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GRIEVANCE PROCEDURE 2022-25 (applicable for all staff)

#### Introduction

##### 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 and settle any grievances or complaints without recourse to formal procedures.

##### It is a manager’s responsibility to seek to resolve any concerns that have been raised. Managing grievances, whether informal or formal, will require the following:

###### Timely action

###### Accepting and acknowledging the grievance

###### Identifying the problem/concern

###### Collecting the facts

###### Analysing the cause of the grievance

###### Taking decision

###### Providing feedback

###### Implementing the decision

##### ‘Grievance’ in the context of this procedure means a concern, problem or complaint that the post holder raises. Where recourse to formal procedures is required, a formal grievance process is followed.

##### The purpose of the University’s formal Grievance Procedure is to ensure that employees are given an opportunity to have their issues resolved in a prompt and fair manner.

##### 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.

##### This procedure should not be used as a substitute for normal day to day discussions which should ordinarily resolve an employee’s concerns. It is expected that individuals will enter into the procedure in good faith with the aim of resolving matters at the earliest opportunity.

#### Applicability

##### This procedure applies to all full-time and part-time employees, other than the role of Vice-Chancellor, regardless of length of service.

##### This procedure does not form part of an employee’s contract of employment and can be amended and updated where required.

#### Grievance

##### University employees may raise a grievance in relation to their employment in writing with their manager. Every effort will be made to resolve the grievance informally. However, if necessary, the manager responding to the grievance 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.

##### The University reserves the right to instigate disciplinary action if the grievance is vexatious.

#### Scope of the Grievance Procedure

##### **When the procedure can be used**

###### This procedure sets out the process available to individual employees who wish to rectify a situation which appears to them to be incorrect. The procedure is available to an employee 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 Procedure should be used.

###### Matters connected to bullying or harassment where the Dignity at Work/Bullying and Harassment procedure should be used.

###### Matters connected to sexual misconduct or sexual harassment where the Policy on Sexual Misconduct and Sexual Assault should be used.

###### Matters connected with grading/salary issues for which a separate process exists e.g. Higher Education Role Analysis job evaluation.

###### Where consultation is being conducted with employees on any aspect of organisational change where there is a risk of the post becoming redundant: this would be dealt with through the Policy and Procedure for dealing with Organisational Change.

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

###### Matters connected to flexible working or remote working: where the Flexible Working Policy or the Remote Working Policy should be used.

#### Stages of a grievance resolution

##### **Informal resolution stage:** Most grievances can be resolved quickly and informally through discussion with the relevant person i.e. manager or colleague.

##### **Formal resolution stage (Stage 1: Formal meeting):** 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 11, Formal Procedure, pages 4 to 5.

##### **Right of Appeal (Stage 2):** An appeal panel shall review the process and the reasonableness of 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 13, Right of Appeal, page 7.

#### Counter-grievance

#####  If a counter-grievance is received in response to the grievance, or in response to action being taken under another policy or procedure (managing poor performance or disciplinary for example), the Chief Human Resources Officer may deem it appropriate to deal with the issues as part of, or concurrently with, the relevant disciplinary or capability procedure. Alternatively, the Chair of the appropriate disciplinary or capability panel may deem it appropriate to temporarily suspend proceedings pending the outcome of the grievance in order to safeguard the fairness of the process.

#### Group grievance

##### Where several people raise a group grievance about the same issue (also known as a ‘collective grievance’), attempts should be made to resolve the grievance informally and/or through mediation where appropriate with all concerned parties. In certain instances, depending on the number of individuals involved in the group grievance, it may be appropriate for the group to nominate individuals to represent their interests throughout the process and to act on their behalf. These individuals will be referred to as ‘nominated representatives’.

#### 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 the formal stage 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 line manager’s manager 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 this 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 procedure 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 employee 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 nature of 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 grievance notification form should be forwarded to the post holder’s line manager, or if the grievance involves the line manager, the next line manager up, 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. manager, or in the case of the grievance involving the manager, the manager’s line manager). In some instances, there may be reasons to appoint an independent party to undertake the investigation and this might include, for example, a manager or Head/Director unconnected with the post holder’s department. Only in exceptional circumstances would an external party be called upon to investigate an internal complaint.

