**Grievance Policy and Procedure**

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**Policy Statement**

**Purpose and Core Principles**

Leeds Beckett University is committed to creating a positive working environment for all employees. In any organisation colleagues will, from time to time, have concerns or complaints regarding their work, working relationships or the working environment.

The policy aims to ensure that where problems are identified, they are dealt with promptly, fairly and consistently.

Many potential concerns and issues between employees will be solved during everyday working relationships, and it is expected that all concerned will seek to resolve issues through informal discussion where appropriate. As dialogue can be the best way of addressing issues, the University and our union colleagues are committed to resolving matters informally wherever possible.

This policy and procedure provide a framework for the resolution of grievances (whether raised by an individual employee or collectively as a group). The University recognises the importance of resolving issues between colleagues quickly and endeavours to minimise the time taken to complete related investigations, whilst also ensuring they are conducted to a high standard and follow all due process.

All matters of grievance should be raised promptly following the colleague(s) becoming aware of the issue, normally, within a few days of them becoming aware of the action/incident complained of (depending on the circumstances) so that a resolution can be reached as soon as reasonably possible. In exceptional circumstances, and if agreed by a senior member of the HR Team, grievances may be considered outside of expected timescales. However, the University reserves the right to deny access to the grievance procedure where an unreasonably lengthy period has elapsed from the date of the matter complained about.

The grievance procedure, including any time limits, may be varied when considered appropriate and reasonable by the University, and impacted colleagues who are aware of the grievance will be kept informed where it is fair and appropriate to do so.

**Scope**

This policy applies to all University employees. The grievance procedure can be accessed on an individual or collective basis except for holders of a senior post, as defined in the [Articles of Government](http://www.leedsmet.ac.uk/metoffice/gov/), for whom separate arrangements apply. This policy does not apply to those individuals who are self-employed and/or otherwise provide a service to the university without being employed directly by the University.

Specific concerns relating to harassment, sexual misconduct and bullying can be raised in accordance with the Preventing and Addressing Bullying, Harassment and Sexual Misconduct policy, through the University’s Support, Report, Respect platform. That policy also provides information on the support available from the Dignity and Respect Network and possible interim measures in such cases.

Where the University has specific policies and procedures for matters such as disciplinary, redundancy, non-renewal of fixed term contracts, grade/remuneration, whistleblowing and flexible working, the grievance raised may be dealt with as part of the relevant policy/procedure. This policy and procedure does not apply to matters which are normally covered by collective agreements or formal consultation with the recognised Trade Unions.

All HR policies and procedures are available through the HR Team webpages.

**Responsibilities**

Employees should, wherever possible, raise grievances informally in the first instance. This also applies to collective grievances.

All colleagues are required to co-operate fully with grievance investigations, including attending relevant meetings when requested.

All managers are responsible for attempting to resolve employee concerns relating to their employment fairly, constructively, and promptly. Where a manager is the subject of the complaint, it may be more appropriate for this to be an alternative manager (i.e., the line manager of the manager).

All parties involved in the grievance process must maintain appropriate confidentiality and comply with all data protection requirements in relation to any associated information and/or documentation.

Grievances should be raised promptly, normally within a few days of the becoming aware of the action/incident complained of (depending on the circumstances) so that a resolution can be reached as soon as reasonably possible.

Although the University reserves the right to deny access to the grievance procedure in the case of a complaint submitted after an unreasonable period has elapsed, it is recognised that there are exceptions to this - such as when the complaint relates to events or incidences that have occurred over a prolonged period, and in cases where its considered reasonable that the complainant was not able to raise a complaint earlier (for example, in some sexual misconduct, bullying and/or harassment cases).

Where a colleague has raised a grievance and commenced sickness absence, any requests from the colleague to postpone the grievance procedure on this basis will be considered on a case-by-case basis by the investigating manager.

The HR Team is responsible for providing training, advice, and guidance to managers on the use of the grievance procedure but may take an active part in grievance cases to assist in the timely establishment of facts. Where colleagues have questions on the grievance policy or require additional support, the HR team can provide clarity and signpost to appropriate impartial support mechanisms as appropriate.

