

# Grievance Policy & Procedure

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v1.0	Human Resources	-	<ul style="list-style-type: none"> <li>Original policy</li> </ul>
Draft v0.1	HRBP Human Resources	August 2022	<ul style="list-style-type: none"> <li>The Grievance policy has been designed to be a standalone document.</li> <li>A complete full review has been undertaken, bringing the policy in line with ACAS Guidance, benchmarking other University Grievance Policy/Procedures and employment legislation.</li> <li>The policy has been condensed to three stages to simplify the process and is in accordance with ACAS Guidance.</li> <li>New template design with specific sections and headings to assist line managers/employees understanding when referring to the Grievance Policy &amp; Procedure</li> <li>Extended the scope of the policy to include the Vice-Chancellor and Executive Team members, removing the need for a separate Grievance Procedure (Executive)</li> <li>New 'LTU core values' wording</li> <li>Inclusion of new headings to assist with clarity/finding the relevant information</li> </ul>

Version	Author/Owner	Date	Summary of Key Changes
Draft v0.2	HRBP Human Resources	September 2022	<ul style="list-style-type: none"> <li>• Policy Review Meeting feedback incorporated from the two Trade Unions on 28 September</li> <li>• No additional amendments confirmed at Policy Review Meeting with the Trade Unions on 26 October</li> </ul>
Final Draft v0.3	HRBP Human Resources	November 2022	<ul style="list-style-type: none"> <li>• Submitted to the Executive Team for approval. No revisions</li> <li>• Submitted to JCC for official sign-off. No revisions</li> </ul>
Final v2.0	HRBP Human Resources	November 2022	<ul style="list-style-type: none"> <li>• Revised policy</li> </ul>

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## **Policy Statement**

### **1. Purpose**

- 1.1 Leeds Trinity University promotes a positive culture where employees can expect to be treated fairly and consistently when raising any workplace issues, complaints, or concerns in a supportive framework, ensuring that all genuine grievances are dealt with confidentially and promptly - endeavouring to do so without unreasonable delay.
- 1.2 It is accepted that when people work together there will inevitably be situations where misunderstandings, problems or concerns need to be resolved. It is the policy of the University that a culture of good communication, openness and a willingness to co-operate and listen will exist. Therefore, it is envisaged that most of these issues or misunderstandings can be resolved informally when they arise.
- 1.3 This policy aims to provide a framework for the resolution of grievances raised by an individual employee or collectively as a group of employees. It outlines the grievance procedure, the roles of those involved and the support that is available to employees, should they wish.

### **2. Principles**

- 2.1 It is expected that all parties will demonstrate a commitment to observing the University's core values throughout the grievance process.
- 2.2 The University will aim for all stages of the Grievance procedure to be managed within a 3-month timeframe; however, the University reserves the right to extend this period depending on the nature and complexity of the grievance(s) raised and the availability of witnesses and Hearing/Appeal Panel members.
- 2.3 In some circumstances it may be appropriate for the University to implement temporary adjustments to current working arrangements e.g., the re-allocation of duties. If this is deemed appropriate, it will be with the intention of ensuring an unimpeded investigation can take place.
- 2.4 All parties involved in a grievance must maintain appropriate confidentiality and comply with data protection requirements in relation to any information and documentation.
- 2.5 Employees are expected to co-operate fully with grievance investigations, including attending relevant meetings when requested.
- 2.6 Where informal approach does not resolve matters, or is not appropriate, employees may choose to raise a formal grievance.
- 2.7 In situations which are considered to be of a serious nature, or a manager becomes aware of broader issues of concern which may put others at risk, the University will endeavour to take this up and investigate under the appropriate policy e.g., conduct issues will be investigated in accordance with the Disciplinary Policy and Procedure.

- 2.8 Where a grievance allegation made against an employee under this policy is found to be unsubstantiated, then all references to such an allegation will be removed from the employee's personal file.
- 2.9 An employee will have the right to appeal against the grievance decision under the procedure.
- 2.10 Nothing in this policy is intended to prevent an employee from raising any genuine concerns they have, and they will therefore not be subject to any detrimental or less favourable treatment as a result of doing so.
- 2.11 Where an employee submits a grievance which is considered by the University to be a false, malicious, frivolous or trivial allegation, then disciplinary action may be taken.
- 2.12 The University has the right to conduct all stages of the Grievance procedure face-to-face or remotely. Wherever possible meetings/hearings will take place in person.
- 2.13 The University reserves the right to engage external third party assistance e.g., external person to investigate the grievance, where it is deemed necessary and appropriate, at any stage of the Grievance process.

### **3. Scope**

- 3.1 This policy applies to all individuals employed directly by the University who may wish to seek redress of any grievance relating to their employment, including the Vice-Chancellor and members of the Executive Team, in accordance with the Articles of Association (incorporating Instrument and Articles of Government) of Leeds Trinity University.
- 3.2 It does not apply to individuals who are self-employed and/or otherwise provide a service without being directly employed by the University.
- 3.3 Issues that are the subject of collective negotiation or consultation with the Trade Unions are not covered by this policy.

## Procedure

### 4. Right to be Accompanied

- 4.1 Employees have the right to be accompanied by a Trade Union Representative or work-based colleague at any stage during the Grievance procedure, should they wish. It is the responsibility of the employee to confirm to the University their choice of accompanying person and make the necessary arrangements for their attendance.
- 4.2 The University, may on occasion, need to advise that an alternative accompanying person must be sought, should it be deemed there to be a conflict of interest which may prohibit a full and fair investigation into the grievance itself. If the accompanying person is a Trade Union official, the University will discuss the potential conflict of interest directly with the relevant Trade Union.
- 4.3 Where an employee's chosen accompanying person is unavailable on the day scheduled for the meeting or appeal, the meeting will only normally be re-scheduled once unless there are extenuating circumstances e.g., a pandemic. As unnecessary delays can cause additional strain for all parties, any re-scheduled meeting will normally be proposed within five working days of the original date.
- 4.4 The University does not permit employees to be accompanied to meetings/Hearings by qualified legal advisers.

### 5. Support for Employees

- 5.1 All employees will have access to the following support during the Grievance process, should they wish. For example:
- **Employee Assistance Programme** (access to counselling and free confidential helpline, available 24-hours a day, seven days a week on 0800 028 0199).
  - **Thrive** (free Mental Wellbeing App).
  - **Mental Health First Aiders** (employees can contact a MHFA for confidential support and who will be able to signpost employees for further help).
  - **Trade Union** (employees are advised to contact their local representative for further information on the support available).
- 5.2 Where an employee does not have access to a University computer, or they have a disability or impairment which prevents them from being able to submit a grievance, retrieve information or seek support, they should contact Human Resources or their Trade Union Representative.
- 5.3 Where an employee suffers ill health during the Grievance procedure, then the University may determine it is appropriate for them to be referred to the Occupational Health service to establish what steps may need to be taken to enable the University to progress with the procedure, whilst having due regard for the employee's health and wellbeing. The University will endeavour to expediate, where possible, an Occupational Health appointment so as not to unduly protract the Grievance procedure.

## **6. Witnesses**

- 6.1 All employees are required to participate and co-operate in any stage of the Grievance procedure that they may be involved in or have witnessed. This is a reasonable expectation of anyone who may have information which could assist an investigation.
- 6.2 Witnesses may be asked by either party to:
- attend meetings/Hearings, and/or
  - provide a Witness Statement.
- 6.3 The Investigating Officer will typically invite a witness to a meeting to ascertain what they observed. Notes will be taken, and a copy issued afterwards for the witness to sign confirming:
- the notes are a true statement of the version of events, and
  - they understand that their statement may be shared with relevant parties.
- 6.4 If appropriate, witnesses will be expected to attend meetings however in some circumstances, it may be decided that a witness can give a statement or respond to written questions from the Investigating Officer/Chairperson, without having a meeting, if the witness
- is not an employee, or
  - only needs to give very simple information, or
  - is ill and cannot come to an investigation meeting.
- 6.5 If a large number of employees witnessed the same incident, the Investigating Officer may choose to talk to some of the witnesses and check whether they consistently corroborate. Where the Investigating Officer feels they're not getting enough information or there are significant differences in what the witnesses say, this should be extended to include more witnesses.
- 6.6 Where an employee unreasonably refuses a request to participate in an investigation without a legitimate reason in doing so, they may be subject to disciplinary action being taken against them.

## **7. Mediation**

- 7.1 Depending on the nature of the grievance, the University may suggest mediation as a means of trying to resolve the matter. This involves the appointment of a third-party mediator, who will discuss the employee's grievance with all of those involved and seek to facilitate a resolution.
- 7.2 Mediation will only be used where the employee, and the other parties involved in the grievance, agree to do so.



## **8. Status Quo**

8.1 The University will maintain the status quo until all stages in the Grievance procedure have been resolved.

8.2 Status Quo is defined as:

“The working practices and management arrangements that were in place at the time the grievance was raised and where possible the status quo should operate until the internal procedure has been exhausted.”

## **9. Collective Grievances & Disputes**

9.1 Where a group of two or more employees raise a grievance about the same issue, the University will assess whether it is appropriate for the issue to be dealt with collectively and will normally request the nomination of two representatives to act as spokespeople and to attend relevant meetings and/or hearings on behalf of the group. The spokespeople can be accompanied by a Trade Union Representative if they choose to do so.

9.2 Where a collective dispute or grievance is lodged by a Trade Union official, under the UCU Recognition Agreement and the UNISON Recognition Agreement, the University will agree with the Trade Union official the method of conducting the investigation and who will be involved in meetings and/or hearings on behalf of the employees.

9.3 Usual timescales can vary for collective disputes depending on the complexity and number of people involved. The University will negotiate and agree the timescale with the Trade Unions.

## **10. Recording of Meetings/Hearings**

10.1 A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an alternative person arranged by the University to take notes.

10.2 Employees or any person acting on their behalf, are not normally permitted to record electronically any meeting that the University hold under the Grievance procedure. This is to encourage openness and full participation. Any breach of this provision may lead to disciplinary action, which could include dismissal.

10.3 In certain limited circumstances, the University and confirming all parties agree, may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability or impairment. Where permission is given for a meeting to be recorded electronically, the University will be responsible for arranging the recording.

10.4 In circumstances where it is not possible to hold a face-to-face meeting under this procedure, the University will conduct the process remotely, ensuring the employee and their representative have access to the necessary technology for participating. Employee rights will not be affected, and the University will ensure that the procedure remains fair and reasonable.

## **11. Disciplinary or Other Policy Action**

- 11.1 Where an employee is subject to formal action under another policy (e.g., Disciplinary, Performance Management) raises a grievance, the University will decide on how to progress matters should the grievance relate to ongoing disciplinary proceedings against them.
- 11.2 In line with ACAS Guidance, the University will assess the exact nature of the grievance before considering whether to continue with the Disciplinary procedure, or run concurrently, or temporarily suspend in order to deal with the grievance.
- 11.3 Where an employee submits a grievance which is considered by the University to be a false, malicious, frivolous or trivial allegation, then disciplinary action may be taken.
- 11.4 Where the University has specific policies, procedures and processes for matters such as disciplinary, redundancy, job evaluation, whistleblowing, flexible working etc, the matter will be dealt with under the relevant policy or procedure.

## **12. Stage 1 - Raising an Informal Grievance**

- 12.1 If the grievance is regarding the employee's immediate line manager, the grievance should be raised with the manager above the line manager. Employees can seek advice from Human Resources if they are unsure who to send the grievance to.
- 12.2 It is expected that employees will seek to resolve grievances informally with their line manager in the first instance and will only progress to a formal grievance if the issue cannot be resolved by these means. Where resolution has been unsuccessful, or circumstances make this route inappropriate, the matter should be raised formally through the Grievance procedure.
- 12.3 Managers will discuss an employee's grievance in confidence with them, make discreet investigations, as appropriate, and attempt to address the employee's concerns fairly and promptly.
- 12.4 Where the grievance is in respect of another employee, the line manager will ascertain whether the employee has approached the person to resolve the grievance in the first instance.
- 12.5 Where this has been unsuccessful the line manager may, after a discussion with both, bring together both parties to facilitate a discussion and resolution.
- 12.6 During this part of the process, use of facilitation or mediation may be used; this will not prevent the employee from raising a formal grievance if this does not resolve their concerns.

### **13. Stage 2 - Raising a Formal Grievance**

- 13.1 Where attempts to resolve the matter informally are not successful, or if the grievance is serious in nature, employees may wish to proceed to a formal complaint.
- 13.2 To proceed to the formal procedure, the employee should complete the online Grievance Resolution Form. This form will automatically be sent to Human Resources to triage and share with the employee's line manager (or the manager above their manager if the grievance is regarding the employee's immediate line manager).
- 13.3 It is important that employees set out clearly the nature of their grievance and indicate the resolution they are seeking. If the grievance is unclear the employee may be asked to clarify the complaint before a grievance meeting is scheduled. A formal grievance must usually be made without unreasonable delay of the attempted informal resolution. An acknowledgement of receipt of the Grievance Resolution Form will be issued by Human Resources.
- 13.4 A member of the Human Resources team will arrange for an appropriate Investigating Officer to hear the grievance. The individual will have no conflict of interest or any prior involvement in the case and will typically be a more senior person in the Faculty/School or Department which the employee works. However, there may be circumstances when there will be a requirement to request that someone from another Faculty/School or Department hears the grievance.
- 13.5 Where the individual identified to hear the grievance considers there has been no attempt to resolve the grievance informally, and/or there is scope for the matter to be resolved informally, they may contact the employee to encourage them to utilise this option.
- 13.6 If, at any time, the employee wishes to withdraw their grievance, they must confirm this, in writing, to the member of the Human Resources department who is supporting the investigation. The University reserves the right to investigate the original complaint if it is considered appropriate to do so, even where the employee withdraws their grievance.
- 13.7 Where counter complaints are made by any accused party, it will be usual practice for the Investigating Officer to consider these during the course of the original investigation, rather than commencing a separate investigation.

#### **Grievance Investigation Meeting**

- 13.8 An Investigation Meeting will be scheduled with the employee as soon as possible. Employees should be aware that the overall investigation can, in some circumstances, be time consuming, particularly as the amount of investigation required will depend on the nature of the allegation(s) and will vary from case to case. There may be situations where the individual responsible for considering the grievance will be required to meet with a number of individuals as well as the person who raised the complaint to gather details of the case (e.g., the subject of the complaint, any witnesses to the complaint cited in the grievance). Any unavoidable delays will be communicated to all parties.

- 13.9 The Investigation Meeting will be convened by sending an invitation to the employee as soon as practicable and, in any event, within 10 working days. The invitation letter will be sent by Human Resources who will detail the date, time and location of the meeting. It is also possible that further meetings may need to be held as the investigation progresses.
- 13.10 If the grievance relates to another employee and to protect all parties, that employee will either be provided with a copy of the complaint, or with details of the complaint in writing, in order that they can prepare a response.
- 13.11 At the Investigation Meeting the employee will be asked to explain the nature of their grievance and what action they feel should be taken to resolve the matter.
- 13.12 Where an employee is absent due to sickness or other long-term absence, the University reserves the right to investigate the grievance on the basis of the written submission, and in consultation with the employee, meet with the employee's representative and/or utilise the University's Occupational Health service in order to minimise delays.

### **Grievance Hearing**

- 13.13 The University reserves the right to allocate the information gathering/investigation to a third-party, with a decision then made by the University.
- 13.14 Once all evidence has been collated, the Investigating Officer will convene a panel and invite the employee to attend a formal Grievance Hearing, giving them at least 5 working days' notice.
- 13.15 The Investigating Officer will outline the information gathered during the course of their investigation and listen to any further comments or responses which the employee may wish to make. If there is no additional information to consider, the Investigating Officer will verbally communicate the outcome of their decision to the employee and advise them that they will also receive a written response within 5 working days of the Hearing.
- 13.16 If more information comes to light, it may be necessary to adjourn the Grievance Hearing to conduct a further investigation and reconvene the Grievance Hearing when this has been completed.
- 13.17 Where an employee is unable to attend the Grievance Hearing because of circumstances beyond their control, they should inform the Investigating Officer conducting the Grievance Hearing as soon as possible.
- 13.18 The meeting will only normally be re-scheduled once unless there are extenuating circumstances e.g., a pandemic. As unnecessary delays can cause additional strain for all parties, any re-scheduled meeting will normally be proposed within five working days of the original date.
- 13.19 Where the University has attempted to re-schedule a meeting due to mitigating circumstances (i.e., sickness absence), the University reserves the right for the Grievance Hearing to take place in the employee's absence, based on their written grievance statement and any other documentation available.

- 13.20 Following the Grievance Hearing, the Investigating Officer will write to the employee within 5 working days informing them of their decision. The employee will also be informed of actions to take if they wish to appeal the outcome.
- 13.21 Where appropriate, the person against whom the grievance has been raised will also be notified in writing of the conclusion of the investigation and the Investigating Officer's decision.
- 13.22 A member of Human Resources will liaise with relevant managers as required to ensure that recommended actions to resolve the grievance are implemented and reviewed as appropriate. This may involve issues being considered in accordance with the University's Disciplinary Policy & Procedure (or other procedures as appropriate).

## **14. Stage 3 – Appealing a Formal Grievance**

- 14.1 Employees have the right to appeal against the outcome of the formal process. Appeals must be made in writing to the named Human Resources contact identified in the formal outcome letter. Employees must clearly state the grounds of their appeal, i.e., the basis on which the result of the grievance was inaccurate or that the action taken as a result was inappropriate.
- 14.2 The Appeal Hearing is generally not a re-hearing of the original grievance, but rather a consideration of the areas which the employee is dissatisfied with in relation to the original grievance. The Appeal Chair may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.
- 14.3 Any appeal must be submitted within 10 working days of receipt of the written notification of the outcome of the grievance.
- 14.4 The appeal will be heard by an appropriate senior manager, typically one level higher than the Investigating Officer (or where this is not possible, a senior manager in a different Faculty/School or Department) who will review the circumstances and consider any new evidence. The Appeal Chair will have no conflict of interest or any prior involvement in the case.
- 14.5 The Appeal Hearing will be convened by sending an invitation to the employee as soon as practicable and, in any event, within 10 working days of receipt of the written grievance Appeal. The invitation letter will be sent by Human Resources who will detail the date, time and location of the meeting.
- 14.6 Where an employee is unable to attend the Appeal Hearing because of circumstances beyond their control, they should inform the Appeal Chair conducting the Hearing as soon as possible. Failure to attend without explanation, or if it appears that the employee has not made sufficient attempts to attend, the Appeal Hearing may take place in their absence, based on their written grievance statement and any other supporting documentation available.
- 14.7 At the Appeal Hearing the manager who heard the original grievance will be invited to present the rationale for their decision. The employee will be asked to provide any further information needed for the Appeal Chair to assess whether or not the conclusion reached in the original Grievance Hearing was appropriate, based on examination of all the evidence considered as part of the original investigation.

14.8 Following the Appeal Hearing, the employee will be informed of the outcome within five working days of the hearing.

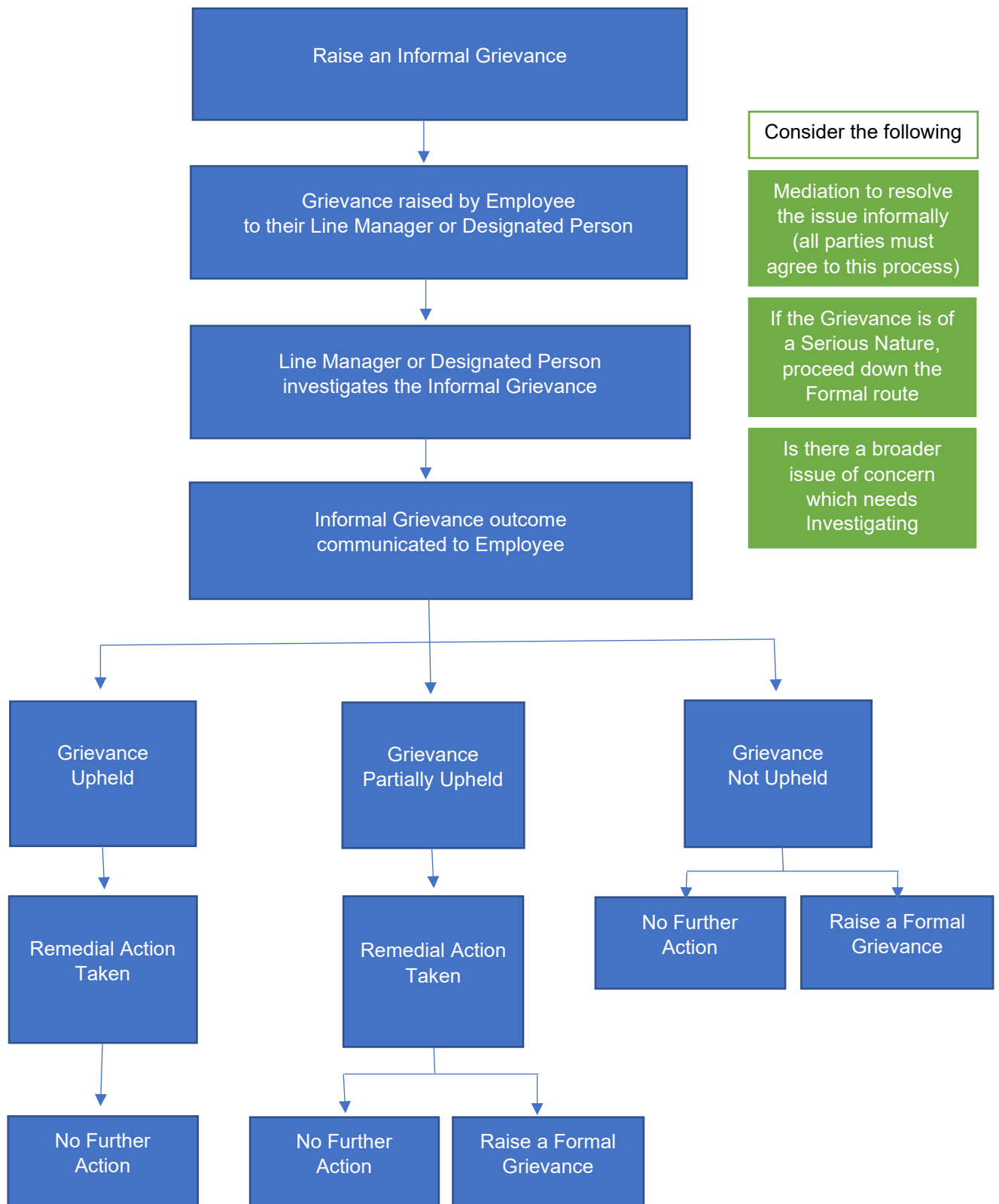
14.9 The outcome of the appeal is final.