##### The Chief Human Resources Officer or HR Manager 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, the individual(s) involved in the grievance, and any witnesses.

##### The necessary length and detail of an investigation will depend on the circumstances of the grievance. However, 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, i.e. within a period of four weeks, unless another timeframe is agreed. It is clearly in the interests of the post holder to participate in the process they have instigated.

##### Where it is necessary for the investigating manager to approach witnesses as part of the investigation, the broad reasons for the grievance will be outlined. The manager will meet with the witnesses to talk through their evidence in more detail.

##### The investigating manager may require witnesses to provide a written statement confirming their recollection of events where it is not possible to meet the witnesses.

##### 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.

##### The post holder may wish to be supported at the meeting by their trade union representative or a work colleague. The post holder should advise whether the investigating manager should copy the post holder’s representative into all the relevant documentation. 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.

##### Every effort should be made to attend meetings as arranged. Effort will be made to arrange meetings which are mutually acceptable, wherever possible. Where the post holder is persistently unable or unwilling to attend a formal meeting, the investigating manager will continue to investigate the grievance and will make decisions based on the evidence available, and the post holder will be informed that this is the case.

##### Where a post holder is absent from work due to sickness absence, every effort will be made to ensure the post holder is able to participate in the grievance they have instigated. This might include rearranging an investigation meeting, inviting further representation in writing or asking the post holder to participate online, rather than in a face-to-face meeting. Wherever possible, the post holder will be provided with a further opportunity to participate in the grievance within the investigation timeframe prior to the investigation outcomes being confirmed to the post holder.

##### 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. The Chair of the panel shall provide the post holder with notes of the investigation meeting and will invite any further comments on these before the investigation is concluded.

##### Notes taken at meetings will be sent to witnesses to agree content. Neither the investigating manager nor the employee can insist on making an electronic recording of any meeting/interview. Disciplinary action may be taken where illicit recording has taken place.

##### Where possible, the investigating manager will meet with the complainant to talk them through their 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.

##### The investigating manager shall prepare a report summarising the nature of the grievance, the investigation, the decision and the reasons for the decision, and any recommendations considered appropriate.

##### The investigating manager will determine the outcome of the grievance. They may reject the grievance or may uphold the whole or parts of the grievance and indicate what steps have been or should be taken to resolve it.

##### Outcomes will be communicated in writing to the post holder without unreasonable delay and as soon as is reasonably practicable, usually within 7 calendar days after the meeting, unless an alternative timeframe is agreed. The written notice should include details of the arrangements the post holder should follow should they decide to appeal including time limits and to whom to appeal.

##### 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. Post holders intending to appeal against the decision of a grievance must do so promptly. 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 employee 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 a Human Resources Manager or the Chief Human Resources Officer. The appeal panel will be Chaired by a senior manager not previously involved in the case. A designated note-taker will attend the meeting to advise on process and to take notes, as appropriate. A written record of the grievance, together with all other relevant documentation, will be sent to panel members.

##### The post holder will be informed of the date and time in advance of the appeal hearing, 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. The post holder should advise whether the Chair of the panel should copy the post holder’s representative into all the relevant documentation.

##### 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 appeal panel will determine the outcome of the appeal. They may reject the appeal or may uphold the whole or parts of the appeal and indicate what steps have been or should be taken to resolve it.

##### 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: Appendix A**

**GRIEVANCE NOTIFICATION FORM**

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| **Name:** |  | **Job Title:** |  |
| **Department:** |  | **Campus:** |  |
| **Contact details (office and mobile contact numbers and email):** |  |

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| **Provide details of the actions you have taken to resolve the grievance at an informal stage, indicating why it is not possible to resolve the grievance informally, rather than formally:**  |
| *Please expand as required.* |
| **Outline the nature of the grievance providing a description of the reasons for the complaint:** |
| *Please expand as required.* |
| **Indicate remedy sought – indicate the outcome you are seeking as a result of raising the grievance:** |
| *Please expand as required.* |

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| **Signed:** |  | **Date:** |  |
| **Grievance received by (manager):** |  | **Date:** |  |