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Grievance Procedure (applicable for the role of Vice-Chancellor) 2021-23

#### Policy Statement

##### The University of Chichester (“University”) is committed to creating a positive working environment and promoting effective working relationships, recognising that good employee relations have a significant impact on staff well-being and engagement. All employees are encouraged to discuss and resolve any work-related differences and to try to settle any grievances or complaints without recourse to formal procedures. Where recourse to formal procedures is required a formal grievance process is followed.

##### The purpose of this policy is to ensure that employees are given an opportunity to have their issues resolved in a prompt and fair manner. ‘Grievance’ in the context of this procedure means a concern, problem or complaint that the post holder raises.

##### At any stage of this procedure, where it is considered possible, mediation may be chosen to help resolve matters. Every attempt shall be made by all parties to settle the matter by conciliation.

#### Applicability

##### This procedure applies to the role of University Vice-Chancellor and Chief Executive Officer (‘Vice-Chancellor’). Post holders fulfilling roles other than the role of Vice-Chancellor can access the University’s Grievance Policy and Procedure, available from the Human Resources page of the Staff Intranet.

##### This procedure does not form part of the contract of employment and can be amended and updated where required.

#### Grievance

##### The Vice-Chancellor may raise a grievance in relation to their employment in writing with the Chair of Governors. Every effort will be made to resolve the grievance informally. However, if necessary, the Chair of Governors will decide on the appropriate action to be taken.

##### Where the Vice-Chancellor has a grievance or complaint relating to the Chair of Governors, the Vice-Chancellor may raise a grievance with the Senior Independent Member of the Board of Governors (‘SIM’). Every effort will be made to resolve the grievance informally. However, if necessary, the SIM will decide on the appropriate action to be taken.

##### It is important to note that all complaints will be taken seriously, even if not in writing. However, all formal grievances or complaints should be submitted in writing utilising Appendix A. Every step will be taken as necessary to ensure the post holder raising the grievance will not be disadvantaged or victimised.

##### This procedure will be carried out in confidence (unless otherwise agreed by the parties involved) and will not prejudice the current employment or future career prospects of the post holder raising a grievance in good faith.

##### All grievance records (including those of formal grievance and appeal hearings) will be held in accordance with the data protection legislation.

#### When the procedure can be used

##### The procedure is available to the Vice-Chancellor if they have a grievance about any of the following:

###### their own work;

###### the way that they are managed or supervised;

###### the interpretation of terms and conditions which apply to the post;

###### any other work-related grievance which affects their work or wellbeing.

#### When the procedure cannot be used

##### This procedure should not be used for the following, where separate procedures exist:

###### Collective disputes and matters related to collective agreements which are handled by the Joint Consultative Group: these matters should be raised with the representative(s) of the appropriate trade union(s).

###### Disciplinary matters: these would be covered under the University’s Disciplinary Policy and Procedure.

###### Matters unconnected with work practices, or conditions of employment, and issues that are outside the control of the University, such as statutory measures.

###### Matters connected with capability and/or performance where the Capability Policy and Procedure should be used.

###### Matters connected to a grievance against the ‘institution’ as a whole and/or ‘Whistleblowing’ where the Whistleblowing Policy should be used.

##### In the event of a grievance being raised with the Vice-Chancellor by a member of the University’s staff, the University’s Grievance Policy and Procedure will be followed.

#### Stages of a grievance resolution

##### **Informal resolution stage:** Most grievances can be resolved quickly and informally through discussion with the relevant person, i.e. Chair of Governors or SIM.

##### **Formal resolution stage:** If the informal resolution stage proves to be unsuccessful, or if it is deemed not to be appropriate, then the formal stage procedure will need to be followed, as outlined under point 10, Formal Procedure, pages 3 to 4.

##### **Right of Appeal:** An appeal panel shall review the process and the reasonableness of the investigation outcomes; it shall not re-hear the case, save in relation to any additional information that has come to light which was not considered during the formal stage hearing. Further details are outlined under point 12, pages 5 to 6.

#### Representation

##### All staff have the right to be accompanied by their Trade Union representative or a workplace colleague at formal meetings, should they wish. The representative may confer with the post holder at any time during the meeting and they can summarise any information they may want to present on their behalf or call for adjournments, but they are not able to answer questions on the post holder’s behalf.

