

## **Grievance Resolution Policy and Procedure**

<b>Contents</b>	<b>Page</b>
1. Introduction	4
2. Equality, Diversity and Inclusion	4
3. Definitions	5
4. Responsibilities	5
5. Support Contacts	5
6. Mediation	6
7. Collective Issues	7
8. Resolving Grievances Informally	7
9. Raising a Formal Grievance	9
10. Formal Grievance Hearing	11
11. Appeals	12
12. Adapted Procedure	13
13. Confidentiality	14
14. Notes of the Investigation and Hearing(s)	14
15. Grievances Related to Disciplinary Matters	14
16. Training	14
Appendix 1: Procedure for Conducting Panel Hearings	15

## Document Control

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Document Detail	
<b>Title:</b>	Grievance Resolution Policy and Procedure
<b>Owner:</b>	Human Resources
<b>Version Number:</b>	2.0
<b>Effective From:</b>	January 2021
<b>Review Date:</b>	December 2023
<b>Approved By:</b>	HR Director
<b>Last Review:</b>	N/A
<b>Status:</b>	Final
<b>Review Frequency:</b>	Every 3 years (interim review after 6 months)
<b>Consultation:</b>	This document was sent out for consultation to the following: SET, Trade Unions, JCF, Faculty Management Teams, PS Lead Team

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## 1 Introduction

- 1.1 This policy applies to all staff who are employed by Queen Mary (“the University”)
- 1.2 The purpose of the Grievance Resolution Policy and Procedure is to support the University’s commitment to promoting and ensuring a working environment where individuals are treated with dignity, respect and courtesy. The procedure is designed to resolve concerns, complaints and any other issues raised by staff, with the aim of providing staff with an opportunity to seek redress and resolve such issues without any unreasonable delay. Examples of concerns that staff can raise may relate to bullying, harassment, discrimination and victimisation, and unfair treatment.
- 1.3 Where possible, it is hoped that grievances can be resolved informally and amicably without recourse to the formal grievance procedure, in order to maintain, and where necessary, restore good working relationships within the University. Staff should therefore co-operate constructively in resolving concerns quickly and amicably. To this end, employees are requested to only use the formal grievance procedure where the matter has not been resolved informally or where it is not appropriate to do so.
- 1.4 Grievances may be raised by an individual, or collectively by a group of employees. Employees raising a grievance (either individually or collectively) should be offered the opportunity to be accompanied and supported by a workplace colleague or trade union representative (not acting in a legal capacity) at all formal grievance meetings.
- 1.5 The University has specific policies for dealing with [Instances of Public Interest Disclosure](#) (commonly known as whistle-blowing) and [Allegations of Research Misconduct](#). Where a policy has an appeal mechanism this should be used and not the Grievance Resolution Policy and Procedure. Human Resources can provide guidance on the appropriate procedure to follow. These policies are all available on Connected (the University’s intranet) and accessible from the external website.
- 1.6 Timeframes are not generally specified in this procedure as no case is standard, each case requires individual assessment and judgement. As a guide, formal grievances should take no longer than 6-8 weeks to complete, balanced by the need for a thorough investigation. However, in some cases the process may take either a longer or a shorter period of time to complete. Parties involved will be kept up to date with progress throughout the process. If the formal process takes longer than 8 weeks the employee will be informed of the reasons for this.
- 1.7 If either of the parties involved perceive that the procedure has not been followed correctly or is unnecessarily delayed, this should be raised in writing with the relevant HR Partner, who will arrange for the matter to be reviewed within 10 working days of receiving the complaint.
- 1.8 As an employer, the University has a duty to protect individuals from harassment that may take the form of grievances submitted vexatiously, maliciously, repeatedly, without substance or in bad faith. Grievances of this nature will be subject to review under the University’s Discipline Procedure. Staff who have genuine grievances are assured that Queen Mary is committed to encouraging concerns or grievances to be raised without fear of victimisation or reprisal.
- 1.9 Notes and records of matters dealt with under the grievance procedure will be held in accordance with the [Data Protection Act 2018](#). Paperwork will be handled on a confidential basis and stored securely.

## 2 Equality, Diversity and Inclusion

- 2.1 The University takes equality of opportunity seriously and has an [Equality, Diversity and Inclusion Governance framework](#), supported by a range of [Equality Policies](#) that apply to all employees and help to promote and ensure equality of opportunity. All employees are required to familiarise themselves with and understand these policies.

