



Guidance on using the Grievance procedure

For Heads of Department/ Section and Line Managers

This practical guide provides an essential toolkit when dealing with grievances.

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Introduction

The University's Grievance Procedure sets out the steps of the formal grievance procedure. This guidance provides advice on how to resolve issues informally and, if this is not possible, how to manage the formal procedure.

The University aspires to create a supportive workplace where there is open and honest discussion. Where issues and problems arise, employees and line managers should do their best to settle them promptly. Employees have the right to raise matters formally and the University's procedure provides an accessible means for all employees to raise issues with their line management, the right to a formal hearing and to be accompanied.

Principles

The key principles when handling a grievance:

- Line Managers and employees must raise and deal with issues promptly.
- Employees must set out the outcome they are seeking and provide any evidence for their grievance.
- Line Managers must take time to consider the grievance and ensure that the employee has the opportunity to present their grievance in person and to answer questions.
- Employees have the right to be accompanied at all formal stages.
- Employees have the right to appeal to the next level of management (employees under Ordinance 41 have the additional right to appeal to the Vice-Chancellor).

Informal Resolution

When is it appropriate to resolve workplace problems informally?

It is always appropriate to seek to resolve workplace problems informally and as soon as issues arise. Line managers should approach individuals where they can see that there are problems. It will often be possible to sort things out with a discussion between a line manager and the individual. Sometimes, it may be necessary to seek help from elsewhere e.g. People & Culture or Occupational health.

- It is important that those in a management position:

- Do not take a defensive position and assume that personal criticism is being made of them.
- Listen carefully and avoid passing judgement too quickly.
- Take time to consider and seek advice if necessary.
- Are open about the option of taking a formal grievance if the individual is unhappy with what is achieved informally.

IMPORTANT: It is always better to resolve matters informally and promptly – before there is a negative impact on the individual’s health, work and colleagues.

How to broach a discussion about a problem at work?

If you are in a position where you are responsible for others, it is always advisable to step in where you suspect that someone is unhappy in the workplace or has a grievance even if they have not raised it with you. It is usually much easier to resolve problems at an early stage and much less time consuming than going through a formal procedure.

You might introduce the subject with questions such as:

- You seem to be stressed lately, is there anything I can do to help?
- Your relationship with XXX seems strained, has anything happened?
- I have noticed that you did not seem happy with [for example, my proposal at the Department meeting], do you want to tell me what is troubling you?

You should always check if there are other underlying issues such as concern about work, issues at home, or health problems.

IMPORTANT: A member of the ER Advisory team can give you support on having difficult conversations and on addressing any health problems. There are training courses available, for example, on coaching skills - [HR Organiser](#) will have more details.

How to address grievances informally?

It is important to:

- Show that you are taking the issue seriously, so arrange to meet with the individual so you can discuss the matter face to face. Make sure you have a private room and that you allow enough time for a full discussion.
- Properly understand the nature of the problem, so ask the individual to explain the matter fully with evidence if appropriate – ensure you give them time to say all they need to say before stepping in to try and resolve the matter.

- Ask what outcome the individual would like to see, for example an apology or a change in a management decision.

IMPORTANT: Responding openly and constructively to a grievance at an early stage can help to resolve the issue quickly and prevent recourse to a formal procedure.

What if the person bringing the grievance is acting aggressively or making statements that are offensive?

It is understandable that someone might be upset and it is important that you respond calmly and do not become defensive. You should give them time to compose themselves and remind them that the University also offers a free and confidential counselling and support service for staff through the [Employee Assistance Programme](#) (EAP).

While someone may be upset, this does not mean that you should accept aggressive behaviour. If this occurs, you should remind the individual that there are standards of behaviour that they need to maintain and that it may be more productive for them to put their grievance in writing to form the basis of a separate discussion. If they continue to act aggressively, you should seek advice from the ER Advisory team and it may be necessary to follow the disciplinary procedure.