## **15. Related Policies & References**

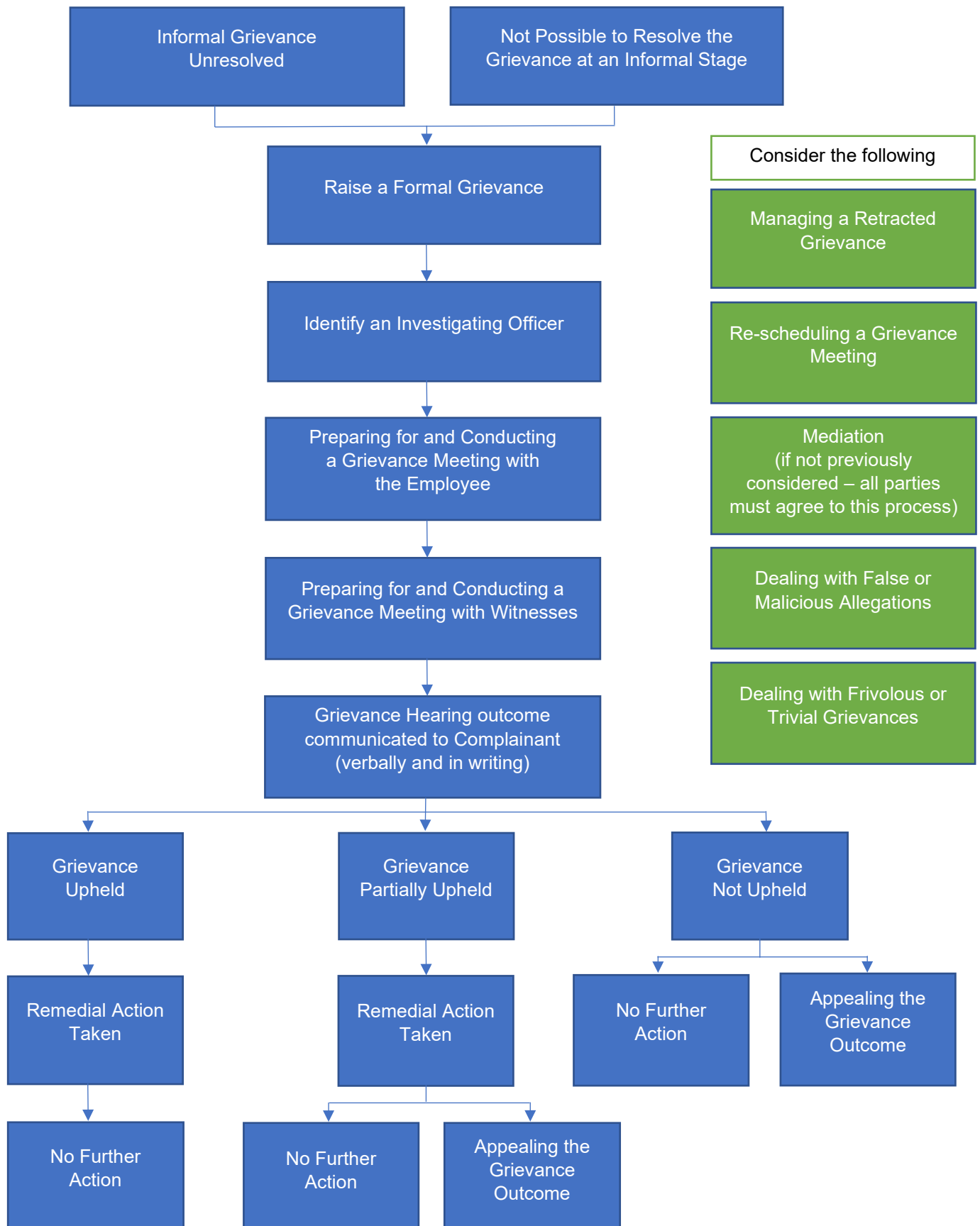
15.1 This policy should be considered in conjunction with, but not limited to the following policies and procedures:

- Articles of Association (incorporating Instrument and Articles of Government)
- Data Protection Policy
- Dignity at Work and Study Policy
- Disciplinary Policy & Procedure
- Flexible Working Policy & Procedure
- Job Evaluation Policy & Procedure
- Recruitment and Selection Policy & Procedure
- Redundancy & Severance Policy
- UCU Recognition Agreement
- UNISON Recognition Agreement
- Whistleblowing Policy
  
- ACAS Code of Practice on disciplinary and grievance procedures
- ACAS Guide – disciplinary and grievances at work
- Data Protection Act 2018
- Equality Act 2010

## Appendix 1 - Raising an Informal Grievance (Flowchart)



## Appendix 2 - Raising a Formal Grievance (Flowchart)





### Appendix 3 - Appealing a Formal Grievance (Flowchart)

