them
- Explain that the evidence/information may be used in a subsequent formal grievance meeting and that they may be required (or in the case of witnesses requested) to attend, depending on the outcome of the investigation
- Check if interviewee has any questions regarding the process
- Seek evidence/information using any prepared and supplementary questions
- In questioning the individual under investigation, explore possible explanations/special circumstances. Ask them to respond to any allegations and if they are able to produce any evidence/information to support their response
- Check if the individual wishes to provide any further information or raise any questions before the investigation interview concludes
- Explain next steps and indicative timescales and that it may be necessary to hold additional interviews should further evidence arise

### Step 4 – Additional Information

There may be additional information that you require to ensure that you carry out a full and thorough investigation, make sure that you don’t miss anything out that could impact on the investigation.

You may also require additional information to substantiate evidence provided through the investigation interview.

### Step 5 – Investigation Report

On conclusion of the investigation, the investigation manager should compile a report that pulls together all of the evidence to be presented to the line manager.

All of the evidence gathered must be kept securely in line with data protection legislation.
## Investigation Plan

This template can be used to plan the investigation

<table>
<thead>
<tr>
<th>Investigating Officer</th>
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<table>
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<tr>
<th>Terms of reference</th>
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<tr>
<th>Provisional time-frame</th>
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<table>
<thead>
<tr>
<th>Issues that need to be explored/clarified</th>
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<table>
<thead>
<tr>
<th>Sources of evidence to be collected</th>
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<table>
<thead>
<tr>
<th>Interview Questions</th>
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<table>
<thead>
<tr>
<th>Witnesses/Employee(s) to be interviewed</th>
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<tbody>
<tr>
<td>(including planned order of interviews)</td>
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</table>

<table>
<thead>
<tr>
<th>Investigation meetings further arrangements</th>
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<tbody>
<tr>
<td>(When/where/notes to be taken by)</td>
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<table>
<thead>
<tr>
<th>Investigation meetings to be completed by</th>
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<td></td>
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</table>

<table>
<thead>
<tr>
<th>Collection of evidence to have been completed by</th>
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<table>
<thead>
<tr>
<th>Further considerations</th>
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<td></td>
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</table>
Investigation Report

This is a template investigation report that an Investigating Manager may adapt to suit the particular circumstances of their investigation.

<table>
<thead>
<tr>
<th>Introduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investigating Manager</td>
</tr>
<tr>
<td>Date investigation commenced:</td>
</tr>
<tr>
<td>Background to the investigation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Process of Investigation</th>
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<tbody>
<tr>
<td>Evidence Collected (Detail the evidence /documents collected)</td>
</tr>
<tr>
<td>Evidence that could not be collected (List the evidence that could not be collected and why)</td>
</tr>
<tr>
<td>People interviewed: (List all of the people interviewed)</td>
</tr>
<tr>
<td>People not interviewed: (List any witnesses that could not be interviewed and why)</td>
</tr>
<tr>
<td>Anonymised Statements: (If any, explain why and provide details of any enquiries into witness)</td>
</tr>
<tr>
<td>The Investigation Findings</td>
</tr>
<tr>
<td>-----------------------------</td>
</tr>
<tr>
<td><strong>Summary of written and/or physical evidence</strong> <em>(name and summarise each document contained, set out how the evidence supported or did not support your findings and why)</em></td>
</tr>
<tr>
<td><strong>Summary of witness evidence:</strong> <em>(name and summarise each witness statement, quote from statement where relevant, set out how the witness statement supported or did not support your findings and why)</em></td>
</tr>
<tr>
<td><strong>Facts Established</strong> <em>(Detail what the investigation established)</em></td>
</tr>
<tr>
<td><strong>Facts that could not be established:</strong> <em>(Detail any part of the investigation that was inconclusive)</em></td>
</tr>
<tr>
<td><strong>Mitigating Factors</strong> <em>(Detail if there were any mitigating factors uncovered that are relevant)</em></td>
</tr>
<tr>
<td><strong>Other relevant information:</strong> <em>(detail any other information that is relevant to the matter)</em></td>
</tr>
</tbody>
</table>

Investigating Manager Signature:  

Date:  

Date forwarded to Line Manager:  

Manager:
The Grievance Meeting

Submitting a grievance can be a stressful time for the individual and it is important that the procedure is followed **without unreasonable delay** to ensure you mitigate any impact the procedure may have on the individual or for example, another colleague if the complaint is about them.

You should arrange the grievance meeting **for as soon as possible** but no later than 15 working days of the receipt of the written complaint. This timescale is to include any investigation that may be required. If due to the nature/complexity of the grievance you do not believe that it will be possible to hold the meeting with 15 working days, you must write to the individual and provide them with the likely timescales.

It is expected that the individual will make every effort to attend the specified date and time of the meeting. However, if they are unable to attend because of circumstances beyond their control, they must inform you as soon as possible. If they choose to be accompanied and the person accompanying them cannot attend on a proposed date, they should propose an alternative date so long as it is reasonable and it is not more than five working days after the original date.
How to Chair a Grievance Meeting

**Prepare**
- Ensure the location for the meeting is appropriate, private and where there will not be any interruptions
- Ensure an appropriate representative from P&OD will be available to take notes
- Read the investigation report and any other information/evidence that has been submitted.
- Consider if there have been similar grievances, how they were resolved to ensure consistency of treatment
- Consider whether any reasonable adjustments are needed for the individual or their companion
- Consider if the complaint could be resolved informally by referring to mediation
- Prepare questions

**Open the meeting**
- Welcome everyone to the meeting and make any introductions as necessary
- Outline the grievance procedure
- Confirm that all in attendance has all of the documentation
- Advise that adjournments can be requested at any point
- Advise that notes will be taken and shared with all
- Ask the individual/their representative if they have any questions/concerns before the meeting starts

**Conducting the meeting**
- Remember that a grievance meeting is an occasions where discussion and dialogue may lead to an amicable solution
- Invite the individual to explain their complaint and their preferred resolution/outcome
- Carefully consider how this grievance might be resolved. They are not normally issues calling for snap decision and the individual may have been holding the complaint for a long time. Make allowances for any reasonable ‘letting off steam’ if the individual is under stress
- Consider adjourning the meeting if it is necessary to investigate new facts which arise
- Sum up the main points - allow the individual to sum up too
- Advise the individual of the next stage, ie, taking time to consider the evidence

**Closing the meeting**
- After the discussion, you may wish to adjourn to consider everything that has been said
- Confirm that the individual will receive written notification of the outcome within 5 days
- Ask if anyone has anything final to ask/add

**Record**
- Record a summary of the discussion and any agreed actions/outcomes and recommendations
- Ensure notes are factual and accurate
- Store securely, as they may be required at a later stage in the process

**The Outcome**
- Ensure that you have carefully considered the complaint and resolution
- Advise the individual in writing of your decision along with any proposed actions that the school/department will take as a result of the complaint
- Advise the individual of their right of appeal if they are not satisfied with the outcome
- Ensure that any action taken is monitored and reviewed, as appropriate
Grievance Appeal Procedure

Formal Grievance Appeal: Procedure Flowchart

1. Formal Grievance Appeal Submitted
   - Individual to submit grievance on GA Form within 10 Days

2. Acknowledge Receipt of Appeal
   - Attempt to resolve informally

3. Arrange Grievance Appeal Hearing

4. Invite individual to appeal hearing
   - Advise of right to be accompanied

5. Hold Appeal Hearing
   - Within 10 days
   - Chair is an independent manager
   - Adjourn meeting to enable further investigation if appropriate

6. Panel to consider outcome and action

7. Confirm outcome in writing
   - Within 10 days

8. Grievance Appeal Upheld
   - Resolution/Action implemented

9. Grievance Appeal Partially Upheld

10. Grievance appeal Not Upheld
    - Panel Decision is Final

Appeal Procedure

In every workplace, there will be occasions when an employee is unhappy or has concerns about his or her working environment, colleagues, workload or any other issue that is creating stress or tension. When the individual is unable to resolve it informally, they may decide to raise a formal grievance. In many cases, the grievance will be satisfactorily concluded at the first stage. However, in some circumstances, the individual will feel that the grievance has not been resolved and will wish 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.

If an individual is not satisfied with the outcome of their grievance, they have the right of appeal. They must do this within 10 days of receipt of the outcome using the Grievance Appeal Form and submit it to Head of HR Services.

On Receipt of an Appeal

If an individual chooses to appeal against the outcome of their grievance, it is good practice to acknowledge receipt of the appeal. The Head of HR Services will make arrangements for the 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.

Notification of Appeal Hearing

Once the Manager/committee for the Appeal has been confirmed, a representative from the Department of People & OD will write to the individual confirming the arrangements for the appeal and advising them of their right to be accompanied to the Hearing. We advise individuals that every effort should be made to attend the Hearing, however, they should notify the Head of HR Services if they are unable to attend due to circumstances out with their control as soon as possible.
The appeal hearing will be held normally no later than 10 working days after receipt. If, due to the complexity of the case this timescale will not be met, the Head of HR Services will write to the individual with a defined timescale.

### The Appeal Hearing

The appeal hearing is not a re-hearing, it’s purpose it to review the original decision in light of the individual's specific grounds of appeal (eg where the individual complains that witness evidence was not taken into account or certain documents were given too much weight). It is not an opportunity to rehear the grievance and evidence is not heard again at the hearing.

A re-hearing would only be appropriate in circumstances such as procedural flaw.
# How to Conduct an Appeal Hearing

The following is for guidance purposes, the manager will determine the most effective way to conduct the hearing.

<table>
<thead>
<tr>
<th>Preparation</th>
<th>Conducting the Hearing</th>
<th>After the Hearing</th>
<th>Record Keeping</th>
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<tbody>
<tr>
<td>• Ensure that the individual has been invited to the appeal hearing and has been provided with a copy of all the information&lt;br&gt;• Consider if any reasonable adjustments are required for the individual or their representative&lt;br&gt;• Ensure the location of the appeal is suitable, private and where there will be no distractions&lt;br&gt;• Ensure that a member of the People &amp; OD team will be in attendance to take notes&lt;br&gt;• Ensure that you have read all of the relevant documentation&lt;br&gt;• Prepare any questions in advance</td>
<td>• Put the individual at ease&lt;br&gt;• Introduce all parties that are present and explain their role&lt;br&gt;• Explain the purpose of the Appeal (i.e. to address the specific grounds of appeal&lt;br&gt;• Explain that the appeal will be conducted in a fair and impartial way and what the possible outcomes could be&lt;br&gt;• Invite the individual to state their specific grounds of appeal, why they consider the original decision to be incorrect and what kind of resolution they would like&lt;br&gt;• Ask any relevant questions&lt;br&gt;• Invite the individual to ask any questions&lt;br&gt;• If new evidence or information emerges, it may be appropriate to adjourn to allow for further investigation – if this is the case, you should reconvene within a reasonable time&lt;br&gt;• At the end of hearing, you should sum up the facts&lt;br&gt;• Explain that a decision will be made in full following full consideration of the facts and evidence presented. This will be communicated in writing to the individual no later than 10 days following the Hearing&lt;br&gt;• Explain that the decision is final, no further right of appeal</td>
<td>• The manager should carefully consider all of the evidence and reach a decision&lt;br&gt;• This decision should then be communicated in writing within 10 days of the Hearing&lt;br&gt;• If the appeal is upheld, the any actions identified should be communicated to the individual. Any recommendations/actions will be reviewed by the appropriate HR Business Partner</td>
<td>• As well as a record of any informal resolution and grievance meeting, you should ensure that you retain all documentation, evidence and correspondence relating to the appeal&lt;br&gt;• Records should be kept confidentially and in accordance with data protection principles</td>
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Additional Support

**Workshop**
You can attend a 2 hour workshop on Grievance Resolution. For the current schedule, visit the intranet.

**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**
The Development Toolkit is an on-line resource that provides access to wide range of information. All you need is your AD number and password to access University systems. The Development Toolkit is available [here](#).

**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](#).

Whist it is not a legal provision, a tribunal can award an extra 25% compensation to an individual if we have not followed the ACAS code.