

Grievance Policy and Procedure

1. Purpose

- 1.1 The University is committed to promoting effective working relationships and an environment in which employees feel able to raise work-related issues with their managers.
- 1.2 The purpose of this procedure is, as far as possible, to achieve a fair and prompt resolution to individual grievances. The University aims to settle workplace grievances in a fair manner, as near as possible to the source of the grievance and, at the informal stage.
- 1.3 The policy and procedure is informed by the ACAS code of practice on disciplinary and grievance procedures, professional best practice and advisory frameworks which set out guidance to assist employers, employees and their representative's deal with grievances in the workplace. These can be found on SharePoint.

2. Scope

- 2.1 This policy and its supporting procedure provides a clear and transparent framework to deal with concerns, problems or complaints raised by employees in the course of their employment in relation to:
 - matters affecting themselves as individuals; or
 - matters affecting their personal dealings or relationships with other employees.
- 2.2 The procedure applies to all employees employed by Newman University under a contract of employment. This procedure does not apply to senior post-holders appointed by the University Council. Other agents on the Newman University site will be subject to the Complaints Procedure.
- 2.3 **Exclusions** - The procedure cannot be used to challenge formal outcomes in other procedures which have an appeal process, namely:
 - Disciplinary Policy and Procedure
 - Capability Procedure
 - Managing ill-health and sickness absence Policy and Procedure
 - Redundancy Procedure
 - Probation Procedure
 - Whistleblowing Procedure
- 2.4 Where attempts to resolve the work-related issues informally do not work, it may be appropriate for an individual to raise a formal grievance under this procedure. If the complaint relates to discrimination, harassment or victimisation, the matter should be dealt with in conjunction with the Dignity at Work Policy. Complaints under the Dignity at work policy that amount to an allegation of misconduct on the part of another employee may be investigated and dealt with under the Disciplinary Procedure.

- 2.5 Issues that are the subject of collective negotiation or consultation with the University's recognised trade unions or employer association will not be considered under the Grievance Procedure.
- 2.6 Complaints about any disciplinary action taken against the individual should be dealt with as an appeal under the disciplinary procedure.
- 2.7 Grievances raised while an employee is subject to disciplinary proceedings will usually be heard only when the disciplinary process has been completed. 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.
- 2.8 The procedure does not apply to the settlement of collective grievances which should appropriately be addressed through the University's Dispute Resolution Procedure.

3. General Principles

3.1 The following principles will apply to the application of this policy:

3.1.1 All complaints will be treated seriously and impartially, investigated promptly, in confidence and with respect by all parties concerned.

3.1.2 Wherever possible, it is usually more beneficial for grievances to be resolved informally without recourse to formal procedures. It is expected that everyone will enter into the procedure in good faith, with the aim of resolving a particular issue. The Grievance Procedure should not be used as a substitute for normal day to day discussions.

3.1.3 It is recognised that there may be occasions when it is not possible for a grievance to be resolved informally. In such cases the procedure below at Stage 1 should be followed. All parties should be absolutely clear whether any meeting is being held under the informal or formal stage of the procedure.

3.1.4 Any steps taken under the procedure supporting this policy should be taken promptly, unless there is a good reason to extend the timeframe. Further advice should be sought from Human Resources in the case of any change to the timescales laid down in the procedure.

3.1.5 At any stage in the procedure, subject to the agreement of all parties concerned, there may be a suspension in proceedings to facilitate mediation (see 4 below), further fact-finding or other non-adversarial discussions with the aim of promoting resolution of the case.

3.1.6 At any stage in the procedure, the manager dealing with the grievance may, at their discretion, defer consideration of the grievance if other activities which are relevant to the substance of the grievance are pending or in progress. In such cases the parties to the grievance will be advised of the reason for deferring consideration and advised of the revised timescale.

3.1.7 If, on investigation, the grievance is found to be vexatious or trivial the investigating manager may dismiss it without further consideration. Where the investigating manager considers the vexatious nature of the grievance to warrant further inspection it may be appropriate for it to lead to disciplinary action. The employee will be advised accordingly.

3.1.8 The University recognises that those involved in grievance proceedings may find it an anxious and distressing experience. Everyone involved in the process will be treated with respect. The University will not tolerate abusive and insulting behaviour or conduct from anyone involved in or related to the grievance proceedings and will treat any such behaviour as misconduct under the Disciplinary Procedure.

3.1.9 The University may, in exceptional circumstances with the agreement of the employee, vary this procedure as appropriate to a particular case. In the event that it becomes impracticable to continue with the procedure, it may be discontinued. In such cases the University will advise the aggrieved parties of the outcome of their grievance in writing.

- 3.2 **Right to be accompanied** - All employees who are the subject of this procedure will have the right to be accompanied at any formal meetings held under this procedure. This may be by a workplace colleague or trade union representative for those who are members of a trade union. Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that the employee can propose an alternative time within five working days of the scheduled date. Subsequent postponements or cancellation will only be permitted at the discretion of the University.

Legal representation is not permitted during the Grievance Procedure for any party.

- 3.3 **Equality and Diversity** - To ensure fair treatment and, where appropriate, provision of support by the University in the application of this procedure, all parties to the grievance should provide information about any equality or diversity issues which may be relevant.
- 3.4 **Confidentiality** - All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the University.
- 3.5 **Timescales** - Whilst every endeavour will be made to comply with timescales, due to the complexity and/or specific circumstances of a case, timescales may be extended. In such circumstances the individuals concerned will be advised of the reasons for an extension and/or potential delay in the process.
- 3.6 **Staff support** – All employees involved in these proceedings are entitled to seek support through the routes outlined in the Dignity at Work Policy and the confidential telephone counselling service provided by the 24/7 Employee Assistance Programme (EAP). Individuals can access the EAP by telephoning the free-phone number 0800 107 6147. Additional requests for the support of an independent counsellor will be made to Human Resources who will provide guidance and advice on staff support and wellbeing provisions and on the application of the Grievance Policy

and Procedure. Other staff support may be sought from trade union representatives and Chaplaincy Services.

4. Mediation

- 4.1 At any stage in this procedure, the parties to the grievance may request that the matter be referred for mediation. Mediation will be used only where all parties involved in the grievance agree.

5. Responsibilities of Staff and Managers

- 5.1 **All staff** have a role to play in helping to create a climate at work where communication channels are kept open so that concerns are discussed and resolved at an early stage. Individuals should be aware of their own conduct and act in accordance with the University's values, avoid collusion and other inappropriate behaviour. There is an expectation that all staff will co-operate fully in any complaint procedure and/or investigation.
- 5.2 **Line managers and supervisors** have a particular responsibility to act as role models; respond positively to complaints to avoid them escalating into grievances; and to challenge and stop unacceptable behaviour in the workplace. Indeed, where managers are under a duty of care, in exceptional circumstances they have the discretion to investigate complaints even when the affected parties may be reluctant to proceed.

6. Role of Human Resources Department

- 6.1 The role of the Human Resources Department is to advise on the operation and application of this policy and procedure, and to take a proactive role in ensuring consistency of application across the University. There is no requirement to advise Human Resources of informal grievances, although employees and managers are encouraged to do so for advice and support.
- 6.2 Line managers must however notify Human Resources in writing of all formal grievances raised. Human Resources will monitor the matter through all necessary stages. Human Resources can also provide additional guidance during the procedure to managers, the employee, companions, and to witnesses.

7. Records

- 7.1 **Informal-** For informal grievances, a written note of the date and nature of the matter together with any agreed outcome should be kept in confidence by the manager and copied to the employee. The note should be destroyed securely after three years, in accordance with the Data Protection Act 2018 and GDPR and the University's Record Retention policies which can be found on SharePoint. In the event the line manager leaves the University before this date, all related documentation will be passed to Human Resources.
- 7.2 **Formal-** At the end of each stage, a complete record of relevant documentation generated during the various stages of the formal procedure must be passed to Human Resources. These records will remain confidential, monitored under equality

legislation, and retained for a limited period in accordance with the Data Protection Act 2018 and GDPR and the University's Records Retention policies.

- 7.3 A summary of all grievances, outcomes and actions is maintained and general statistics reported for equality monitoring and management purposes. This summary is kept securely and confidentially in accordance with the Data Protection Act 2018 and GDPR and the University's Records Retention policies.

8. Review

- 8.1 This Policy and related Procedure will be reviewed 3 years from the date of implementation and earlier if legislation dictates. Any proposed amendments will be subject to consultation. Such amendments will be notified to employees through the normal communication channels and/or e-mail. The Policy and Procedure will be maintained on the Human Resources site on SharePoint.

The Grievance Procedure

Informal Stage

1. Grievances can often be resolved effectively, quickly and informally through discussion with managers and there is an expectation that every effort will be made to resolve matters informally. Employees are therefore expected to raise any concerns or issues informally with their immediate line manager.
2. Managers will discuss an employee's concerns in confidence with them, make discreet investigations, as appropriate, and attempt to address their concerns as fairly and promptly as reasonable.
3. It is the line manager's responsibility to seek to resolve the grievance informally and to notify the individual of the outcome. This would normally take the form of a summary note of the discussion and its outcome.
4. It is expected that an employee will seek to resolve their grievance informally in the first instance and will only progress to a formal grievance if the issue cannot be resolved by informal means. Where this has been unsuccessful, or circumstances make this route inappropriate, the matter should be raised formally through the Grievance Procedure.
5. If the grievance is against the employee's manager it should be raised with that person's manager who will seek to resolve the matter informally as appropriate. If the grievance is against the Director of Human Resources, the Vice Chancellor or senior post-holders it shall be directed to the Registrar & University Secretary in the first instance.
6. If the employee is dissatisfied with the outcome of the informal approach or it is not appropriate to use the informal approach due to the seriousness of the grievance, then the formal approach should be followed.

7. In very exceptional circumstances where the individual is reluctant to pursue a formal complaint through the Grievance Procedure, but where a complaint is deemed very serious in nature or where the manager is aware there are broader issues of concern around the culture of a team / group of individuals, an investigation may be instigated, with the agreement of the line manager (or senior manager) and on the advice of Human Resources.

Formal Procedure

Stage 1

At all times the grievance shall be managed respectfully and the requirements of confidentiality must be fully observed.

- 1.1 If it is not possible to resolve a grievance informally, the employee should raise the matter formally, and without unreasonable delay, by putting the grievance in writing. This written statement should set out clearly the nature of the grievance, with supporting evidence where appropriate; what actions the employee has taken to resolve the grievance informally; and the outcome that is sought. It should be sent to their line manager, or where the complaint relates to the line manager, to a more senior manager. Where the grievance is received by the line manager or senior manager, this manager must inform Human Resources of the grievance.
- 1.2 The line manager will write to the employee acknowledging receipt of the grievance, normally within five working days.
- 1.3 The line manager will invite the employee to attend a formal grievance meeting in order to discuss the grievance. The line manager will be supported by a member of the Human Resources Team. This meeting will normally take place within ten working days of the written acknowledgement.
- 1.4 As a result of the grievance meeting, the line manager may determine that it is necessary to make further enquiries or to appoint an Investigating Officer to conduct an impartial and thorough investigation into the background facts or into any allegations made by the employee. Depending on the nature of the grievance the line manager may refer the matter to Human Resources for curtailment of Stage 1 as outlined in paragraph 1.9.
- 1.5 Following the grievance meeting the line manager will determine the outcome of the grievance. The line manager may reject the grievance, or may uphold it and indicate what steps have been or should be taken to resolve it.
- 1.6 The decision may be given verbally and will in any event be conveyed or confirmed in writing within ten working days of the grievance meeting, outlining the employee's right of appeal. Any recommendations for further action will be clearly stated in the letter.
- 1.7 If the employee is not satisfied that their complaint has been redressed and they remain aggrieved, they may write to the next level of management within ten working

days of the date of the decision under Stage 1 outlining the grounds for the appeal and redress being sought.