####  Informal procedure

##### Most grievances can be resolved quickly and informally through discussion. The aim of this informal stage is to address a problem that has arisen in order to enable the parties to continue to work together. Accordingly, the University expects post holders to attempt, in the first instance as far as reasonably practical and appropriate, to raise issues informally, before proceeding to Formal Stage 2 of this procedure.

##### Grievances should be raised and dealt with in a timely manner. Unless there are exceptional circumstances, for example an accumulation of incidents, a grievance cannot be raised for an incident that occurred more than three months earlier.

##### If the complaint is about the post holder’s line manager then they should speak to the SIM who will aim to resolve matters as quickly as possible.

##### The person hearing the grievance should approach the matter with an open mind, listening carefully and exploring all the issues thoroughly. Every attempt should be made to deal with the matters raised.

#### Mediation

##### An informal approach might include the use of a trained mediator to work with both parties on reaching an amicable resolution at any stage of the procedure. Mediation offers support to resolve interpersonal disputes between parties and can be particularly effective where a relationship has broken down between colleagues.

##### Whilst such interventions are encouraged, it should be noted that mediation is only possible with the agreement of both parties. The Chief Human Resources Officer will provide guidance and support in relation to this process. Where both parties agree with this option, trained independent internal or external mediators will facilitate.

##### Mediation is a confidential and voluntary process and if no mutually acceptable solution is reached through mediation then the grievance process will be reconvened from the stage that it was put on hold, unless advised otherwise by the parties involved in the grievance. If the mediation process achieves an outcome agreeable to all parties then the formal grievance process can be closed, with this being confirmed to the parties in writing.

##### If informal steps do not resolve the matter, or are inappropriate, the post holder may wish to proceed to the formal procedure.

####  Formal procedure

##### Where the post holder feels that the informal procedure has been exhausted or they do not feel able to raise their grievance informally, then they should raise the matter formally, in writing, completing the attached Grievance Notification form (Appendix A).

##### The post holder should state that they wish for the matter to be considered under the formal process.

##### The written grievance should state the grounds for the grievance and the remedy sought and should include:

###### An indication of the informal steps that have been taken by the post holder to resolve the matter. If no such action has been taken, the investigating manager may refer the grievance back to Stage 1.

###### A description of the reasons for the complaint, including any relevant facts, dates, and details of the individuals involved.

###### An indication of the outcome the post holder is seeking as a result of raising the grievance.

#####  The completed form should be forwarded to the Chair of Governors, or if the grievance involves the Chair of Governors, the SIM, who will confirm receipt. If the grievance notification form is not submitted or is incomplete, then the matter will be referred back to the post holder and the grievance process will not commence until sufficient information is provided.

##### In most circumstances the ‘investigating manager’ with whom the post holder has raised the grievance, will investigate the grievance (i.e. Chair of Governors, or in the case of the grievance involving the Chair of Governors, the SIM). In some instances, there may be reasons to appoint an external independent party to undertake the investigation. The Chief Human Resources Officer will work closely with the investigating manager to support the process.

##### The key purpose of the investigation is to discover all the relevant facts and information, in a fair, reasonable and objective manner. The nature of the investigation will depend on the allegations made. It may involve interviewing and taking statements from the post holder and any individuals involved in the grievance, and any witnesses.

##### The necessary length and detail of an investigation will depend on the circumstances of the grievance and every effort will be made to complete the investigation within a period of four weeks, unless another timeframe is agreed.

##### The post holder must co-operate fully and promptly in the investigation. This may include informing the investigating manager of the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.

##### Every effort should be made to participate in the process within the timeframe indicated. If the post holder does not participate in the formal process they have instigated, the investigating manager will make decisions based on the information they have received.

##### Where it is necessary for the investigating manager to approach witnesses as part of the investigation, the investigating manager will meet with the witnesses to talk through their evidence in more detail. Where it is not possible to meet with the witnesses, the investigating manager may require a written statement confirming their recollection of events.

#####  All meetings during the process must take place at an agreed and appropriate venue on the University’s campuses.

##### The involvement of an external party in investigations from outside the University community will only be sought where the issues cannot be resolved internally by the University, or the expertise of carrying out investigations is required.

##### The formal procedure involves two stages:

###### **First:** Formal meeting

###### **Second:** Right of Appeal

#### Stage 1: Formal meeting

##### The investigating manager will arrange a formal meeting with the post holder to determine the nature of the complaint and what the post holder wishes to see as a resolution. The meeting will be held without unreasonable delay on receipt of the grievance and normally within ten working days of receipt. The post holder will be informed of the date and time in advance of the meeting.

