

THE UNIVERSITY OF BOLTON

EMPLOYEE GRIEVANCE POLICY & PROCEDURE

1. INTRODUCTION

1.1 The University of Bolton (“The University” or “University”) is committed to supporting a culture of professionalism; respect; and the maintenance of a positive working environment for employees. The University recognises that from time to time circumstances may arise where employees have concerns / complaints about, for example, their work; working conditions; local school / service policies or procedures; or working relationships with colleagues. In such cases it is the duty of employees to bring the issue(s) to the attention of the University (usually via their line manager, or Head of Service/School), in order that issues can be resolved in a timely manner. The University recognises that it is not in anyone’s interest to let matters go unresolved; fester; or build into something more serious.

1.2 This policy and procedure outlines the way in which such matters shall be addressed.

1.3 It does not form part of an employee’s contract of employment and the University reserves the right to amend or withdraw it at any time (and will make amendments where so obligated by the relevant legal framework).

1.4 The University recognises that a grievance procedure can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect, and whilst the University acknowledges that it can be a difficult time for people abusive or insulting behaviour from anyone taking part in a grievance procedure will not be tolerated, and the University may treat any such behaviour under the separate disciplinary procedure.

1.5 The University of Bolton is committed to the promotion of equality, diversity and a supportive environment for all members of our community. Our commitment to equality and diversity means that this procedure has been screened in relation to the use of plain English. Under the Public Sector Equality Duty (PSED), the University will consider the potential and actual impact on people with different protected characteristics, and the University in undertaking any aspect of this procedure will seek to make reasonable adjustments for employees with a disability.

2. THE GRIEVANCE POLICY

2.1 It is the policy of the University to resolve grievance matters at the earliest opportunity, and where at all possible within the school or service area where matters arise, and in the majority of situations initial informal attempts to resolve concerns / complaints is in everyone’s best interest.

2.2 However, if an informal approach does not resolve matters, or is not appropriate, a formal grievance may be raised and the procedure detailed in this document shall be the mechanism by which resolution is sought.

2.3 Confidentiality

2.3.1 It is important to note that once either the informal or formal aspects of the

grievance procedure are enacted, the issue(s) should be treated as confidential, and the employee raising the complaint should not discuss the matter wider than with the immediate person to whom the concern is raised; the Hearing Officer; HR (Human Resources), an Appeals Officer (where relevant); or a nominated representative / companion, and they should avoid discussing the matter with potential witnesses (who will be contacted by the relevant manager / HR as appropriate) . Matters remain confidential throughout the process and the Hearing Officer may also insist that the outcome (or aspects of the outcome) are treated confidentially. At the point where the outcome of the grievance is being communicated to the employee raising the grievance, they shall be provided a copy of any evidence collated during the investigation, however, in some cases at the discretion of the Hearing Officer the evidence given by individuals may have to remain confidential; be summarised; and / or be redacted.

3. OVERVIEW OF THE GRIEVANCE PROCEDURE

3.1 Any employee who has a grievance relating to their employment should have access to an effective means of dealing with the grievance in order to prevent problems from escalating where this can be avoided. This procedure describes the mechanism by which grievance issues will be addressed, and it:

- (i) sets out a framework (the procedure) where grievances can be dealt with effectively;
- (ii) seeks to achieve solutions initially through informal methods before recourse to formal processes where this is appropriate;
- (iii) sets out the general steps that will be followed by the University and is non-contractual.

4. SCOPE

4.1 This policy and procedure applies to all employees from within the University other than the Vice- Chancellor, or any other Designated Senior Post Holders, for whom a separate procedure may apply. It does not apply to contractors, consultants or any self-employed individuals working for the organisation who should have their own processes to deal with matters (although such persons may be involved as witnesses, and/or subject to their own organisations procedures). Similarly, Agency workers should raise issues in the first instance with their employing agency, who will then liaise with the University's HR department to agree on the appropriate way forward. The University may at its discretion allow an ex-employee to raise a grievance under this procedure, if the grievance is submitted prior to employment ending (ie during their notice period etc). This will depend on the circumstances, and such situations will be dealt with on a case by case basis in liaison with the HR department. Ex-employees shall not be granted the right of appeal.

