

## GRIEVANCE RESOLUTION PROCEDURE

*This procedure should be read in conjunction with the Grievance Resolution Guidelines (Managers and Staff).*

### 1 INTRODUCTION

We are committed to both promoting effective working relationships between colleagues and fostering a culture in which staff can raise their concerns through the Grievance Resolution Procedure. Staff should feel confident that their concerns will be dealt with fairly, consistently and quickly.

Our procedure has been developed in accordance with the ACAS Code of Practice on Disciplinary and Grievance Procedures (2015) with a real emphasis on informal resolution.

In line with the ACAS Code of Practice, we will always try to resolve issues informally. However, in situations where that is not possible or informal resolution has resulted in no improvement, the formal grievance procedure may be initiated.

A grievance may be raised about any work-related issue except in the circumstances below:

- The outcome of any case in which the Disciplinary, Supporting Performance Improvement or Absence Management Procedure have been followed. If an employee 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 Accountability Code of Practice (Whistleblowing).

Mediation will be considered at any time during the procedure.

Individuals can seek advice and support from their Line Manager, the appropriate HR Representative or Trade Union Representative throughout both the informal and formal procedure. They may also contact Occupational Health and the [Employee Assistance Programme](#).

Individuals have the right to be accompanied by a Trade Union Representative or colleague throughout all stages of the grievance procedure.

A flowchart of the overarching procedure is available in Appendix 1.

### 2 OBJECTIVES OF PROCEDURE

The objectives of this procedure are to provide a framework that:

- encourages a working environment where concerns are managed positively and appropriately;
- encourages informal resolution of issues;
- ensures that issues raised are dealt with quickly and fairly.

### 3 GRIEVANCE RESOLUTION PROCEDURE

#### 3.1 Informal Resolution

In line with the ACAS Code of Practice for Disciplinary and Grievance Procedures (2015), where possible, the individual should firstly attempt to resolve issues that arise in the workplace informally.

Where the grievance relates to their Line Manager, and an individual feels unable to raise this with them, they should discuss the issue with their Line Manager's Line Manager. Alternatively, they can seek advice from an appropriate HR Representative or Trade Union Representative.

The appropriate Manager will arrange to meet with the individual on a one to one basis, listen to their concerns and seek advice from the appropriate HR Representative. The Manager will discuss potential approaches for resolving the issue with the individual and establish an appropriate process to affect a resolution.

The appropriate HR Representative and/or Trade Union Representative may be involved in developing a resolution. An indicative timescale will be given by the Manager within which the proposed resolution will be implemented.

Only agreed outcomes and action points will be recorded and held by People & OD. In terms of confidentiality, other parties involved will be advised as appropriate and only to the extent required to enable the outcome. The Manager is responsible for progressing and monitoring any actions relating to the outcome, through liaison with the appropriate HR Representative and other appropriate parties if necessary. Actions will include an acknowledgement, where appropriate, of the importance of maintaining or re-establishing positive employee relationships following a grievance.

If the individual is not content with the proposed way forward, they should contact the appropriate HR Representative or Trade Union Representative to discuss options. At the conclusion of the informal resolution process, the individual will be required to confirm that they are satisfied with the outcome.

#### **Mediation**

Depending on the nature of the grievance, it may be appropriate for the matter to be dealt with by way of mediation, either as an alternative to invoking the grievance procedure, or as an outcome of the grievance procedure. This would involve the appointment of an independent third party mediator, who will discuss the issues raised within the grievance with all of those involved and seek to facilitate a resolution. The process is completely voluntary and will only take place if all parties wish to participate. [Further details can be accessed through the UWS Mediation Service.](#)

#### 3.2 Formal Procedure

If it is not possible to resolve a grievance informally, the individual should raise the issue in writing, without unreasonable delay, using the Grievance Resolution Form GR1 (Appendix 4). An individual raising a formal grievance must support this with constructive information, which serves to demonstrate the case being made and the desired outcome.

The Manager responsible for hearing the grievance will, as soon as is possible and without unreasonable delay:

- Ensure that there is an appropriate investigation to establish the facts of the case, including ensuring that relevant witness statements are obtained.
- Meet the individual as a matter of urgency and **no later than 15 working days** from receipt of their written grievance. Where it is not possible to comply with the 15 working day timescale, the Manager will refer to the appropriate HR Representative who will review the situation and determine appropriate action.
- Advise any other relevant individual(s) that a formal grievance has been received, provide details of the grievance that are relevant to them, arrange a meeting to discuss the grievance, and provide an opportunity to respond and obtain a statement.