- 2.2 The University will ensure that all concerns are dealt with compassionately, sensitively and in accordance with the ACAS Code of Practice. No one involved in the grievance process will be discriminated against or treated unfairly because of their protected characteristics and/or identity, in accordance with the Equality Act 2010.
- 2.3 All employees have a responsibility to treat others fairly and with respect and to actively promote an inclusive culture that values diversity and maintains dignity at work.
- 2.4 Statistics will be compiled and monitored on numbers of cases by type and at an organisational level and by Faculty/School/Institute/Department covering all grade groups and subdivided by equality monitoring categories as determined by the Equality and Diversity Steering Group. Reports will be provided to EDISG, SET, and the recognised trades unions as appropriate.

### **3 Definitions**

- 3.1 Grievance procedures enable individuals to raise issues about their work, or colleagues' actions or omissions that affect them. Some of the more common issues raised include: bullying, discrimination, harassment, victimisation, unfair or unlawful treatment, concerns about the application/interpretation of terms and conditions of employment; health and safety, relationships at work, new working practices and equal opportunities issues.
- 3.2 The definitions of harassment, bullying and victimisation are set out in the University's [Definition of Bullying and Harassment](#) statement.

### **4 Responsibilities**

- 4.1 All managers have a duty to implement this policy and procedure, and to make every effort to ensure that grievances are minimised, and bullying, harassment or victimisation and other unacceptable conduct does not occur, particularly in the areas of work for which they are responsible. Any concerns raised must be dealt with promptly, sensitively and effectively. It is not reasonable for any manager to ignore unacceptable behaviour.
- 4.2 The University will ensure that its employees are not subjected to inappropriate behaviour by external contractors or service providers that could lead to a grievance. An individual should raise any concerns or complaints about the behaviour or conduct of a contractor in the first instance with their line manager who will then refer the complaint to the manager responsible for engaging the contractor. The manager will be responsible for progressing the matter in conjunction with the school/institute/department or area of the University which has engaged/retained the contractor or service provider.
- 4.3 Managers and supervisors should take steps to promote awareness of this procedure for dealing with concerns and complaints. They should be responsive and supportive to any employee who raises a grievance either informally or formally. Managers should seek advice from Human Resources on how to manage any such grievance so that they can provide clear advice on how to use the procedure. They should maintain confidentiality and seek to ensure that any resolutions are maintained.
- 4.4 As part of the University's commitment to ensuring colleagues, students, visitors, etc. are treated with dignity, respect and courtesy within the University, all employees have a responsibility to and should discourage bullying, harassment or victimisation by making it clear that such behaviours are unacceptable, and by supporting colleagues who are exposed to such treatment. Staff should inform a manager or supervisor about any incident of harassment, bullying or victimisation they have witnessed or been subjected to, in order to enable the University to deal with the matter. Employees should refer to the University [Dignity at Work and Study Guidance and Procedure](#).
- 4.5 The Human Resources Department will provide guidance, training and support to line managers as requested.

### **5 Support Contacts**

It is advisable to talk to someone before taking any action either informally or formally. Support

and advice is available from the following sources:

## **5.1 Human Resources**

- 5.1.1 Employees can seek support and advice from the relevant HR Partner on the application of this policy and procedure at any stage. Please refer to the intranet for a list of [Human Resources staff](#).

## **5.2 Trade Unions Representation and Support**

- 5.2.1 During the informal stages of a grievance, trade union representatives are available to provide support including suggestions on how to resolve your complaint(s), and at the formal stages of this procedure employees have the right to be accompanied and assisted by a trade union representative (or a workplace colleague) not acting in a legal capacity. Please refer to the intranet for more information on the role/support provided by representatives and for [local trade union representatives contact information](#).

## **5.3 Counselling Support**

- 5.3.1 Confidential counselling is available to all Queen Mary staff through the University's [Employee Assistance Programme](#) (EAP) helpline, provided by Workplace Options.
- 5.3.2 Workplace Options provide a 24-hours a day, 365 days a year confidential counselling telephone helpline 0800 243458, which is free and staffed by trained counsellors. Details of staff conversations are not disclosed to anyone at Queen Mary. Alternatively, staff can email [assistance@workplaceoptions.com](mailto:assistance@workplaceoptions.com).
- 5.3.3 Staff can also access other helpful resources on [www.workplaceoptions.com](http://www.workplaceoptions.com) by logging in as a Queen Mary employee through the Member Benefits button, using the login details that are provided on the [Workplace Options intranet site](#).