##### To substantiate the complaint the post holder should be able to supply evidence and will provide the investigating manager dealing with the grievance with any evidence in support of the complaint no later than three working days before the meeting. Any additional evidence provided by the post holder after this point or within the meeting itself will be evaluated by the investigating manager, who will consider evidence which is relevant to the grievance. Evidence that is presented, but established not to be relevant to the initial grievance, will be highlighted within the summary outcomes.

##### Where the post holder is persistently unable or unwilling to attend a formal meeting, the investigating manager will make a decision on the evidence available, and the post holder will be informed that this is the case.

##### The complainant may wish to be supported at the meeting by their trade union representative or a work colleague. In circumstances where a grievance meeting has been arranged but the trade union representative or work colleague is unable to attend the proposed meeting, the meeting may be postponed if the employee can offer an alternative date and time which is reasonable and falls within five working days after the day on which the original meeting was proposed, unless another timeframe is agreed.

##### A designated note-taker from Human Resources will attend the meeting to advise on process and to take notes, as appropriate. Notes of the investigation and any subsequent witness meetings do not have to be verbatim but should reflect the key issues/points discussed so that they can be referred to later in the investigation for clarification. Notes taken at meetings will be sent to witnesses to agree content.

##### Neither the investigating manager nor the post holder can insist on making an electronic recording of any meeting/interview. Disciplinary action may be taken where illicit recording has taken place.

##### At the conclusion of the formal meeting, the investigating manager hearing the grievance will state the action that they intend, or is able, to take to redress the grievance and will reply to the grievance in writing, normally within five working days of the meeting. If there is any reason for delay, the post holder will be kept informed.

##### Where possible, the investigating manager will meet with the post holder to talk them through the investigation findings and any recommendations made to resolve the situation. The investigating manager will explain whether or not the allegations are being upheld and the action that will follow.

##### Where a grievance is not upheld, the investigating manager will make sure the reasons for this are carefully explained.

##### Where a grievance is upheld and a case has been found, the investigating manager may decide to address the outcomes through a further formal policy, e.g. disciplinary or capability.

#### Stage 2: Right of Appeal

##### If the grievance is not resolved to the satisfaction of the post holder, they may exercise their right to appeal against the decision. The purpose of the appeal is to consider whether the action taken by the investigating manager to resolve the grievance was fair and reasonable under the circumstances.

##### The post holder should outline the grounds for their appeal in writing. The appeal should be sent to the Chief Human Resources Officer within five working days of the outcome of the decision at Stage 1.

##### An appeal hearing should be arranged as soon as possible by the Chief Human Resources Officer. The involvement of an external party in the appeal hearing will be sought where expertise is required, for example in governance matters and/or appeals experience. The post holder will be informed of the date and time in advance of the meeting (usually within five to 10 working days of the receipt of the appeal, unless another timescale is mutually agreed). A written record of the grievance, together with all other relevant documentation, will be sent to panel members.

##### The post holder may wish to be accompanied to the appeal hearing by a workplace colleague or a trade union representative. A designated note-taker will attend the meeting to advise on process and to take notes, as appropriate.

##### The purpose of the appeal hearing is to enable the post holder to explain their grounds for appeal and to enable the appeal panel to consider those grounds and assess whether the original grievance was handled appropriately.

##### The appeal panel may change the decision of the investigating manager in relation to the grievance. The outcome of the appeal may therefore impact on the recommendations made by the original investigating manager and any action already taken as a result of those recommendations may need to be reviewed.

##### The decision of the appeal panel should be provided in writing as soon as possible, explaining the reasons for the decision, normally within five working days of the appeal hearing.

##### The decision of the appeal panel will be final and there is no further right of appeal.

**Grievance Policy and Procedure (applicable for the role of Vice-Chancellor)**

#### Appendix A

#### GRIEVANCE NOTIFICATION FORM

**NAME: TITLE: Vice-Chancellor**

**Contact details (office and mobile contact numbers and email):**

*Please expand as required.*

**Indicate why it is not possible to resolve the grievance at an informal stage:**

**Outline the nature of the grievance providing a description of the reasons for the complaint:**

**Indicate remedy sought - indicate the outcome you are seeking as a result of raising the grievance:**

**Signed: Dated:**

**Grievance received by: Dated:**