Depending on the nature of the grievance, further attempts may be made to resolve the matter informally.

### **3.3 Notification**

The individual will be provided with at least 5 working days' notice of the meeting and will be notified in writing of:

- the date, time and location of the meeting,
- who will be hearing the grievance,
- their right to be accompanied by a Trade Union representative or work colleague,
- their right to call any witnesses and,
- the possible outcomes as a result of the meeting.

Prior to the meeting, the individual will also receive a copy of all the relevant paperwork, along with any witness statements or information relating to the case. Witness statements may be anonymised if appropriate.

Should the individual or their representative/work colleague have any additional information that they wish to be considered at the meeting, they should submit this to the appropriate HR Representative at least 2 days in advance of the meeting.

### **3.4 The Grievance Meeting**

In some cases, it may be possible to resolve a grievance without the need to convene a grievance meeting. This option will only be exercised with the employee's 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 necessary to provide all parties with the opportunity to discuss matters fully, and to avoid the potential for misunderstandings or for matters to be left unresolved.

The appropriate HR Representative will attend all meetings. Exceptionally, the Manager hearing the grievance may propose joint meeting(s). Participation in a joint meeting will be subject to the consent of relevant parties.

The meeting will normally be heard by the Line Manager (see Appendix 3) unless they are the subject of the grievance or have already been involved in an informal stage. Where necessary, the appropriate HR Representative will determine an appropriate manager to hear the grievance, taking account of:

- the nature of the grievance,
- relevant knowledge, expertise and experience,
- availability within the required timeframe,
- the seniority of those involved,
- whether any previous involvement might impact on the ability to provide a fair hearing.

If the person accompanying the individual cannot attend on a proposed date, an alternative date may be considered so long as it is reasonable and it is not more than 5 working days after the original date.

The Manager will keep both the individual raising the grievance and the person(s) responding to the grievance updated on timescales for conducting the formal process.

At the grievance meeting, the individual will be provided with the opportunity to explain their concern/issue and what their preferred resolution is. The Manager hearing the grievance will seek to gain a full understanding of the case by asking questions or seeking clarification on evidence presented.

Once all of the evidence has been heard, the Manager will fully consider all the information before reaching a decision.

Potential outcomes include the following:

- The grievance is upheld,
- The grievance is partially upheld,
- The grievance is not upheld.

The Manager will confirm in writing the outcome of the grievance within 15 working days of the meeting. Where appropriate, the Manager may include recommendations as to how the situation may be managed to prevent any recurrence, or how a positive working environment may be achieved for future working. Any recommendations will be reviewed by the appropriate HR Representative and, where appropriate, support measures put in place.

Informal or formal action under another University procedure may be considered in addition to, or as an alternative to, the above outcomes.

The Manager will be responsible for progressing/monitoring any required actions relating to the outcome through liaison with appropriate HR Representative and other appropriate parties where applicable.

If dissatisfied with the outcome of the grievance, the individual has the right to appeal. (please see section 4: Appeal).

## **4 APPEAL**

The appeal process provides the individual with an opportunity to put forward their case for appeal and the University to address any unfairness in the original process.

The appeal hearing is not a re-hearing of the original hearing, but to consider areas where the individual believes there was insufficient consideration, or to consider new evidence.

Individuals have the right to be accompanied by a trade union representative or work colleague throughout the appeal procedure.

The purpose of an appeal hearing is to:

- Provide an opportunity to address any unfairness in the original process, and/or;
- Provide individuals with the opportunity to challenge the original decision by focusing on specific factors which they believe have received insufficient consideration, or for consideration of new evidence that has subsequently become available.

An individual's written outcome letter will include the right to appeal. Should an individual wish to appeal the decision that has been made, they should follow the process outlined below, and as detailed in the Appeal process flowchart (Appendix 2).

#### **4.1 Submission of an Appeal**

The individual must submit their appeal to [human.resources@uws.ac.uk](mailto:human.resources@uws.ac.uk) in writing using the Grievance Appeal Form (Appendix 5) within 10 days of receiving their outcome letter.

Ideally, the individual should include any evidence/information that they wish to be considered at the appeal hearing at the time of submission, but must submit it at least 2 working days in advance of the hearing to [human.resources@uws.ac.uk](mailto:human.resources@uws.ac.uk).