## **5.4 Dignity & Respect Champions (DRCs)**

- 5.4.1 [Dignity & Respect Champions](#) (DRCs) are not advisers but are available as an additional point of contact and source of confidential support for employees. They will act as a signpost for staff to sources of guidance and support which the University offers on grievance matters. This may include signposting to a trade union representative or to an HR Adviser or HR Partner. Discussions with DRCs will remain confidential and will not be disclosed to anyone else without the employees' consent. Employees should be aware that, unlike investigation interviews, there will be no agreed written record of any discussion with the DRC that will be used in any subsequent formal grievance process.
- 5.4.2 The University will ensure, where possible, that employees can raise issues, should they wish, with a DRC of their own gender, age range, sexuality, religion, race, or with someone who is aware of the needs of disabled staff.
- 5.4.3 DRCs will be appropriately trained for the role and may also be involved in monitoring cases for equality purposes as set out in section 2 of this policy and will work with Human Resources on monitoring and evaluation systems, ensuring confidentiality and privacy are not breached.

## **6 Mediation**

- 6.1 Mediation is a confidential, voluntary and informal process that can be used to resolve grievances between employees without resorting to the formal route.
- 6.2 Mediation is an informal and flexible process through which trained mediators guide two or more parties toward their own resolution. The assigned mediator will support the parties throughout the process and remain impartial to help both sides clearly define the issue.
- 6.3 The ideal outcome would be to understand each person's position and reach agreement on a way forward. The assigned mediator will set the agenda, ground rules and provide a summary of next steps. Resolution will be sought through informed questioning and proposals.

6.4 Information about the University's Mediation process, including how to initiate a request for mediation, is available [here](#).

## **7 Collective Issues**

7.1 Grievances are, by their nature, a complaint against an action that affects an individual. They should not be raised for matters that are covered by collective bargaining arrangements where any remedies can be pursued through that process. The University has a separate procedure for collective grievances which should be referred to.

## **8 Resolving Grievances Informally**

8.1 The University is committed to fair and prompt resolution of individual grievances. In the first instance, staff who have a concern or complaint are encouraged to discuss the matter informally with their immediate line manager, or they should raise the concern with the next appropriate senior manager if the matter relates to their immediate line manager, with a view to seeking an amicable resolution.

8.2 Employees should normally raise an issue within 3 months of an event complained about occurring or becoming known or, if a series of events, within 3 months of the last event occurring or becoming known.

8.3 Managers are required to give any grievance that has been raised informally full and proper consideration, without unreasonable delay, and to facilitate mutually acceptable solutions to concerns raised by employees. Managers are expected to have met with the employee(s) raising the informal grievance within 10 working days. If for any reason this is not possible the manager should communicate to the individual(s) who have raised the informal grievance when they can expect a response. Managers can seek support from their HR Partner on facilitating solutions.

8.4 If the individual feels it would be inappropriate to raise the matter with their immediate line manager as it relates to their behaviour, it is alleged that they are the cause of the grievance or they are compromised in other ways, a manager independent of the people and issues concerned will be appointed to manage the grievance. This will be discussed between the manager and the HR Partner as necessary.

8.5 Both parties should consider mediation as a means to aid resolution if informal attempts to address the concern are unsuccessful (please refer to section 6).

8.6 Where informal attempts to resolve the matter have been unsuccessful, the employee may raise a formal grievance within 28 calendar days of the end of the informal process and no later than 3 months following the initial concern or complaint being raised, whichever is longer.

8.7 Employees may submit a formal grievance at any point during the informal process if they believe the informal process is not helping to resolve the concern or complaint they have raised.

### **8.8 Grievances related to allegations of discrimination, harassment, bullying and victimisation**

8.8.1 The University has [Dignity at Work and Study General Guidance](#) which staff may wish to review alongside this policy.

8.8.2 The University recognises that for grievances relating to allegations of harassment, bullying and victimisation, it is important that the employee decides how they wish to proceed in accordance with the procedure set out in this policy. It is strongly recommended that employees seek advice prior to making a decision (please refer to section 5, Support Contacts).

8.8.3 Employees should be aware that if:

- for any reason, they feel unable to approach their line manager or any of the Support Contacts listed; or

- after communicating with the alleged harasser, they are not satisfied with the outcome (i.e. the harassment continues despite the informal process); or
- they have raised the matter via Report and Support and are not satisfied with the outcome; or
- the nature of the harassment is sufficiently serious as to make it inappropriate to deal with informally as a first step;

they can take forward their complaint(s) about bullying, harassment or victimisation using the Formal Grievance procedure outlined in section 9 below.

8.8.4 The [ACAS Code of Practice](#) suggests that employees tell the person to stop whatever it is they are doing that is causing them distress, otherwise they may be unaware of the effect of their actions. If the employee does not feel comfortable talking to the person face to face, they could:

- put this in an email
- talk with someone at work they feel comfortable with. This could be:
- their line manager; another manager; someone in HR; the Employee Assistance Programme (see section 5.3); their trade union representative

It's also a good idea for the employee to keep a diary or record of the bullying, including:

- how the bullying made them feel
- dates and times it happened
- any witnesses
- any evidence, for example emails or screenshots of social media posts.

8.8.5 Asking another employee to stop unwelcome or unwanted conduct or conduct that is causing offence or distress, is not in itself bullying, harassment or victimisation, provided this is done in a clear, factual, assertive and concise manner. Please refer to section 5 above for support contacts who can guide/advise employees on having such conversations.

8.8.6 However, in cases where an employee doesn't wish to approach the person directly, they can instead raise the matter as an informal or formal grievance, as appropriate. Instances of where individual action is not appropriate may include cases of serious harassment, where the staff member concerned is in the management chain of the employee, where the staff member concerned has already been made aware their behaviour is unacceptable but not stopped, or where the employee has concerns about possible victimisation resulting from speaking to the staff member about their behavior. For a definition of victimisation, please refer to the University's [Definition of Harassment, Bullying and Victimisation](#) guidance.

## 8.9 General guidance on dealing with grievances informally

8.9.1 An employee will not suffer any detriment, for example in relation to pay, promotion or access to opportunities, by raising a concern, grievance or making a complaint, when it is made in good faith.

8.9.2 It should be noted that if an employee wishes to remain anonymous, it may not always be possible to take any action in relation to the person causing offence. It may, however, be possible to address a concern or complaint through indirect methods, such as publicising and drawing attention to this policy, and/or through training initiatives. The University has introduced the [Report and Support tool](#) to enable staff to make both anonymous and identifiable disclosures.

8.9.3 Report and Support may be used to raise a concern or complaint informally, as an alternative to the informal route of the grievance process. The matter may be looked into by HR via the Report and Support tool, and HR can make recommendations for resolution of the matter. However, this is not a formal process, with no formal investigation or hearing, and with no formal outcome or decision imposed upon the parties involved in the matter. HR's recommendation following a submission via Report and Support, may be that a formal grievance should be instigated, if the employee agrees. However, should no recommendation for formal action be made, employees retain the right to raise a formal grievance, should they not be satisfied with the outcome, and this must be dealt with via the process outlined in this grievance policy.



- 8.9.4 Whilst attempting to resolve a grievance informally, a record of any discussions and copies of related correspondence should be kept by the employee or manager, in the event that follow-up action is required.
- 8.9.5 Mediation should be considered as a potential option when identifying options to resolve a grievance via the informal route. Please refer to section 6 above.
- 8.9.6 If the person who has been accused of inappropriate behaviour, believes the accusation to be unfounded, they should raise this but continue to participate in the proceedings, so that the situation can be resolved informally or formally. This may also involve participating in mediation if this is agreed to. If the evidence suggests that the complaint was made vexatiously or maliciously, disciplinary action may be taken against the employee who has raised the complaint.
- 8.9.7 Employees should refer to the University's [Guidance](#) for an employee accused of inappropriate behaviour.

## **9 Raising a Formal Grievance**

### **9.1 Manager Review and investigation**

- 9.1.1 The procedure set out in this section applies where the employee is still employed by the University. If employment has ended and an individual wishes to raise a grievance that was not raised under this procedure prior to leaving the University, they are required to use the Adapted Procedure set out at section 12 below. The formal grievance procedure should not be used in addition to, or in place of, any appeal lodged as part of another University policy or procedure.
- 9.1.2 If an employee has not been able to resolve a grievance via the informal route in discussion with their line manager, then they may request a formal review of the grievance by a more senior manager, normally the line manager's manager. The request should be made in writing to the senior manager, who will liaise with their HR Partner or HR Adviser to discuss whether an investigation is required and if appropriate to identify a suitable manager to investigate the case (the investigation manager).
- 9.1.3 The request can be made by completing and submitting a [Grievance Statement Form](#) or submitting a written statement to their HR Adviser or to the senior manager. The grievance statement should set out the details of the grievance, with reference to dates, times and places, names of any witnesses to the incident(s) (where applicable) and the action taken by the employee to resolve the matter to date. The details of the outcome or remedy sought should also be included. Copies of any relevant documents in support of the grievance should be included.
- 9.1.4 The senior manager will notify the individual, against whom the grievance has been submitted, that a grievance has been received and whether an investigation will take place. They will provide the individual with a copy of the grievance and any additional documentation submitted in support of the grievance.
- 9.1.5 If the matter is straightforward, e.g. relating to a contractual entitlement such as an on-call or overtime payment not being made or an annual leave request not being approved, and the manager has sought and received confirmation from the employee raising the grievance and they agree, the grievance will be considered as soon as possible at a grievance hearing, without an investigation having first been conducted. Please refer to section 10. This decision must be made within 10 working days of receipt of the grievance. In cases where the employee who raised the grievance confirms they want the matter to be investigated prior to the hearing taking place, then the manager, in conjunction with HR must arrange for the investigation to commence.
- 9.1.6 Where an employee has raised an allegation of bullying, discrimination, harassment and victimisation, or there is relationship conflict between employees, consideration should be given as to whether the two parties should be separated during the investigation process and how best this may be facilitated. For example, one party could work from a different site or a different office. The issue of relocation will be handled with due regard to both of the individuals' views and feelings. This action may not apply in all cases and each case will be considered on its own merit. Where both parties continue to work together, the manager will set

out the expectations in relation to professional conduct. Any change in working arrangements will be without presumption of guilt or prejudice to the parties and will not have any bearing on the outcome of the investigation.

## **9.2 Investigation**

- 9.2.1 If an investigation is required, an investigation manager will be appointed. The investigation manager should have had no previous involvement in the case and should be independent of the people and issues concerned. For example they are not, or have not recently been, within the same School or immediate Department as the employee raising the grievance.
- 9.2.2 Investigations will normally be completed within 20 working days. This may be extended in exceptional circumstances. Parties involved will be kept up to date with progress throughout the process.
- 9.2.3 The investigation manager will arrange to meet with the member(s) of staff who raised the grievance. This meeting will usually take place within 10 working days of receipt of the grievance. A Human Resources representative (usually the HR Adviser or HR Partner for the area) will be in attendance at the meeting to provide guidance on matters of University policy and/or employment legislation. Depending on the complexity of the case, a note-taker may also be in attendance.
- 9.2.4 The employee must take all reasonable steps to attend the meeting, and they may be accompanied at the investigation meeting by a trade union representative or workplace colleague (not acting in a legal capacity).
- 9.2.5 If the employee or their representative is unable to attend on a proposed date, then the employee may suggest an alternative date within 5 working days of the original date. Every effort will be made to hold the investigation meeting within this 5-day time limit. Requests for dates that are too far in the future may compromise the grievance investigation process and is not in keeping with the principles of natural justice therefore such requests may be declined, with an alternative date offered by either the investigation manager or the Human Resources representative.
- 9.2.6 If the employee does not attend either the original or re-arranged meeting, a decision may be made in their absence and the outcome confirmed in writing.
- 9.2.7 The purpose of the meeting will be for the employee to state their grievance, and for the investigation manager to understand the full nature of the grievance, and potential solutions.
- 9.2.8 The investigation manager will arrange to meet with the individual(s) against whom the complaint has been brought, usually within 5 working days of meeting with the employee who has raised the grievance. A Human Resources representative (usually the HR Adviser or HR Partner for the area) will be in attendance at the meeting to provide guidance on matters of University policy and/or employment legislation. Depending on the complexity of the case a note-taker may also be in attendance.
- 9.2.9 The employee must take all reasonable steps to attend the meeting and they may be supported and accompanied to the investigation meeting by a trade union representative or a workplace colleague (not acting in a legal capacity).
- 9.2.10 If the employee against whom the grievance has been raised, or their representative, is unable to attend on a proposed date, then the employee may suggest an alternative date within 5 working days of the original date. This 5-day time limit may be extended by mutual agreement. Requests for dates that are too far in the future may compromise the grievance investigation process and is not in keeping with the principles of natural justice therefore such requests may be declined, with an alternative date offered by either the investigation manager or the Human Resources representative.
- 9.2.11 The purpose of the meeting will be for the member(s) of staff to state their response to the complaint.
- 9.2.12 If the employee against whom the grievance has been raised makes counter allegations that are

relevant to the original complaint raised against them, they should be considered through the same investigation process.

- 9.2.13 If there is a need to meet with witnesses as part of the investigation these investigation meetings will take place as soon as possible.
- 9.2.14 Following these meetings, the member(s) of staff who raised the grievance, and the individual(s) against whom the grievance has been raised will be advised if there is a need for any further investigation meetings with them. Every attempt will be made to address the issue promptly.
- 9.2.15 Following completion of the investigation, the investigation manager will write a report of their findings.
- 9.2.16 The investigation report will be reviewed by the senior manager who commissioned the investigation and a grievance hearing will be arranged to consider the investigation findings and to make a decision on remedial action if required.

## **10 Formal Grievance Hearing**

- 10.1 A grievance hearing will be convened as soon as possible (normally no longer than 20 working days) following the submission of the investigation report or following the decision that an investigation is not required.
- 10.2 A notification will be sent to the employee who has raised the grievance inviting them to attend the formal hearing. The employee will normally be given 10 working days' notice of the hearing. The notification will include:
- confirmation of the date, time and venue of the hearing
  - the reason(s) for the hearing
  - a copy of the investigation report, including all witness statements, meeting notes and documentary evidence
  - details of any witnesses being called by management to the hearing and of all those attending the hearing
  - a statement that the employee may ask their witnesses to submit written statements in advance of the hearing (the employee must make their own arrangements in this respect)
  - a requirement that, all relevant evidence is to be submitted prior to the hearing
  - a reference to the right of the employee to request special assistance (e.g. any reasonable adjustments in relation to disability)
  - a statement advising the employee to take all reasonable steps to attend the hearing, but if unable to do so they are to give as much notice as possible before the date of the hearing with reasons for unavailability
  - a statement that the employee has the right to be accompanied by a trade union representative or workplace colleague (not acting in a legal capacity).
- 10.3 The panel will consist of three managers who should be independent of the issues concerned supported by a member of Human Resources. The Chair should be senior to those previously involved. Where practicable and without causing significant delay, all panel members should be senior to those previously involved. At least one panel member should come from the same Faculty/Department as the employee.

The Chair will:

- conduct the hearing to establish the relevant facts, ensuring fairness, good order and natural justice
- rule on any disputes about procedure
- allow all the parties to:
  - state their side of the matter
  - hear the case made by the other party
  - ask questions, bring evidence and call and question witnesses.

At the end of the hearing, the panel will decide whether any further information is required before they are able to make a decision. The parties will be informed of this as soon as possible.

10.4 If further information is not required, the decision will normally be reached and confirmed in writing within 5 working days of the hearing. The outcome letter will specify whether the grievance is:

- upheld
- partly upheld or
- not upheld.

The letter should provide an explanation for any decisions and provide a suggested remedy where applicable, or any recommended actions (and associated timescales where applicable).

Where the grievance is partly upheld or not upheld, the employee who raised the grievance will be provided with the right of appeal.

10.5 Whether the grievance has been upheld or not, where working relationships have been damaged, the Chair may consider the value of recommending mediation for some or all of the parties.

10.6 When a complaint of bullying, discrimination, harassment, victimisation or other inappropriate behaviour is upheld the case will normally be referred to a disciplinary hearing without the need for further investigation.

10.7 Where an allegation of bullying, harassment, victimisation or discrimination has been made, or where there is a breakdown of a working relationship, the line manager(s) of the parties involved will meet with them regularly to offer support and to ensure that no further incidents have occurred.

10.8 Where an allegation of bullying, harassment, victimisation or discrimination has been upheld and the employee against whom the grievance has been raised remains employed, consideration will be given to minimising contact between the parties where practicable, which may involve redeploying the employee against whom the grievance has been raised to an alternative role. Where a grievance has not been upheld but the line manager, in consultation with the HR Partner, believes that regular contact between the parties would have a significantly adverse effect, consideration may be given to the voluntary transfer of one of the employees if this is practicable.

10.9 Line managers of the parties involved are responsible, with support as required from an HR Partner, for implementing any outcomes and/or recommendations from the panel hearing. The manager should meet with the staff affected by the outcome within 2 weeks of the panel hearing to confirm the recommendations, which should also be confirmed in writing to all relevant parties. Employees who are concerned that the panel hearing outcomes and/or recommendations have not been actioned can raise this with the Chair of the panel hearing in the first instance. Should the Chair have concerns with the implementation of recommendations, these should be escalated via a written submission to a more senior manager, such as the Department Director or Vice Principal. The senior manager shall provide adjudication and final recommendations to all affected parties. In some cases it may be necessary to refer to the Discipline Policy and Procedure if the escalation process has not resulted in the required action being taken.

10.10 Access to Relevant Information

Employees have the right to submit a subject access request in accordance with the [University procedure on data protection](#). Employees are encouraged to discuss this step with their trade union representative at an early point so that any relevant information obtained through the subject access request can be submitted during the grievance process.

## 11 Appeals

11.1 If the grievance is partly upheld or not upheld, the employee who raised the grievance may appeal the decision on one or more of the following grounds:

- the grievance procedure was not correctly followed
- the findings of the hearing were unreasonable
- the action taken was inappropriate in the circumstances of the case and did not resolve the matter

- new evidence relating to the original complaint has come to light that was not available at the time of the hearing.
- 11.2 An appeal must be submitted in writing, either by completing a [Grievance Appeal Form](#) or submitting a written statement to the Head of HR Partnering and Policy within 10 working days of the receipt of the written outcome. The grounds for appeal with reasons must be clearly stated in accordance with paragraph 11.1 above.
- 11.3 The appeal hearing will be convened as soon as practicable from the date of receipt of the appeal letter and normally within 20 working days. The employee will normally be given 5 working days' notice of the appeal hearing.
- 11.4 The appeal panel will consist of a senior manager from the Faculty or School/Institute/Department or their nominee plus two other managers, one of whom should be from a different Faculty/School/Institute/Department. At least one panel member should be from the same job family (Academic or Professional) as the employee.
- 11.5 The employee may be accompanied at the hearing by a trade union representative or workplace colleague (not acting in a legal capacity) and will have the opportunity to state the grounds for their appeal.
- 11.6 The manager who chaired the grievance hearing will attend the appeal hearing to present the management response to the employee's appeal. The manager's written response to the appeal will be submitted to the employee and the appeal panel in advance of the appeal hearing.
- 11.7 The panel will:
- consider the grounds of appeal
  - rule on disputes about procedure
  - allow all the parties to:
    - present their side of the matter
    - ask questions, bring evidence and call witnesses
  - reject any ground of appeal that is not within the permitted grounds of appeal (refer to section 11.1) and explain the reason for this decision
  - explore any options which may permit the issue to be resolved
  - determine a fair and proportionate remedy, should they uphold the appeal.
- 11.8 The appeal panel decision will normally be reached and confirmed in writing within 5 working days of the appeal hearing. The outcome letter will specify whether the appeal is:
- upheld
  - partly upheld or
  - not upheld.
- 11.9 The letter should provide an explanation for any decisions and provide a suggested remedy where applicable, or any recommended actions (and associated timescales where applicable).
- 11.10 No further right of appeal is available.

## **12 Adapted Procedure**

- 12.1 If an individual's employment with the University has ended and they wish to raise a grievance, they may choose to follow the Adapted Procedure, provided that their employment with the University ended within the preceding three months.
- 12.2 Under the Adapted Procedure, the individual should set out their grievance in writing and send it to their former line manager, with a copy to Human Resources. The statement should state the details of the grievance, with reference to dates, times and places, names of any witnesses to the incident(s) (where applicable) and the action taken by the individual to resolve the matter so far. The statement should also include details of the outcome or remedy sought. Copies of any relevant papers in support of the grievance should be included with the statement.

- 12.3 Upon receipt of the grievance, the relevant HR Partner will liaise with the line manager to identify a suitable manager to consider the matter.
- 12.4 After the University has had an opportunity to consider the grievance, and the information provided within it, the employee will be provided with a written response within a reasonable timescale, which would normally be within 10 working days. This will conclude the process under the Adapted Procedure, there is no right of appeal.

### **13 Confidentiality**

- 13.1 Confidentiality is very important when dealing with all cases as experience shows that grievances become much more difficult to resolve informally if information about the matter becomes common knowledge.
- 13.2 Witnesses may need to be given details of the grievances. Where this is the case, they must be made aware that these details must not be disclosed even when the case has concluded. All those who have taken part in the grievance process, including witnesses, should be made aware of their responsibilities. Witnesses will be asked to sign statements, which will be shared with the relevant parties only.
- 13.3 Any breach of confidentiality by any party involved in the grievance will be treated as a serious disciplinary matter and may be subject to appropriate disciplinary action under the University's Discipline Policy.

### **14 Notes of the Investigation and Hearing(s)**

- 14.1 Notes and records of matters dealt with under the Grievance Resolution Policy and Procedure should be handled on a confidential basis and stored securely. The covert recording of informal or formal meetings e.g. by use of a mobile phone or other recording device is not permitted under any circumstances and may result in disciplinary action.

### **15 Grievances Related to Disciplinary Matters**

- 15.1 Where an employee raises a grievance in connection with or during a disciplinary process, and where the grievance and disciplinary cases are related, following consultation with appropriate parties, the Head of HR Partnering and Policy, and in complex cases following consultation with the HR Director, will give consideration to temporarily suspending the disciplinary process until the grievance is concluded, whether the two processes can run concurrently or whether the complaint raised can be dealt with as part of the disciplinary process. Where the disciplinary process is temporarily suspended, the outcome of the grievance should be known before any disciplinary hearing is held.
- 15.2 If an employee raises a grievance during a disciplinary process and the grievance is not related to the disciplinary case, the cases will run in parallel.

### **16 Training**

- 16.1 In addition to one-to-one guidance given by Human Resources to employees and managers who are involved in cases, training on issues relating to harassment, bullying and victimisation will be available. As indicated in 5.4 above, the University will also provide Dignity Disclosure Officers (DDOs) with appropriate training to support them in their role.

## Appendix 1

### Procedure for Conducting Panel Hearings

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The Chair will ensure that everyone is aware of the purpose of the hearing.

The Chair will ensure that all documents have been received and that each party has a set plus copies of the relevant policy and procedure.

In the event that a new document and/or evidence is tabled during the hearing, agreement will be sought that it is acceptable.

The Chair and panel will keep an open mind and listen carefully to all that is said.

#### Procedure

The employee (or their representative) will have the opportunity to put their case forward and call any witnesses.

The investigation manager / manager will have the opportunity to ask questions of the employee and of any witnesses.

The panel conducting the hearing will have the opportunity to ask questions of the employee and any witnesses.

The investigation manager / manager will put forward the response to the employee's grievance and may call witnesses.

The employee (or their representative) will have the opportunity to ask questions of the investigation manager / manager and any witnesses.

The panel conducting the hearing will have the opportunity to ask questions of the investigation manager / manager and of any witnesses.

The employee (or their representative) followed by the investigation manager / manager will have the opportunity to sum up their cases if they wish.

#### Witnesses

As a general rule witness statements will be used on their own unless either side also asks for a witness to be present. Any witnesses called by the employee or management will attend the hearing to give their account of the matter unless, in exceptional circumstances, sensitive issues have arisen and the Chair agrees that it would be inappropriate for any such witnesses to be present. If this is the case, the Chair will discuss alternative methods for hearing evidence.

Witnesses will only be present to answer questions on their evidence, and will not be present for other parts of the process unless required to do so by the Chair of panel.

#### Adjournments

The Chair may adjourn the proceedings at any stage if this appears necessary or desirable. Similarly requests for adjournment should be addressed to the Chair.

#### The Decision

The panel conducting the hearing will deliberate in private, calling the employee (or their representative) and/or the investigation manager / manager as required to clarify points of uncertainty on evidence already given.

If further information is not required, the decision will normally be reached and confirmed in writing within 5 working days of the hearing. Where the grievance is partly upheld or not upheld, the employee who raised the grievance will be provided with the right of appeal.

#### Appeal Hearings

Appeal hearings will be conducted in the same order as grievance hearings.