

GRIEVANCE POLICY AND PROCEDURE

1 INTRODUCTION

Whilst the University expects its employees and staff to comply with this policy, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions. Breach of this policy may be addressed via the University's Disciplinary Policy and Procedure and Code of Conduct.

This policy will be reviewed by the Human Resources department on a 3-year basis or amended in response to changes in future legislation and/or case law.

2 OWNERSHIP

The Human Resources department owns and manages this policy on behalf of The University of Northampton.

3 ORGANISATIONAL SCOPE

This Grievance policy is a corporate policy and applies to all employees (and workers, as applicable) of The University of Northampton including any wholly owned subsidiaries, unless an alternative policy exists, subject to any qualifying conditions.

4 POLICY STATEMENT

- 4.1 This policy aims to resolve grievances fairly, consistently and as quickly as possible without the need to proceed to formal procedures, wherever possible.

- 4.2 The informal part of the procedure should be appropriate for most complaints and disagreements. All parties are encouraged to resolve matters informally in the first instance.
- 4.3 Where this is not possible or when a member of staff has been unable to resolve a grievance by way of discussions informally then they should raise the matter formally in writing and without unreasonable delay by using the formal Grievance Notification Form (Appendix A).
- 4.4 The University will not discriminate on the grounds of gender, race/ ethnicity, disability, age, sexual orientation, religion or belief or lack of, pregnancy/ maternity, marriage/ civil partnership or gender reassignment when applying this policy and associated procedures.

5 DEFINITIONS

- 5.1 Grievance – a problem or concern about work, working conditions or relationships with colleagues.
- 5.2 Collective grievance – when a group of staff have a problem or concern about the same issue at the same time.
- 5.3 Branch grievance – a problem, concern or complaint raised by a trade union.
- 5.4 Informal process – Raising and resolving a problem, concern or complaint during the course of everyday working relationships.
- 5.5 Formal process – where the issue is normally investigated by a third party.
- 5.6 Mediation – a voluntary process where a trained mediator helps two or more people in dispute to attempt to reach an agreement.
- 5.7 Vexatious grievance – a grievance that is raised maliciously or in bad faith. For example, where a grievance is based on deliberate misrepresentations or

untruths, with the malicious intent of causing harm to the person against whom the grievance is raised.

- 5.8 Grievance Manager – A Grievance Manager hears the grievance, assesses the evidence and draws a conclusion. They should not have previously been involved in the case.

6 KEY PRINCIPLES

- 6.1 Employees, who have raised a grievance, have the right to be accompanied at formal grievance meetings by a recognised trade union representative or work place colleague.
- 6.2 If an employee wishes to raise a formal grievance against their immediate line manager, it should be raised with the next tier of management or with HR.
- 6.3 Where an employee wishes to raise a grievance against a Senior Post Holder, namely the Vice Chancellor, Chief Operating Officer or Clerk to the Board of Governors, it should be raised with the Director of HR who will notify the Chair of the Board of Governors.
- 6.4 Managers should consult their HR contact for advice before proceeding to formal grievance procedures. This ensures consistency and fairness across the University.
- 6.5 This procedure should not be used for branch grievances, appeals against the outcome arising from disciplinary proceedings, re-grading appeals or redundancy selection; separate procedures are in place for such matters.
- 6.6 Where an employee raises a grievance during a disciplinary process or performance management process, it may be temporarily suspended in order to deal with the grievance if appropriate. Where the grievance and disciplinary cases are unrelated it may be appropriate to deal with both issues concurrently.

- 6.7 The University will make reasonable adjustments in line with their statutory obligations. Examples of reasonable adjustments may be: to be accompanied by a support worker or carer in the case of disability; to be accompanied by an interpreter.
- 6.8 If the grievance is linked to a bullying and harassment complaint, initially the employee should refer to the Equality and Inclusion Policy and Equality and Inclusion procedure. The formal grievance procedure is invoked at the formal stage.
- 6.9 All grievance proceedings must be kept confidential by all parties involved.
- 6.10 Unauthorised voice or video recording of conversations is prohibited. Anyone in breach of this may be subject to disciplinary action. Notes of all formal meetings will be made and agreed by all parties for accuracy.