#### **4.2 Notification of Appeal Hearing**

The individual will be provided with at least 5 working days' notice of the appeal hearing and will notified in writing of:

- the date, time and location of the appeal hearing along,
- the impartial manager chairing the appeal hearing,
- a copy of all available evidence that will be considered during the appeal hearing,
- their right to be accompanied by a trade union representative or work colleague,
- their right to call any witnesses,
- the possible outcomes; appeal upheld, appeal partially upheld or appeal not upheld.

#### **4.3 The Appeal Hearing**

The individual should note that an appeal hearing is not intended to repeat the full detailed investigation of the original hearing, but to focus on specific factors which they believe have received insufficient consideration, or for consideration of new evidence that has subsequently become available.

All appeals will be chaired by a manager who is impartial, has not been involved in the case at any stage and, where possible, will be more senior than the manager who made the original decision.

An appropriate HR Representative from the Department of People and OD will be present at the appeal hearing to ensure procedures are adhered to, and advise managers on equitable employment practice and consistency of approach.

The individual will be given full opportunity to state the grounds of their appeal, which may include calling witnesses. The manager will have the opportunity to respond to each of the points raised and to make representation to the appeal panel.

When all the evidence has been heard, the appeal hearing will be adjourned to allow the manager / appeal panel to consider the decision. Potential outcome of the appeal hearing will be:

- Appeal Upheld
- Appeal Partially Upheld
- Appeal Not Upheld

The outcome of the appeal will be issued to the individual in writing, normally within 10 working days of the decision being made.

The appeal decision is final and there is no further opportunity for appeal - the internal process has been exhausted.

Once the internal procedure has been exhausted, and an employee wishes to make a claim to an employment tribunal, they must first notify ACAS and complete an Early Conciliation Notification Form. ACAS offers conciliation to both parties with the aim of settling the matter without the need for a legal claim to be lodged. [Further information is available from the ACAS website.](#)

## 5 OTHER CONSIDERATIONS

Reasonable adjustments will be made in the operation of this procedure for employees or companions who have a disability within the scope of the Equality Act 2010.

A record of the grievance will be held by People & OD and may include: the nature of the grievance; what was decided and any actions; the reasons for the actions; whether an appeal was lodged; the outcome of the appeal; and any subsequent developments. The records will be treated as confidential and in accordance with the Data Protection Act 2018.

The procedure applies to individuals or to a group of staff who share a common grievance. Where a collective grievance is raised by or on behalf of a group of staff, those raising the grievance must complete the Grievance Resolution Form GR1 (Appendix 4) and include the names and signatures of all employees raising the grievance. The University will always aim to resolve collective issues through our partnership framework by escalating it through UWS Partnership channels.

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### Official Use

**Procedure Author** – Employee Relations & Performance Adviser

**Procedure Owner** – Director of People and Organisational Development

**Parent Policy Statement** – People and Organisational Development

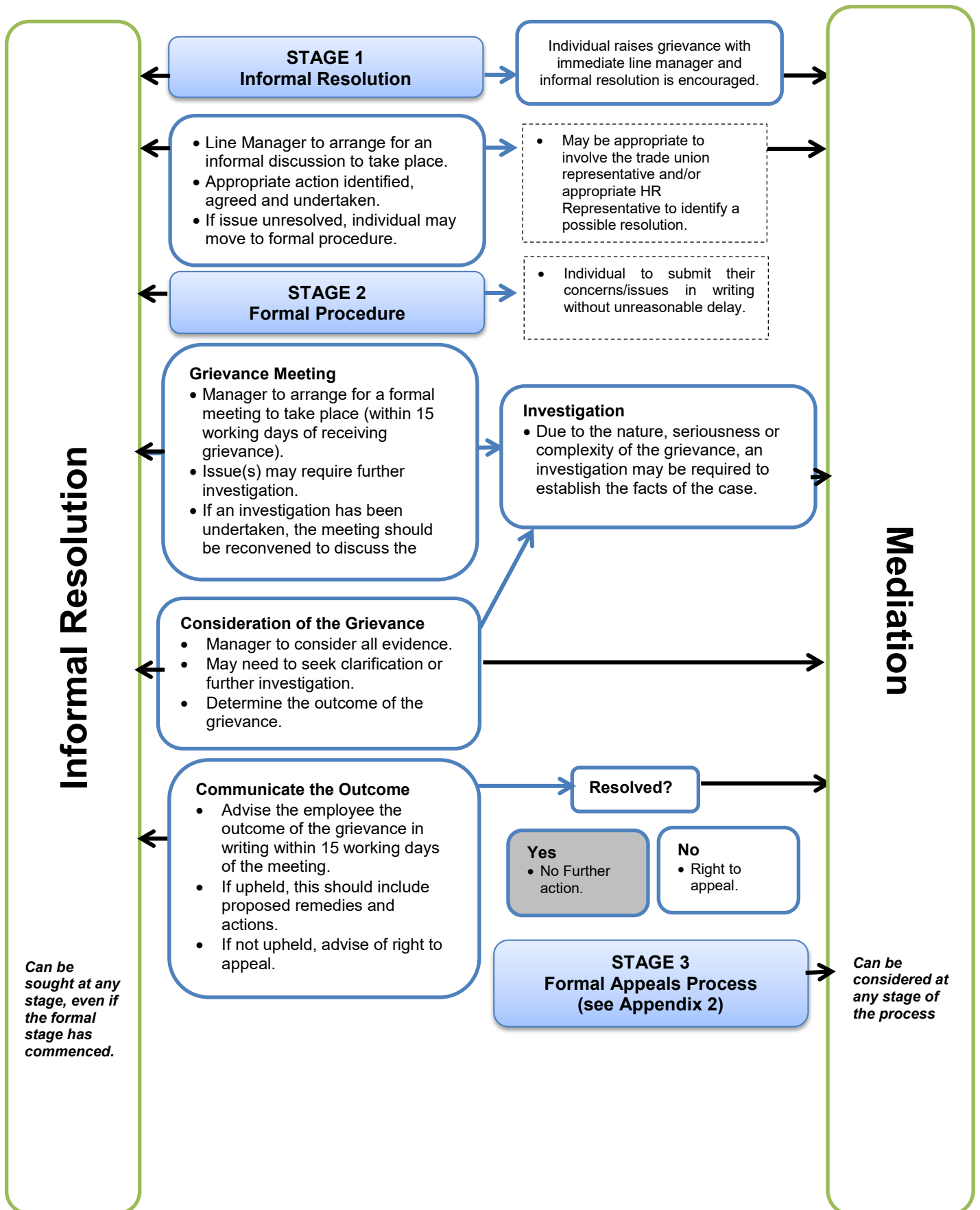
**Public Access or Staff Only Access** – Public