- 1.8 If the complainant has not notified the line manager that they are still aggrieved within ten working days of being given a written decision under Stage 1, the grievance shall be deemed to have been settled to the satisfaction of the employee. The employee(s) whom the grievance is against will also be advised of the decision.
- 1.9 **Curtailment of Stage 1-** depending on the nature of the grievance, Stage 1 may be curtailed and a formal investigation instigated. Where an Investigating Officer has been appointed they will refer their report to Human Resources who will convene a grievance meeting with the senior manager as outlined in Stage 2.

Stage 2

- 2.1 At this stage the grievance will be considered by the relevant senior manager. The senior manager will have had no prior involvement in the case and will be supported by a member of the Human Resources Team.
- 2.2 The senior manager will write to the employee acknowledging receipt of the appeal, normally within five working days. The senior manager will convene a grievance meeting (management guidance will be available).
- 2.3 The grievance meeting decision may be given verbally and will in any event be conveyed or confirmed in writing within ten working days of the grievance meeting.
- 2.4 If the employee is not satisfied that their complaint has been redressed and remains aggrieved, they may write to the next level of management within ten working days of the date of the decision under Stage 2 outlining the grounds for the appeal redress being sought.
- 2.5 If the complainant has not notified the senior manager that they are still aggrieved within ten working days of being given a written decision under Stage 2, the grievance shall be deemed to have been settled to the satisfaction of the employee. The employee(s) whom the grievance is against will also be advised of the decision.

Stage 3

- 3.1 At this stage the grievance will be considered by the Vice Chancellor or a member of the University Leadership Team nominated by the Vice Chancellor who will be supported by a member of the Human Resources Team. A meeting will be convened to hear the appeal along the same grounds as the grievance meeting outlined in Stage 2.
- 3.2 The appeal panel's decision may be given verbally and will in any event be conveyed or confirmed in writing within ten working days of the appeal meeting. The employee(s) whom the grievance is against will also be advised of the decision. This decision is final and there is no other appeal process under the Grievance Procedure.

Investigation

If an investigation is deemed appropriate, Human Resources will appoint an Investigating Officer. Where the grievance relates to other employees, the individuals involved will be informed in writing of the nature of the grievance and will be given the opportunity to submit a response.

The right to be accompanied and arrangements relating to an investigatory meeting are outlined in section 3.2 of the policy.

The findings of the investigation will be provided to the line manager in the form of an investigation report. This report may also be made available to the employee raising the grievance.

Potential Outcomes

Potential outcomes of the formal stages of the Grievance Policy and Procedure can include:

- 1) Grievance not upheld and rejected
- 2) Grievance partly upheld, and part not upheld
- 3) Grievance upheld and further action will be taken as a result.

Where the grievance is upheld fully or in part, the University will determine appropriate actions as a result of the grievance. Recommendations can still be made, where appropriate, even when a case is not upheld if this is deemed appropriate to address particular concerns. Action may be taken under the Disciplinary Procedure where the grievance was not upheld and the allegations made were found to be malicious, vexatious or spurious.

Potential Disciplinary Action

If the outcome of a formal grievance proposes any disciplinary action then the Disciplinary Procedure will be invoked. The investigation carried out during the formal Grievance Procedure may also take the form of the investigation prior to a disciplinary hearing.

Former Employees

There is no legal requirement to deal with grievances raised by ex-employees, however the University will consider a grievance raised by a former employee provided it is received within four weeks of the end of employment. Grievances raised by former employees should be submitted in writing to the Director of Human Resources. A modified form of the Grievance Procedure will apply in these circumstances with the complaint being investigated and a final response from the University being sent out to the former employee in writing.