7 PROCEDURE

7.1 Informal Resolution

- 7.1.1 The University actively encourages all staff to resolve any conflict and grievances which arise in the work place as quickly as possible via informal approaches. Grievances can often be resolved through discussions with their line manager. Staff are encouraged to raise concerns with their manager and/or work colleagues in the first instance. Where the conflict is between colleagues in different teams or departments, the employee raising the concern should approach their own line manager.
- 7.1.2 It is the manager's responsibility, in conjunction with the employee concerned, to seek to resolve the grievance informally.
- 7.1.3 Mediation can be used to try to resolve conflict between colleagues to either resolve a grievance or rebuild relationships after a dispute has been resolved. Mediation should be used at the earliest opportunity and must be discussed

with your HR representative. Mediation can be used at any stage during the grievance process.

- 7.1.4 It is recognised that there may be certain instances where it is necessary for a matter to be dealt with formally without going through the informal procedure. These matters can be discussed with your designated HR contact who will advise on the best course of action.

7.2 Formal Procedure

- 7.2.1 If every effort has been made to address issues informally and the grievance remains unresolved, the employee may raise the matter formally. This should be done by completing the Formal Grievance Notification Form (Appendix A), which should be forwarded to your designated HR contact. When stating their grievance, employees should stick to the facts and avoid language which may be considered insulting or abusive.
- 7.2.2 HR will acknowledge the formal grievance, in writing, within 5 working days of receipt.
- 7.2.3 HR will appoint a Grievance Manager who has not previously been involved in the case.
- 7.2.4 A Grievance hearing will be arranged by the manager and HR as soon as practically possible. The employee lodging the grievance will be informed, in writing, providing at least 5 working days' notice. Details will include the date, time and location of the meeting, who will be present at the meeting and the employees right to be accompanied at the meeting by a work colleague or Trade Union representative.
- 7.2.5 All parties must make every reasonable effort to attend the grievance hearing. If this is not possible:
- a) due to circumstances beyond their control, e.g. illness an alternative hearing date will be accommodated.

b) due to the employee's representative/colleague not being available, one alternative hearing date will be accommodated. This will normally be within 5 working days of the original date.

Where the employee continues to be unavailable, the grievance hearing may be held in their absence and a decision made on the evidence available.

- 7.2.6 At the grievance hearing, the employee will be invited to explain their grievance and what resolution they are seeking.
- 7.2.7 The grievance hearing will be adjourned before a decision is taken about how to deal with the grievance. This allows time for any investigation to take place and for reflection and proper consideration. It may be necessary to hold additional meetings to clarify any points.
- 7.2.8 Once the investigation is complete, the Grievance Manager with HR advice, will determine the outcome. The employee will be invited to attend an outcome meeting which will be followed up in writing. In some circumstances, for example during a leave of absence or by request, the employee **may** only be informed of the outcome in writing. Individuals interviewed as part of the investigation will not be informed of the outcome unless the allegations made are against them.
- 7.2.9 Any formal grievance, subsequently found to be vexatious or malicious may involve formal disciplinary action against the employee that lodged the original grievance, or against any witnesses that have been found to have given untrue evidence
- 7.2.10 Recommended actions may need to be shared with the line manager to enable implementation.

7.3 Collective Grievance

7.3.1 Where a group of employees wish to raise a grievance similar in nature and are of the view that it can be dealt with collectively, they may opt to appoint a spokesperson for the group. The spokesperson may be a union representative. The procedure will be followed as for individual grievances; all communication will pass through the nominated spokesperson or representative. It will be for the spokesperson or representative to communicate with the rest of the group about the progress of the case. In such cases it is not necessary for all those involved to be present at meetings. To initiate a collective grievance, the issue/s should be raised using the Grievance Notification form (Appendix a) and sending to an appropriate manager or HR.

