



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



EMPLOYEE GRIEVANCE PROCEDURES

Contents

Background	2
Purpose Statement	2
Applicability and Scope	2
Responsibilities	3
Definitions	3
Principles	4
Dealing informally with grievances and workplace problems	5
Formal Procedure	6
Stage One – Raising a Formal Grievance or Collective Grievance and Holding a Grievance meeting	6
Stage Two – Appeal Procedure	7
Stage Three – Senior Employees Final Review	8
Grievance raised during the Disciplinary Process	10
Monitoring	11
Appendices	12
Appendix 1: Procedure to be used at a Grievance Meeting (Stages One and Two)	12

Note: Hyperlinks have been provided for ease of reference. For other documents (referred to in italics) please see the Policies page on the main University website (<http://bucks.ac.uk/about-us/governance-and-policies/policies>)

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Background

- 1 Bucks New University recognises that a positive working environment and good working relationships have a significant impact on our staff well-being and engagement. We recognise that the working environment can also lead to better performance, improved employee retention and reduced stress related sickness absence.
- 2 We are committed to finding an effective and quick resolution of difficulties that may arise in the workplace, through open communication and discussion, which is good for our staff and students. We wish to support staff and managers to work together to resolve any disputes and conflicts constructively and speedily.
- 3 This policy aims to bring complaints, grievances or disputes to a satisfactory and constructive conclusion. Through our Bucks values the University believes that employees should be treated fairly and with respect.

Purpose Statement

- 4 The purpose of the policy is to ensure that employees, who are aggrieved about the treatment that they have received, either by management or by their colleagues, are given an opportunity to have their issues resolved in a prompt and fair manner.
- 5 The policy aims to ensure good practice by applying the standards set out in the relevant sections of the ACAS Code of Practice on Disciplinary and Grievance procedures.

Applicability and Scope

- 6 This policy applies to all employees of the University on an individual basis.
- 7 There may be occasions when several employees may be affected by circumstances which they consider are more effectively dealt with by a collective grievance. Please refer to paragraphs 44 onwards.
- 8 Where concerns relate to Bullying and Harassment these should be considered under the *Dignity at Work Policy*.
- 9 If concerns relate to whistleblowing these should be considered under the *Raising concerns at work policy (Whistleblowing) Policy*.
- 10 Where there are complaints that they may have about any disciplinary action taken against them should be dealt with as an appeal under the *Employee Disciplinary Procedures*.
- 11 If a grievance is lodged during an on-going disciplinary matter, advice should be sought from Human Resources to ascertain if it has a direct bearing on the investigation process. This should not normally delay on-going proceedings, and the expectation is that this would be dealt with after the conclusion of the disciplinary meeting or, if appropriate, run concurrently with it.

Responsibilities

- 12 It is the responsibility of an employee to be familiar with the policy to understand how and when to raise a grievance. It is advisable for an employee to talk with their line manager, Human Resources or their union representative before taking any action either informally or formally.
- 13 It is the responsibility of Senior Managers / Heads of School / Directors and all other managers to implement this policy and procedure and make every effort to ensure that grievances are minimised. Any concerns raised must be investigated promptly and effectively.
- 14 It is the responsibility of managers to take steps to promote the awareness of the policy and the procedure for dealing with complaints. Managers should be responsive and supportive to any member of staff who raises a grievance informally or formally. Managers should seek advice from HR on how to manage any such grievance so that they can provide clear advice on how to use the procedure. Managers should maintain confidentiality and seek to ensure that there is no further problem after a grievance has been resolved. All managers will be trained in EDI and investigation.
- 15 It is the responsibility of Human Resources to act impartially in advising, guiding and training managers and staff. A member of the HR Directorate will be assigned to the case and will be available for clarification and advice on procedures to both the employee and their representative and the relevant manager hearing the grievance, at all stages of the process. In exceptional cases another HR professional may be involved in the process. If an appeal is specifically on the grounds of a breach of procedure that occurred as a result of advice from a member of the HR Team then it will be appropriate for another member of the HR Team to attend.
- 16 Trade Union representatives are available to provide support during the informal and formal stages of the grievance.
- 17 An Investigating officer (IO) will be appointed to carry out a full and thorough investigation into the allegation(s) which have been made against an individual(s). They should have attended training prior to undertaking any investigations in the University. The investigation process it should be independent and ensure a fair process. To identify all witnesses, questioning and have documented evidence which supports or challenges the allegations that have been made and to provide a comprehensive report in a timely manner.
- 18 There are a number of staff trained in the University as mediators who are available to mediate between employees and further information is available below.