IMPORTANT: The issues surrounding a grievance can generate a lot of emotion – it is important to acknowledge this emotion while responding calmly and remaining focused on resolution and getting back to a good working relationship.

Formal grievances

A formal grievance would usually follow the process below, after any informal attempts to resolve the problem.

Process for formal grievances

1. Individual raises issue
2. Anyone complained about is given a chance to respond
3. Invitation to hearing
4. Hearing takes place - let individual know the outcome
5. Any resolution, if applicable, put in place

When would someone take a formal grievance?

If an employee feels their grievance has not been addressed adequately through informal means, they can take a formal grievance. Employees may also decide that they want to submit a formal grievance without seeking informal resolution first.

What about employees covered by Ordinance 41?

Employees under Ordinance 41 are covered by the University wide procedure. Although Ordinance 41 provides for the right to take a grievance direct to the Vice-Chancellor, it would be expected that the first two stages of the procedure are used first and that the individual engages in these in good faith while seeking to resolve the problem.

Who considers the grievance?

At the first stage, it will usually be the line manager / head of department. If the grievance is about the line manager, it should be considered by their line manager. At the appeal stage, the grievance would be heard by a manager who has not previously been involved in the case.

IMPORTANT: The person bringing the grievance must set out the resolution they would like to see.

How should a grievance be presented?

An employee should present their grievance concisely using this [form](#).

It should cover:

- The nature and grounds of the grievance including the detriment suffered by the individual.
- The names of any individuals being complained of, if there are any.
- The evidence for the grievance, either in full or summary form. This should include references to documents and, where appropriate, details of incidents and names and statements from witnesses.
- The resolution being sought e.g. an apology, a change to a management decision. Employees should stick to the facts and avoid offensive language. If they find it difficult to present their case, they could seek support from their trade union or a work colleague.

What if the grievance has little evidence or no proposed resolution?

If the individual presenting the grievance does not make a clear case or provide sufficient evidence, the person hearing it might:

- Ask for more evidence to be provided, warning that failure to provide evidence may result in the grievance not being upheld.
- Invite significant named parties to appear at the grievance hearing or meet with them separately.
- Ask more questions of the person bringing the grievance at the grievance hearing.

Ultimately, if there is insufficient evidence, it is unlikely that the grievance will be upheld.

How are counter grievances handled?

Where an employee submits a grievance in response to a separate grievance submitted which makes a complaint about them, it is worth meeting with them to remind them that they will be able to have their say as part of the process of considering a grievance: they do not need to submit a counter grievance.

If this does not stop a grievance being submitted, you could seek their agreement to trying to resolve the issue informally in the first instance, if this has not already been attempted. This may involve informal mediation. If this is not successful, each grievance will need to be heard separately.

IMPORTANT: Where someone is named in a grievance, they should be sent a copy (suitably redacted) and invited to respond.

What happens where there is suspected misconduct?

If it becomes clear that misconduct may have occurred, for example, harassment or bullying, the person hearing the grievance should suspend proceedings and initiate a formal investigation to consider potential misconduct.

It does not need to be proven at the grievance stage that misconduct has occurred but only that this is credible.

When should an investigation be undertaken?

Investigations should not usually be undertaken unless there is suspected misconduct that may warrant disciplinary action – in this case, the grievance would be suspended until the investigation and any disciplinary proceedings has taken place.

IMPORTANT: If the grievance concerns bullying or harassment, the matter should be treated under the disciplinary procedure and an investigation should be initiated.

Grievance hearings

The hearing should be held somewhere private where there will be no disruptions.

A member of the ER Advisory team should be present at the hearing, along with the representative of the person bringing the grievance. Named parties should be invited to submit written comments but may also be invited to the hearing or met with separately (this is not essential).

With the invitation letter, a hearing pack should be provided and the aggrieved party should be reminded that they have the right to be represented (People & Culture will have a standard letter). The hearing pack would usually consist of:

- All relevant correspondence.
- The University grievance procedure.
- The grievance and evidence
- Copies of any responses from named parties.
- Copies of any relevant policies or procedures.

IMPORTANT: Named parties must be given a chance to respond to any complaints made about them – but they do not need to be invited to the hearing unless the manager hearing the case would consider it useful. In some cases, having the two parties in the room at that time may inflame the problem and it is better to meet separately – steps can be taken to repair the relationship once the grievance is concluded.

A member of the ER Advisory team can advise.

Managing a grievance hearing

Before the hearing:

- Seek advice from a member of the ER Advisory team.
- Familiarise yourself with the grievance procedure so that you are aware of the formal next steps.
- Give careful consideration to the grievance case presented by the employee

During the hearing:

- Avoid a defensive attitude.
- Remember that it this is not a disciplinary hearing but an occasion where discussion may lead to an amicable solution.
- Make introductions as necessary. Use your introduction to set the tone of the meeting - calm and objective with the aim of resolving the issues.
- Invite the employee to re-state their grievance and how they would like to see it resolved, bearing in mind that those present will have read the grievance case.
- Invite the companion to add any points.
- Sum up the main points.
- Adjourn the meeting to consider the case. Inform the employee that they will hear within 14 days.

After the meeting:

- Consider the evidence carefully.
- Make any further enquiries if necessary, for example with the person who is the subject of the grievance.
- Provide a written response

IMPORTANT: When considering a grievance, a line manager needs to bear in mind that all parties will need to work together afterwards – that is why it is important to consider the matter promptly, thoroughly, to give named parties a chance to respond, and to provide a clear conclusion.

What should the response letter cover?

The grievance response should summarise the case presented and any other evidence, provide the decision and the rationale, and set out any further action or next steps to resolve any problems long term and to help ensure a productive working environment for the future.

A member of the ER Advisory team can provide template letters.

Is there an opportunity to appeal?

The employee may appeal the outcome of the grievance stating their full grounds of appeal. The outcome letter will explain to whom the employee should address their appeal. The employee will be invited to an appeal hearing.

There is no further appeal unless the employee is covered by Ordinance 41, where they are able to appeal to the Vice-Chancellor.

Getting back to work after a grievance

Once the grievance is completed, it is important to get back to a good working relationship. Heads of

Department/Section and line managers need to take the lead in putting the grievance behind them and making a fresh start. Where old grievances are raised, it is important to maintain a positive focus on the future.

Annex 1: Checklist for informal grievance meetings or grievance hearings

Before the meeting / hearing:

- Seek advice from a member of the ER Advisory team.
- If it is a formal hearing, ensure that an invitation is sent with a hearing pack (copy of grievance, procedure, any responses from anyone named).
- Familiarise yourself with the grievance procedure so that you are aware of the formal next steps.
- Give careful consideration to the grievance case presented by the employee

During the meeting / hearing:

- Avoid a defensive attitude.
- Remember that it this is not a disciplinary hearing but an occasion where discussion may lead to an amicable solution.
- Make introductions as necessary. Use your introduction to set the tone of the meeting - calm and objective with the aim of resolving the issues.
- Invite the employee to re-state their grievance and how they would like to see it resolved, asking them to bear in mind that those present will have read the grievance case.
- If it is a formal hearing, invite the [workplace representative](#) to add any points.
- Sum up the main points.
- If it is a formal hearing, adjourn the meeting to consider the case.

After the meeting / hearing:

- Consider the evidence carefully and dispassionately.
- Make any further enquiries if necessary, for example with the person who is the subject of the grievance.
- Provide a written response.

Further information and contacts

Support and advice can be obtained from a member of the ER Advisory team.

[Capability procedure](#)

[Grievance procedure and guidance](#)

[Disciplinary procedure and guidance](#)

[Sickness absence management policy](#)

[ACAS code of practice](#)

[ACAS Guide to discipline and grievances at work](#)

[Employee Assistance Programme \(EAP\)](#)

[Workplace representatives](#)