7.4 Appeal

7.4.1 If an employee remains dissatisfied with the outcome of the grievance, they can exercise their right of appeal. This must be done in writing to the Director of HR, within 5 working days of receipt of the outcome letter, stating precisely the grounds of the appeal.

7.4.2 The HR department will acknowledge the appeal within 5 working days of receipt.

7.4.3 The employee will be invited in writing to the appeal hearing giving at least 5 working days' notice and will be informed of:

- The potential outcomes of the appeal
- Details of the procedure
- The right to be accompanied by a work colleague or Trade Union representative
- The right to introduce and comment on any new evidence.

7.4.4 The appeal hearing will normally be chaired by a more senior manager than the Grievance Hearing Manager, who has not previously been involved in the case, and where possible is external to the Faculty or Professional Service that the employee works in. They will be supported by a Human Resources Representative.

- 7.4.5 During the appeal hearing the employee will be given the opportunity to explain their reason for appeal and present any additional evidence.
- 7.4.6 After the appeal hearing consideration will be given by the Appeal Manager to either uphold or overturn the original decision or to conduct further investigation. The outcome will be communicated in writing to the employee as soon as reasonably practicable but normally within 5 working days of the appeal hearing.
- 7.4.7 If further investigation has been necessary the employee will be informed of the timeframe for an expected outcome which may fall outside of 5 working days.
- 7.4.8 The decision of the Appeal Manager is final and concludes the internal grievance procedure. Employees have no further recourse to appeal within the institution.

7.5 Records

- 7.5.1 Written records should be kept of any grievance proceedings. These records should be retained confidentially and within the statutory requirements of the Data Protection Act 1998 and kept for no longer than necessary.
- 7.5.2 Records should include:
- The complaint
 - The response
 - Findings made and actions taken
 - The reason for the action taken
 - Whether an appeal was lodged
 - The Outcome of the appeal
 - Any subsequent developments
 - Notes of any formal meetings

8 ASSOCIATED DOCUMENTS

- 8.1 Disciplinary Policy and Procedure
 Performance Improvement Policy and Procedure
 Equality and Inclusion Policy
 Equality and Inclusion Procedure
 Code of Conduct

9 EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment must accompany this document.

10 VERSION CONTROL

Version Control	V1.1	Approval record	
Author:	HR	Approval:	TU Liaison – 28/06/2017 UMT – 04/07/17 JCNC – 13/07/2017 Board – 17/07/2017
Date written:	April 2013	Updates:	May 2017
Current status:	Approved	Approval of revision	Approved July 2017
Record of Amendments			
Date	Version number	Details of Change	Approval
May 2017	V1.1	Change of name from Conflict Resolution and Grievance to Grievance Policy and Procedure	
		Removal of 'This Policy is discretionary in nature'	

		Added policy statement 4.4 regarding discrimination	
		Added section 5 - Definitions	
		Addition of 6.3 reference Senior Post Holders.	
		Clarity of 6.6 when a disciplinary may be suspended to hear a grievance.	
		Addition of examples of reasonable adjustments (6.7)	
		Clarity of wording made throughout.	
		Clarity of procedural steps regarding time frames, levels of management involvement and investigation and hearing steps.	
		Addition of action that could be taken against a witness if found to be vexatious or malicious.	
		Further detail included in the Appeal process and levels of management involvement.	
		Additional section on record keeping	

Appendix A

Grievance Notification Form

Your Name	
Position	
Department/Faculty	
<i>Please outline the details of your grievance/complaint:</i>	
<i>When did this occur?</i>	
<i>Please outline any steps you or your line manager have taken to resolve this informally:</i>	
<i>Are there any witness to the events outlined above?</i>	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
<i>Please provide the names of any potential witnesses:</i>	

Are there any documents or emails that support the allegations made in your grievance?

Yes

No

Please attach these documents or provide information relating to their location.

What action(s) would you like to see take place to resolve your grievance?

Signed:

Dated: