**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. Many potential concerns and issues will be solved during the course of everyday working relationships, and it is expected that both managers and employees will seek to resolve issues through informal discussion. The University and our trade unions are committed to resolving matters informally wherever possible.

This policy and procedure provides a framework for the resolution of grievances (raised by an individual employee or collectively as a group of employees). The University recognises the importance of seeking to resolve grievances quickly and will endeavour to minimise the time taken to complete investigations.

All matters of grievance must be raised promptly (normally within ten working days), following the employee becoming aware of the matter giving rise to the grievance. In exceptional circumstances, and only where agreed by the People Team, grievances may be accepted outside of this timescale. The University reserves the right to deny access to this procedure in the case of a grievance submitted after an unreasonably long timescale has elapsed.

The Procedure, including any time limits, may be varied as appropriate and reasonable in any case in consultation with the employee or, where the employee so wishes, with the employee and their trade union representative.

**Scope**

The policy and procedure applies to all University employees with the exception of holders of a senior post, as defined in the [Articles of Government](http://www.leedsmet.ac.uk/metoffice/gov/), for whom separate arrangements apply.

Concerns relating to bullying, harassment and discrimination can be raised under the Dignity at Work and Study Policy, through which, impartial and confidential support and information about the University’s policies and services can be provided to assist with resolution at an informal stage.

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 matter will be dealt with under the relevant policy/procedure. This policy and procedure also does not apply to matters which are normally subject to collective agreements or consultation with the Trade Unions.

Where an employee facing formal action under another policy/procedure (e.g. Disciplinary, Managing Performance) raises a grievance, the University may determine that it is appropriate to consider the employee’s complaint(s) within the operation of that policy/procedure.

All people policies and procedures are available through the People Team and on the People Team webpages.

**Responsibility**

Employees should, wherever possible, raise grievances informally in the first instance.

Employees should co-operate fully with grievance investigations, including attending relevant meetings when requested.

All managers are responsible for attempting to resolve employee concerns regarding employment fairly and promptly. However, where an employee submits a grievance which is considered by the University to be in bad faith, frivolous, or vexatious, disciplinary action may be taken. The People Director will normally determine whether such a process is appropriate.

All parties involved in a grievance must maintain appropriate confidentiality and comply with data protection requirements in relation to any information and documentation.

The People Team is responsible for providing training, advice and guidance on the use of this procedure, and may take an active part in grievance cases to assist in the establishment of facts.

**Review**

The procedure will be monitored and discussed with the Trade Unions on an annual basis and reviewed every three years or sooner in light of legislative changes and University requirements as appropriate. This will include an annual Equality Impact Assessment.

**Procedure**

1. **Resolving Grievances or Complaints Informally**
   1. Wherever possible, grievances or complaints about work (or working relationships) should be discussed and resolved informally between the employee and line manager, (or if the grievance is against the line manager, with a more senior manager within the School/Service). All concerns should be raised promptly, as soon as reasonably practicable after the matter giving rise to the complaint, concern or problem.
   2. Manager and Employee Guidance is available regarding resolving grievances, with sections explaining informal options and the support available. This includes information about the University’s Mediation Service which offers the opportunity for confidential, facilitated discussion.
   3. The Dignity at Work and Study Policy provides information about the resolution of allegations of bullying, harassment and discrimination, in particular, and the support available from the Dignity and Respect Network.
   4. If the grievance is not resolved informally, the employee may submit a formal grievance within 10 working days of the informal process coming to an end.

1. **Formal Resolution Procedure**
   1. To proceed to the formal procedure, the employee (or group of employees acting jointly on the same grounds) should complete the Grievance Resolution Form (Appendix 1), and submit this to the Employee Relations Manager along with any relevant documentation. If the employee is not able to complete this form, support and guidance may be sought from the Employee Relations team or a Trade Union representative.
   2. Normally the grievance will be investigated by the employee’s supervisor or line manager. However, the complexity and particular circumstances of the case, including to ensure impartiality, will be taken into consideration in determining the person who will undertake the investigation, and on occasions (particularly for sensitive issues) investigators external to the University may be used. It may also sometimes be necessary to deviate from the formal procedure to ensure fair consideration of the grievance – where this is deemed necessary, the reasons will be provided to all parties.
   3. Where the person identified to hear the 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 employee to encourage them to utilise this option.
   4. Employees (including employees against whom a grievance has been raised) have the right to be accompanied and represented by a full-time Trade Union officer, a Trade Union representative (who is an employee of the University) or a work colleague during meetings under the formal procedure.
   5. The person investigating the grievance may also meet with witnesses as part of the investigation.
   6. Intimidation or harassment of the complainant or witnesses by any party will not be tolerated. Any such behaviour will lead to disciplinary action being taken.
   7. 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.
   8. An employee may withdraw a formal grievance at any time by writing to the Employee Relations Manager. The University reserves the right to continue to investigate a matter where it deems it to be appropriate.
   9. Where employees leave the University’s employment during the investigation of their grievance, (or where a former employee wishes to raise a grievance), the matter should be referred to the Employee Relations Manager.
   10. Personal data collected during informal complaints and the formal grievance procedure will be processed in accordance with the University’s Data Protection Policy. In particular, data collected as part of informal complaints and the grievance procedure will be held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. The person investigating the grievance will share the notes of any investigatory meeting with those who have attended the meeting, including providing the opportunity to comment on the notes. The People Team will maintain a single central record of grievance cases and outcomes.
2. **Grievance Investigation**
   1. Following the receipt of the Grievance Resolution Form, and where an informal process has failed to resolve the issue, the person investigating the grievance will arrange a formal meeting with the employee and his/her representative within ten working days to discuss the grievance.
   2. Following this meeting, further meetings may be required with others (including the person against whom the grievance has been raised and any witnesses) in order to investigate the issue. A member of the People Team will attend formal investigative meetings. Generally, the person against whom a formal grievance has been raised will be sent a copy of the Grievance Resolution Form and all relevant documents. However, where the case involves particularly sensitive matters, the person investigating the grievance will consider and determine the most appropriate way to proceed with the investigation.
   3. The person investigating the grievance will formally respond in writing to the employee and their representative within five working days of the completion of the investigation, with a copy provided to the person against whom the grievance has been raised.
   4. A member of the People Team will liaise with 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 Procedure (or other procedures as appropriate).
3. **Appeal**
   1. Employees have the right to appeal against the outcome of the grievance case. The appeal must be in writing to the Employee Relations Manager and must, unless otherwise agreed in advance, be received no later than five working days after receipt of the written outcome letter. The employee should set out clearly the grounds for appeal in full, stating whether or not they will be represented and if so, by whom.
   2. The Employee Relations team will arrange for the appeal to be heard as soon as is practicable.
   3. The appeal meeting will be conducted by an appropriate manager (who has not been previously involved in the case) at the same level or senior to the manager who undertook the formal grievance investigation. A member of the People Team will be present to provide professional advice.
   4. The purpose of the appeal hearing is to consider the grounds of appeal submitted by the employee and is not a re-hearing of the case previously presented. Appeal hearings will only proceed where valid grounds have been received.
   5. The manager hearing the appeal will formally respond in writing to the employee within five working days of the appeal hearing.
   6. The decision at appeal will be final.
4. **Related policies and documentation**

Data Protection Policy

Dignity at Work and Study Policy

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

*Reviewed September 2019*

**Appendix 1**

**Employee Grievance Resolution Form**

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| **Personal Details**  Employee 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 action which have already taken place in relation to your grievance, 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:** | **Date:** |

**This form should be submitted to the Employee Relations Manager. 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.**