Definitions

- 19 **Grievances** are substantive concerns or problems that employees raise with the University. A grievance should be concerned with the way in which an employee believes they have been treated by the University or managers acting on its behalf, or about any aspect of their employment.

- 20 **Collective Grievances** – a collective grievance is raised where several employees are concerned about the same action that a manager or the University has taken, or is considering taking in relation to their employment or their working arrangements or environment. To progress a collective grievance please refer to the formal procedure from paragraph 44 onwards.
- 21 **Vexatious complaints** – where an employee raises a grievance that is frivolous, malicious or vexatious or any person involved gives misleading statements, they may be subject to action under the University's *Employee Disciplinary Procedures*.
- 22 **Mediation** is a confidential and informal process that can be used to assist in resolving grievances and can be used during the formal and informal grievance procedure. The University has a number of staff trained as mediators who are available to mediate between employees with a view to identifying a mutually acceptable resolution of the issues involved. Requests for the involvement of a mediator should be made through HR – humanresources@bucks.ac.uk
- 23 **Right to be accompanied** – employees have the right to be accompanied by a work colleague or trade union official at any grievance meeting or any other meetings related to the grievance. Where the employee is accompanied, the representative can address the hearing to put across/sum up the individual's case/evidence, respond to any views which have been expressed by others and confer with the individual. However, they may not answer the question on behalf of the individual.
- 24 **Employee assistance helpline** – a confidential Employee Assistance Helpline which offers access to advice and information and is available 24 hours a day. Details on how to access this service can be found [here](#).
- 25 **Days** means working days, which are Monday to Friday when the University is open.
- 26 **Employee** means the member of staff lodging the formal grievance.
- 27 **Line manager** means the immediate manager whatever their job title.
- 28 **Employee's representative** means the person accompanying the employee to, or representing them at, a grievance meeting.
- 29 **Respondent** means the employee against whom a grievance has been raised.
- 30 **Senior Manager / Leadership team member** means the Head of School / Directors who have overall responsibility for the School or Directorate in which the employee works.
- 31 **Senior employees** mean the holder of senior posts, under the *Articles of Government*, as designated from time to time by Council.

Principles

- 32 Wherever possible, every effort will be made to resolve grievances informally through discussion and/or mediation between the individuals concerned.
- 33 All employees have the right of recourse to the formal procedure should informal resolution fail or they believe that the informal procedure is inappropriate
- 34 The Procedure will observe the principles of natural justice whereby:

- a The employee will be entitled to an unbiased hearing and the right to be represented;
 - b Discussion of the case will be based on evidence collected by a thorough investigation;
 - c If the grievance is against a named individual after the investigation has been completed and the named individual has been invited to attend a formal hearing, the respondent has the right to see all of the evidence being relied on in the complaint about them and the right to prepare and make a response.
 - d The respondent has the right to attend all panel meetings. Exceptionally where either the employee or the respondent petition the Panel to request separate meetings on grounds of fear of intimidation the Panel will adjourn the meeting to consult the respondent separately.
- 35 At the end of Stage One the employee has the right to appeal.
- 36 Additional or new evidence, including witness statements, can be considered at any stage providing there were circumstances which prevented them from being disclosed at the outset.
- 37 Stage One of the Procedure is normally heard by the relevant Director / Head of School. Where a grievance involves that person or where it involves employees within different Schools or Directorates, the HR Director will establish, within 5 working days of the submission of the formal grievance, who will hear the grievance at each stage of the procedure.
- 38 The Chair of a Grievance Meeting will conduct the business in the most efficient way possible, while safeguarding the fairness of the proceedings. Subject to allowing a full airing of views, they will guide the participants in minimising repetitious, irrelevant or frivolous evidence.
- 39 Senior employees will address their grievances through Stage Two or Stage Three of the policy and procedure.
- 40 Vice-Chancellor will raise their grievances through Stage Three of the policy and procedure.

Dealing informally with grievances and workplace problems

- 41 The University is committed to the resolution of individual grievances fairly and promptly whenever possible. Employees are encouraged to discuss the problem informally with their immediate line manager in the first instance. If the grievance is against their line manager they should contact the line manager's manager or raise it with Human Resources in order to seek a resolution.
- 42 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of their grievance. This will involve the appointment of our internal mediation service, which is made up of mediators from within the University who will discuss the issues raised with those involved and help to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree. Where appropriate, external mediation will be considered.

- 43 Where attempts to resolve the matter informally do not work, or where the employer believes that an informal approach is inappropriate, it may be appropriate to raise a formal grievance under this procedure.

Formal Procedure

Stage One – Raising a Formal Grievance or Collective Grievance and Holding a Grievance meeting

Note: If the employee is a Senior Employee they will proceed straight to Stage Two or Three.

- 44 The University is committed to the resolution of individual grievances fairly and promptly whenever possible. Employees are encouraged to discuss the problem informally with their immediate line manager in the first instance. If the grievance is against their line manager they should contact the line manager's manager or raise it with Human Resources in order to seek a resolution.
- 45 The request should clearly explain:
- The nature of the grievance
 - The action taken by the employee to resolve the matter so far and the outcome or the remedy sought
 - Outcomes of discussions to date
 - The form must be accompanied by all relevant supporting evidence available at the time such as emails, memos and notes of previous meetings, together with the names of any relevant witnesses.
- 46 Further attempts may be made to resolve the matter informally including using the internal mediation service. However, if this does not resolve the issue it will be dealt with under the formal procedure.
- 47 In accordance with paragraph 37 the HR Director, or nominee, will confirm the appropriate Senior Manager / Leadership team member to consider the grievance.
- 48 It is in the employee's and the University's best interests that the facts of the case are established before the grievance proceeds to a Grievance Meeting.
- 49 The Senior Manager reviewing the grievance will be responsible for arranging a Grievance Meeting within 10 working days of receiving notification of the grievance.
- 50 The Grievance Meeting will be attended by:
- The Senior Manager who will be the chair for the meeting
 - A HR Business Partner will attend to advise.
 - The employee and their representative
- 51 The purpose of the Grievance Meeting will be for:
- The employee to explain their grievance and how they think, within reason, it might be resolved.
 - The manager may ask questions to clarify matters
 - The manager may adjourn the meeting for a short time to consider the grievance and reach a conclusion, unless further investigation is required.

- 52 The meeting will be conducted in accordance with the process described above. A note taker will always be present at the meeting and notes taken. Only in exceptional circumstances will the meeting be recorded and will only be allowed with the agreement of all parties.
- 53 If the manager believes there is a need to establish further facts (i.e. investigation) then they will outline what steps (including necessary timeframes) they need to take, before reaching a conclusion. This will be confirmed in writing to the employee within 10 working days of the formal grievance meeting. Any further delays along with the reasons will also be confirmed in writing.
- 54 The nature of the grievance will determine the most appropriate way to establish the facts before making a decision including meeting any witnesses (as appropriate) and record any other facts. The manager may seek assistance from other employees to clarify any facts and/or complete the investigation.
- 55 The Chair reviewing the grievance will notify those who attended the outcome of the meeting within 10 working days of the close of the Grievance Meeting. The letter will summarise:
- the nature of the grievance
 - the investigation that was conducted (where appropriate)
 - the decision
 - the reason for the decision
 - any outcome for work and working practices as a result of the decision; and
 - a copy of the notes of the meeting.
 - Process for appeal/final review stage
- 56 In certain circumstances, it will also be appropriate for the Senior Manager to meet the employee and the line manager to explore any specific issues and/or to advise them orally of the decision.

Stage Two – Appeal Procedure

Note: If the employee is the Vice-Chancellor, they will proceed straight to Stage Three.

- 57 If the matter, including the recommended outcome or remedy, has not been resolved in the previous stages, the employee has the right to appeal to the Vice-Chancellor or nominee who has had no prior involvement in the case. The employee should confirm this intention on a notification of individual grievance form to the HR Director (unless the grievance is against the HR Director in which case the Vice-Chancellor should be approached) within 10 working days of receipt of the confirmation of the decision at Stage One, otherwise the matter will be closed. The written submission should clearly state the nature of the grievance, the date it was raised at the first stage, the response to that stage and the reasons why the employee is dissatisfied with the response. It should also include the employee's views on how the grievance could be satisfactorily resolved.
- 58 The Vice-Chancellor or nominee will, within 10 working days of receipt of the submission, arrange a Grievance Meeting. This meeting will be attended by:

- The Vice-Chancellor or nominee who will be the chair for the meeting, accompanied by a member of the HR Team who will advise and act as a note taker
 - The employee and their representative
 - The Senior Manager who reviewed the grievance at the first stage of the Procedure to provide a summary document
- 59 The purpose of the meeting will be to understand the ongoing nature of the grievance, to review the basis for the earlier decision and to explore potential solutions. Again, the employee will be afforded every opportunity to state their grievance at the meeting. Where new evidence has been submitted under the principles point 35 it may also be necessary for further investigation to take place in which case the meeting may be adjourned to enable this to be undertaken, and reconvened within a maximum of 15 working days. The timetable for investigation will be discussed and agreed with the employee.
- 60 The meeting will be conducted in accordance with the process described.
- 61 A note taker will always be present at the meeting and notes taken. Only in exceptional circumstances will the meeting be recorded and will only be allowed with the agreement of all parties.
- 62 The Chair reviewing the grievance will notify all those who attended the Grievance Meeting (excluding witnesses) of the outcome of the meeting within 10 working days. The letter will generally summarise:
- the nature of the grievance
 - the investigation that was conducted
 - the decision
 - the reason for the decision
 - any outcome for work or working practises as a result of the decision
 - a copy of the notes of the meeting.
- 63 This appeal stage will conclude the process if the grievance has been addressed through Stages One and Two.

Stage Three – Senior Employees Final Review

Note: If the employee is a Senior Employee they will proceed straight to Stage Two or Three.

If the matter, including the outcome or remedy, has not been resolved at Stage Two the Senior Employee will have the right to request a review by an Employee Grievance Panel. The employee must submit a notice of individual grievance form to the Academic Secretary and Registrar to the Council, copied to the HR Director, within 10 working days of receipt of notification of the outcome of Stage Two.

- 64 The Academic Secretary and Registrar, with another senior manager with no prior involvement in the case, will consider, on the basis of fully documented evidence, whether there are valid grounds for a Stage Three hearing by an employee Grievance Panel. The grounds for proceeding to Stage Three are as follows:

- additional or new evidence which could not have been presented at the earlier stages;
- material procedural irregularity at an earlier stage;
- demonstrable prejudice on the part of the person hearing the grievance at an earlier stage;
- perversity of judgement in the face of the evidence presented;

65 Requests where the grounds are deemed to be invalid will not proceed, unless the Academic Secretary and Registrar and Senior Manager agree that natural justice requires that, exceptionally, a request should be allowed to proceed.

Note: Paragraphs 64 and 65 and 68 do not apply in the case that the employee is the Vice-Chancellor. The request will be accepted as if it were a Stage One grievance. They also do not apply in the case that the employee is another member of the Senior Staff. The request will be accepted as if it were an Appeal.

- 66 Where the Academic Secretary and Registrar to the Council have been involved in the grievance procedures at earlier stages then the HR Director will review the case as above.
- 67 Within 10 working days of receiving notification of the grievance and valid grounds for it to progress to Stage Three, the Academic Secretary and Registrar to the Council will arrange a meeting of a Staff Grievance Panel which will comprise three members. The Chair of the panel will be appointed from the Independent or co-opted members of Council and be someone who has experience in dealing with Human Resource matters at a senior level. The other two members will be drawn from the University Executive team of the University if the employee is at Head of Directorate level or below. If the employee is a member of the University Executive team the other two panel members will be members of the Independent or Co-opted Council with experience of dealing with HR matters at a senior level. None of the members will have had previous involvement with the case. The Panel will be convened, where possible, within 20 working days.
- 68 A statement presenting the circumstances of the case will be prepared by the employee, in conjunction with their representative if appropriate, which should state the reasons why the grievance is being pursued and any redress sought, if upheld. This statement should be forwarded to the Human Resources Directorate who will send this and a full set of the previous documentation to the Academic Secretary and Registrar to the Council.
- 69 The papers for the Staff Grievance Panel will be sent to the members and other parties to the grievance by the Academic Secretary and Registrar to the Council or nominee at least 5 working days before the date of the meeting.
- 70 The meeting will be attended by:
- The members of the Panel, accompanied by the HR Director or nominee who will be available to advise on matters of policy and procedure
 - The employee and their representative
 - The member of the University Executive Team who heard the appeal at the second stage

- The Academic Secretary and Registrar to the Council or nominee who will act as secretary to the Panel
 - The respondent, subject to the principles in point 33 d.
- 71 In the event that the Academic Secretary and Registrar to the Council is implicated in the grievance, the Deputy Vice-Chancellor or nominee will act as secretary and will receive the papers under point 66 above.
- 72 The decision of the Staff Grievance Panel, will be final. It will be confirmed to all participants in writing by the Academic Secretary and Registrar to the Council no later than 10 days subsequent to the review and will be reported to Council.
- 73 When the University procedure is complete, it is open to the employee to refer the matter to an external body, without prejudice to the parties' statutory rights and obligations. Where the grievance is upheld at any stage of the Procedure, the Chair of the Panel in conjunction with the HR Business Partner, will consult with the employee with regards to the appropriate redress or further action to be taken. The Chair will confirm in writing the agreed action to be taken. The Human Resources Directorate will monitor the recommended actions and report compliance to the University Executive Team or, in the case of a Stage Three process, the Resources Committee.
- 74 The working and management arrangements that apply at the time the procedures will operate until the procedure has been exhausted.
- 75 The working and management arrangements that apply at the time the procedure commences will operate until the Procedure has been exhausted. Where it is believed that this contravenes overriding obligations e.g. welfare of students, advice will be sought from the HR Director in consultation with the University Executive Team.
- 76 The University will endeavour to ensure that all managers attend mandatory training in the use of the *Employee Grievance Procedures*.
- 77 Special arrangements will be made where, for instance, an individual's first language is not English or if he or she has a visual or hearing impairment or some other disability which might affect the individual's ability to present or answer a grievance.
- 78 Refusal of any participant to attend any stage of the Procedure will not invalidate the proceedings. In the case of absence because of circumstances which could not have been foreseen, the quorum for the Staff Grievance Panel is two members.

Grievance raised during the Disciplinary Process

- 79 If a grievance is lodged during an on-going disciplinary matter, advice should be sought from Human Resources to ascertain if it has a direct bearing on the investigation process. This should not normally delay on-going proceedings, and the expectation is that this would be dealt with after the conclusion of the disciplinary meeting or, if appropriate, run concurrently with it.

Monitoring

- 80 The Grievance procedure will be monitored by the Human Resources Directorate and will provide updates to the University Executive Team as part of regular KPI reporting and equalities data.

Appendices

Appendix 1: Procedure to be used at a Grievance Meeting (Stages One and Two)

1. The Senior Manager (University Management Group member) or University Executive Team member reviewing the grievance will be the Chair and be responsible for the conduct of the Grievance Meeting. They will be accompanied by a nominated Human Resources Business Partner who will attend to all arrangements relating to the meeting and act as secretary and adviser to the meeting. Notes of the meeting will be taken and circulated to all relevant parties.

(*At Stage One, this will be either the Director/Head of School, and at Stage Two, the Vice-Chancellor or nominee.)
2. The Grievance Meeting will also be attended:
 - **At Stage One** by the employee and their representative, the line manager who reviewed the grievance at the informal stage and any witnesses called by the employee, the line manager or the Chair.
 - **At Stage Two** by the employee and their representative, the employee's line manager, the Senior Manager/Leadership team member who reviewed the grievance at Stage One and any witnesses called by the employee, the Senior Manager or the Chair. The respondent will have the right to attend subject to the principles above.
3. The Human Resources Business Partner will ensure that all relevant documentation, including witness statements to be used as evidence at the meeting, and the names of witnesses attending the meeting, are circulated to all parties at least three days before the meeting.
4. At the meeting, the employee will be given the opportunity to state their case. They may call witnesses in turn¹ whom any party may question.
5. The respondent (where appropriate) will then be given the opportunity to respond and present any evidence and call any witnesses in turn whom any party may question.
6. The line manager and/or Senior Manager will then be given an opportunity to state their position and call any witnesses in turn whom any party may question.
7. The Senior Manager may question any parties.
8. The employee, respondent (where appropriate), line manager and/or Senior Manager may ask questions of each other and make a response.
9. The Human Resources Business Partner may also question any parties to seek further clarification where needed.

¹ Each witness will be asked to withdraw after they have given their evidence.

- 10 The Senior Manager will ask the employee, the respondent, the line manager and / or Senior Manager if they wish to sum up or expand on any evidence.
- 11 The Chair may call for an adjournment for an agreed period for the purposes of further investigation or where this appears to be necessary and constructive and would not be prejudicial to the employee's case. Likewise the employee may ask for an adjournment and, subject to the employee stating a constructive reason, this will be allowed for an agreed period.
- 12 Once all evidence has been presented, the Chair will close the Grievance Meeting.
- 13 The Chair will inform all parties through the Human Resources Directorate of their decision within the timescale prescribed in the Procedure.