Personal data collected during the formal grievance procedure will be processed in accordance with the University’s Data Protection Policy. All information and data obtained as part of the procedure must be held securely.

Where an employee submits a grievance that is considered by the University to be in bad faith, frivolous, or vexatious, disciplinary action may be taken. HR will advise the relevant manager on whether a disciplinary investigation is appropriate in the circumstances.

**Review**

The aim is to review the grievance procedure every three years or sooner, considering legislative changes and/or University requirements. An annual Equality Impact Assessment will be carried out in relation to the use of the grievance procedure**.**

**Procedure**

1. **Stage 1 - Resolving Grievances/Complaints Informally**
   1. The informal stage is aimed at trying to resolve complaints that can be solved during the course of everyday working relationships. Employees talking to their manager informally about their concerns may quickly and easily resolve any misunderstandings and give everyone a better understanding of the viewpoints of others, in most instances.
   2. Wherever possible and appropriate, such grievances, complaints or concerns about work (or working relationships) should be discussed and resolved informally between the employee and their line manager (or if the complaint is against their line manager, then the employee should raise it with a more senior manager within the School/Service, usually their line manager’s manager).
   3. However, there may be occasions where employees request that their grievance/complaint is investigated at the formal stage (stage 2) without previously attempting resolution through the informal stage (stage 1). For example, where their complaint is so serious and has wide reaching implications, that dealing with it informally will not be effective. Where this is the case, the University will consider the appropriateness to investigate on a formal basis and engage with the complainant(s) on reasons for the request and the requirements of the situation, considering all parties and the circumstances of the grievance/complaint. This does not affect employees’ rights under the ACAS code.
   4. There may be circumstances such as where English may not be a colleagues first language and a work colleague or translator from outside of the organisation is considered necessary by the manager to support the colleague in facilitating the discussion.
   5. Guidance is available regarding resolving grievances/complaints, with sections explaining informal options and the support available by accessing the following link: <https://www.leedsbeckett.ac.uk/-/media/files/public-information/a-to-z-guides-and-support/grievance-guidance-for-colleagues-on-resolving-grievances.pdf>
   6. It is not intended that this informal approach should entail a wide scale investigation of issues but rather a safe, informal, and constructive dialogue. This would also apply where a grievance is raised collectively by a group of employees under this stage. Managers are expected to deal with such matters promptly.
   7. The informal grievance will normally be investigated by the manager without unreasonable delay. This may include meeting with the individual or individuals who raised the grievance/complaint, the person against whom the grievance/complaint is raised and/or other witnesses. The manager will inform the complainant(s) of the investigation outcome either verbally or in writing. A written reply will normally be given if the complainant(s) requests it. Most cases should be resolved at this stage.
   8. The formal grievance procedure (stage 2) should normally only be requested if the grievance/complaint has not been resolved informally (with the exception of 1.3 above). In these circumstances the complainant should normally submit a formal grievance (stage 2) within 10 working days of being informed that the informal process has concluded.
2. **Stage 2 - Formal Grievance** 
   1. To proceed to the formal procedure, the complainant (or collective group of complainants acting jointly on the same grounds) should complete the Stage 2 - Grievance Resolution Form (Appendix 1) and submit this to the Employee Relations Team along with any relevant documentation. If the complainant is not able to complete this form, support and guidance may be sought from the Employee Relations Team or a Trade Union representative.
   2. The full grounds of the grievance, all relevant information, known evidence and the resolution the complainant(s) are seeking should be submitted at the start of the formal stage. This is to ensure the full extent of the issue can be established/scoped, resolved as promptly as possible and the appropriate investigation approach selected.
   3. The complainant(s) is not usually permitted to add additional grounds to their grievance during the process. However, where there is additional evidence or allegations raised during the investigation process, the Investigating Manager will determine if such evidence or allegations are relevant/linked to the investigation (and what information should be gathered to investigate any additional allegations). Additional evidence and/or allegations will be considered on a case-by-case basis and the employee will be updated.
   4. The formal grievance will be considered by an Investigating Manager (IM). The complexity and particular circumstances of the case, including impartiality, will be taken into consideration in determining the most appropriate person to undertake this role.
   5. Only in exceptional circumstances will an investigator external to the University be used. However, this needs to be carefully considered and any decision should balance the needs for fairness against a cost effective and efficient investigation.
   6. Where the IM appointed to investigate the formal grievance feels that 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 complainant(s) to suggest that an informal resolution is sought and provide practical support where possible.
   7. Other than where an attempt to resolve the grievance/complaint informally is recommended, or where there are clearly no grounds for and/or evidence of the complaint, the IM will endeavour to meet with the complainant(s) within 10 working days to discuss the grievance. The complainant(s) may be accompanied by a colleague or trade union representative. This will also apply where this is concerning a collective grievance and involves a group of employees. If the complainant(s) are unable to attend the grievance meeting, they will be offered an alternative date to meet, which will be within 5 working days of the original date where possible. The aim of all parties involved should be to avoid any unnecessary delays.
   8. If the complainant(s) are unable to attend the alternative grievance meeting the University is not obliged to arrange any further meetings. However, each case will be considered on an individual basis.
   9. During the grievance meeting, the IM may ask for more information about the grievance/complaint and explore the complainant’s suggested resolution.
   10. The IM will investigate the grievance/complaint thoroughly, considering all the relevant facts. This may include speaking with others on a confidential basis.
   11. The IM will determine whether the grievance/complaint is upheld or not and where appropriate recommend action(s) that can be taken to resolve it.
   12. The IM will notify the complainant(s) in writing of the investigation outcome as soon as reasonably possible, which will follow the ACAS code on this matter and will include:

* Whether the grievance/complaint is upheld and if so, what action is to be taken or recommended to resolve it; or
* If the grievance is considered not upheld, the reasons for arriving at this conclusion
* Should the IM determine, it would be beneficial to share further specific information as part of the outcome they will do so
  1. The IM will ensure the complainant(s) are kept informed of the investigation progress, up until a formal outcome is provided.
  2. Where further investigation is required, the IM may meet with relevant witnesses. This may include the individual(s) against whom the grievance has been raised. It is for the IM to determine relevant witnesses and gather the evidence. Where the IM considers it is appropriate and relevant to do so a summary of the issues relevant to the witness’s potential evidence will be shared with them. Where appropriate the IM may ask a witness to provide a written statement before deciding whether a meeting with them is required.
  3. Intimidation or harassment of anyone involved in the grievance process will not be tolerated. Any such behaviour may lead to disciplinary action being taken against the perpetrator(s).
  4. Each witness will receive summary notes of the investigatory meeting that they attend and will have the opportunity to agree the accuracy of the notes within a reasonable period.
  5. Where a complainant is absent, the University may investigate the grievance based on a written submission, and, in consultation with the complainant, meet with their representative and/or utilise the University’s Occupational Health Service to minimise delays.
  6. A formal grievance/complaint can be withdrawn at any time by writing to the Employee Relations Team. However, the University may consider it appropriate to continue to investigate the grievance/complaint or any matter related to it.
  7. The IM will advise the complainant of their right to appeal (stage 3), details of which will be included in the outcome letter.
  8. The IM will liaise with relevant managers to inform them of any recommended actions as an outcome of the grievance/complaint so they can be reviewed and actioned as appropriate. This may involve issues being considered in accordance with the University’s Disciplinary Procedure (and/or other procedures as appropriate).

1. **Stage 3 - Grievance Appeal**
   1. The complainant (or collective group of complainants acting jointly on the same grounds) have the right to appeal against the outcome of their stage 2 formal grievance. The appeal must be in writing as outlined in the formal outcome letter. This must, unless otherwise agreed in advance, be received no later than 5 working days after receipt of the written outcome letter at stage 2.
   2. The purpose of the appeal process is to consider the grounds of appeal submitted by the employee and is not a re-hearing of the case previously presented. Hence the grounds for appeal should normally fall within one or more of the following:

* Procedural error, where the employee feels it causes material disadvantage
* The outcome and recommendations are unreasonable and significantly out of line with the issues considered
* New information is now available which could not have reasonably been provided when the original outcome was communicated
  1. Appeal investigations will only proceed where it is deemed valid grounds have been received.
  2. The complainant(s) should set out clearly the grounds for appeal in full: detailing the reasons why they disagree with the outcome. Where the appeal relates to new evidence there should be a clear statement within the appeal outlining the reason this was not available for consideration at the previous stage. The employee(s) should also confirm whether they will be represented and if so, by whom.
  3. The appeal investigation will be carried out by an appropriate manager (called Appeal Manager) who has not been previously involved in the case, is at the same level or senior to the manager who undertook the stage 2 of the grievance process. A member of the HR Team will be present to provide professional advice.
  4. Where valid grounds of appeal have been received the Appeal Manager will review and where appropriate arrange to meet with the complainant(s).
  5. The Appeal Manager will endeavour to meet with the complainant(s) within 10 working days.
  6. Where the appeal is from a group following a collective grievance at stage 2 the Appeal Manager will meet with the group collectively.
  7. If the complainant(s) are unable to attend the appeal meeting, they will be offered an alternative date to meet, which will be within 5 working days of the original date where possible. The aim of all parties involved should be to avoid any unnecessary delays.
  8. If the complainant(s) are unable to attend the alternative appeal meeting the University is not obliged to arrange any further meetings. However, each case will be considered on an individual basis.
  9. The employee(s) have the right to be accompanied by a work colleague or a trade union official (should the employee be a member of a trade union). A member of the HR Team may be present at any appeal meetings to provide professional advice and guidance.
  10. When considering the grievance appeal, the Appeal Manager may need to investigate the matter in more detail prior to formulating a response, in which case the employee(s) will be kept informed of any extended timescales, up until a formal response is given in the format of an outcome letter.
  11. The decision at the appeal stage will be final.

1. **Additional Considerations**

4.1 An informal grievance/complaint (including collective) may be raised directly with a member of the Employee Relations Team, should it be genuinely believed that this cannot be communicated to the relevant manager, or manager’s manager. The Employee Relations Team will offer relevant advice to the employee(s) and will usually escalate the grievance/complaint to an appropriate manager to address the concerns raised.

4.2 Should an employee raise a grievance whilst disciplinary or other formal proceedings are in progress, the grounds of grievance will be reviewed by the University to determine the appropriate next steps, which may be one of the following:

* To run the disciplinary investigation or hearing/ attendance/performance management meeting/ and grievance hearings concurrently
* If the grievance is deemed inextricably linked to the matter being dealt with in accordance with the disciplinary procedures, the grounds raised as a grievance may be addressed as part of that formal procedure
* To put on hold any disciplinary investigation and/or formal disciplinary / attendance / performance hearing to allow the grievance to be addressed

1. **Related policies and documentation**

Data Protection Policy

Addressing Bullying, Harassment and Sexual Misconduct Policy - Colleagues

Disciplinary Procedure

Disciplinary Rules

Recognition Agreements - UCU and UNISON

ACAS Code of practice on disciplinary and grievance procedures

ACAS Guide – Discipline and grievances at work

ACAS Guide – Conducting Workplace Investigations

*Last reviewed June 2023*

**Appendix 1**

**Stage 2 - Employee Grievance Form**

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| --- | --- |
| **Personal Details**  Employee(s) name:  Line manager:  School/Service:  Work location:  Job title: | |
| **Details of Your Grievance**  (Please provide specific details of instances, names and relevant dates below, or attach a separate document) | |
| **Action already taken (if any)**  (Please provide details of informal discussions and what action you have taken to date to look to resolve the matter, and why you feel that your grievance remains unresolved and/or why the informal options are not appropriate. Please read the Employee Guidance on Grievances before completing this section and submitting your form). | |
| **Suggested Resolution/Remedy**  (Please provide details of how you feel your grievance could be best resolved. What do you hope will happen?) | |
| **Signed\*:**  **(\*where collective grievance, this should be signed by each employee)** | **Date:** |

**This form should be submitted to the Employee Relations Team. If you are not able to complete this form, support and guidance may be sought from the Employee Relations Team or your Trade Union representative.**