**Version** – Version 4 Approved June 2021

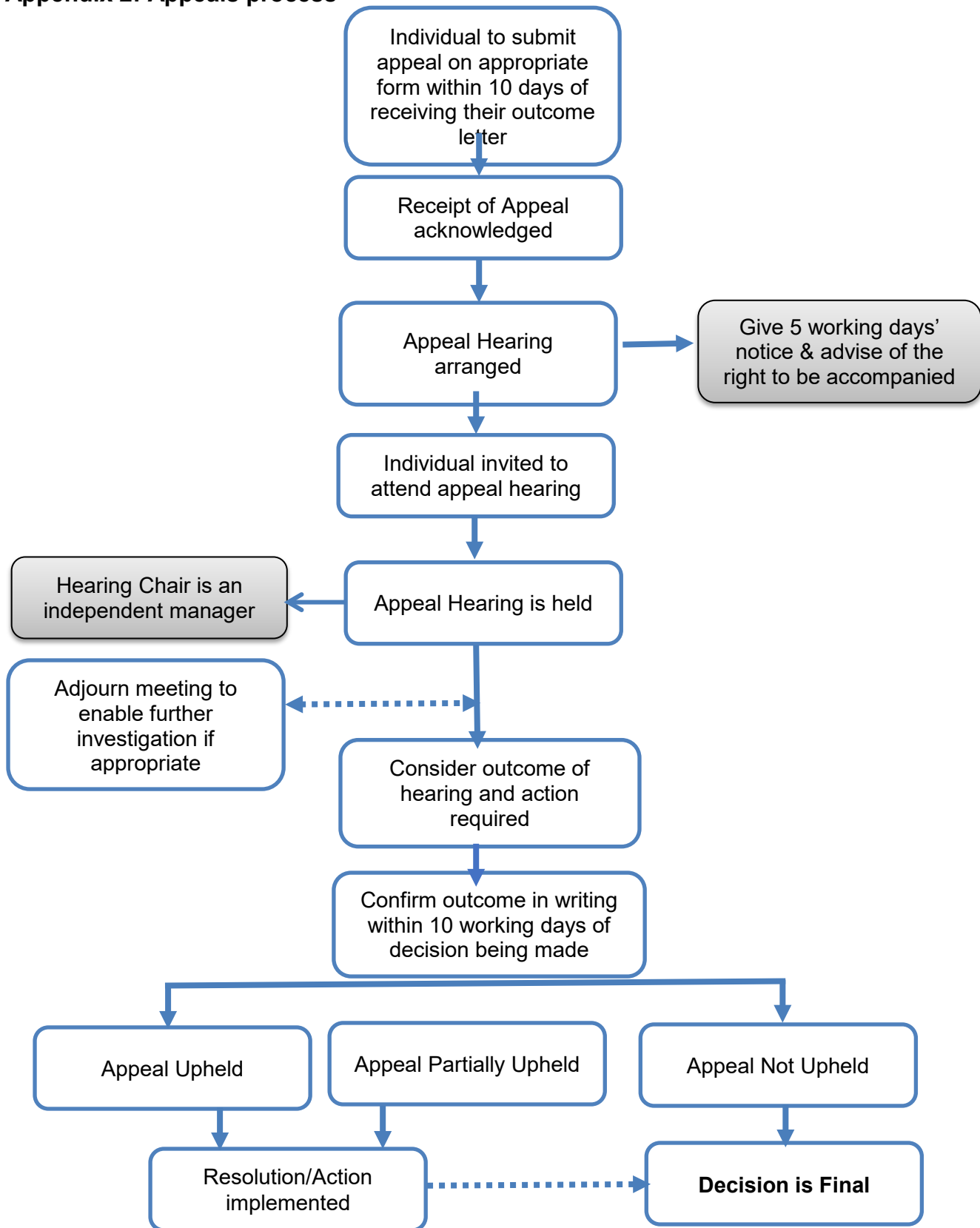
**Changes and Reason for Changes** – Annual People & OD Procedure Update



Appendix 1: Overarching Grievance Resolution Procedure



**Appendix 2: Appeals process**





**Appendix 3: Authority to Take Action**

	<b>Academic and Professional Support Services Staff</b>	<b>University Senior Management</b>	<b>Direct Reports to Principal</b>	<b>Principal</b>
Stage 1 - Informal	Line Manager	Line Manager	Line Manager (Principal )	Line Manager (Chair of Court)
Stage 2 – Formal	Line Manager	Line Manager	Line Manager (Principal)	Line Manager (Chair of Court)
Stage 3 - Appeal	Grievance Appeal Panel 2 managers with appropriate level of seniority	Grievance Appeal Panel* 2 managers with appropriate level of seniority	Court Appeal Panel**	Court Appeal Panel**

Grievances will normally be heard by the line manager. This is subject to the exceptions noted for a collective grievance or where the line manager is involved in the grievance resolution procedure.

An appropriate member of People & OD will be in attendance at Appeal Panels and Court Appeals Panels.

\*Grievance Appeal Panels will comprise of:

- A manager who is senior to both the aggrieved individual and the manager who heard the formal grievance, plus a member of University Senior Management will chair the hearing.
- An appropriate member of People & OD will be in attendance to ensure that the procedure is adhered to.

\*\*Court Appeal Panels will consist of either 3 lay members of Court or the Chair of Court plus 2 lay members (where the Chair of Court has not had previous involvement).

**Appendix 4: Grievance Resolution form (GRF1)**

# Grievance Resolution Form (GRF 1)

This form should be used when you wish to submit a formal grievance. Individuals are to submit their concerns/issues in writing without unreasonable delay. Please remember that before using this form, you can seek to resolve the matter informally by raising your concern with your line manager or an appropriate HR Representative.

Please return this form to [human.resources@uws.ac.uk](mailto:human.resources@uws.ac.uk).

<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:	

**Appendix 5: Grievance Appeal Form (GAF1)**

# Grievance Appeal Form (GAF1)

This form should be used when you wish to submit an appeal within the University's Grievance Resolution Procedure. Please return this form to [human.resources@uws.ac.uk](mailto:human.resources@uws.ac.uk) within 10 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:	