4.2 This procedure should be followed where an employee has a grievance arising from their employment, except where the matter constitutes an appeal against a disciplinary decision, or relates to a disciplinary decision, which should be taken up in accordance with the disciplinary procedures, or where the University has specifically applicable procedures (such as in relation to grading; remuneration; whistleblowing; or public interest disclosure). Where a grievance is raised during disciplinary proceedings which is unrelated to those proceedings, the disciplinary proceedings and grievance procedure will normally run independently in parallel.

4.3 In circumstances where two or more employees assert a common grievance the

issue should be progressed in accordance with the principles and procedures set out in this procedure, and a view will be taken by the Hearing Officer in conjunction with HR in terms of how that joint grievance is presented, and as such in these cases the process might be amended slightly in order to remain relevant.

4.4 Issues that are the subject of collective negotiation or consultation with the recognised trade unions will not be considered under the grievance procedure. Other issues which are excluded from the scope of this policy include nationally agreed terms and conditions. The University shall avoid any duplication of process wherever possible, and as such a grievance may (either in whole or in part) be deferred if other proceedings are pending, or in process which fundamentally concern the same issue(s). Similarly, where it is felt that the matter being raised could be dealt with more appropriately under a separate policy or procedure, then on a case by case basis the University may advocate that the issue(s) are redirected to that relevant policy or procedure.

4.5 During the stages of the grievance process, the circumstances and arrangements which have given rise to the alleged grievance will normally remain in place whilst the grievance process is being conducted, unless agreed by the University (for example in some cases of misconduct; there is an impact on student experience; where a financial or statutory penalty has been incurred / is being considered; where a health and safety issue exists; or relationships with management are adversely impacted).

5. THE PROCEDURE

5.1 It is anticipated that the majority of problems can be resolved at an early stage by informal discussion, ideally at the time when they arise (section 5.3 below). However, if the matter cannot be resolved informally, it may then pass to formal stages as detailed in section 5.4 below.

5.2 Mediation

5.2.1 Mediation is a process defined by ACAS as “*A confidential and voluntary process in which a neutral person helps people in dispute to explore and understand their differences so that they can find their own solution*”

5.2.3 Depending on the nature of a grievance, mediation could be suggested as a means of trying to resolve it. This involves the appointment of a mediator, who will discuss the grievance with all of those involved and seek to facilitate a resolution. Mediation shall be used only where all involved in the grievance, agree to mediation.

5.2.4 As a completely voluntary and confidential process, mediation involves an independent, impartial person helping to reach a solution that is acceptable. The mediator can talk to all parties separately or together, and will not make judgements or determine outcomes, they will ask questions that will help to uncover underlying problems, assist the parties to understand the issues, and help them to clarify the options for resolving their conflict/issue. Mediation aims to restore and maintain the employment relationship, and its focus is on working together to go forward, not determining who was right or wrong in the past.

5.2.5 Either the University or the employee may suggest mediation as a potential way forward in appropriate cases. If an employee wishes to have the issue resolved through mediation they can state so at any point during the grievance process, although the

University may decide given the circumstances of a particular case, that mediation is not an appropriate means of resolving the grievance. In these circumstances, the grievance will be progressed through the procedure (as appropriate)

5.2.6 Where mediation is considered an appropriate mechanism for resolving a particular grievance, an individual will be appointed by the University in order to mediate on the grievance, or if this is not possible or appropriate an external mediator may be considered.

5.2.7 Where mediation is carried out the formal grievance process shall be put on hold during the period of mediation.

5.3 Informal Procedure

5.3.1 Employees are encouraged to resolve any grievance which arises in the workplace as quickly as possible through informal means, (including through mediation, or facilitated discussion).

5.3.2 Most grievances can be resolved quickly and informally through discussion by the employee with the person concerned. If the employee feels unable to speak to the person concerned or where the grievance is not related to another person (such as the application of a process) they should seek informal resolution through discussion with their Head of School / Service. If the employee feels unable to speak to their relevant Head of School / Service, (for example, because the complaint relates to that person), then the employee should speak informally to a more senior manager, or where this is inappropriate to their Human Resources Business Partner (HRBP). If this does not resolve the problem the formal procedure set out at section 5.3 below should be followed.

5.3.3 It is important to realise that a formal grievance process can have an emotional and psychological impact on those involved, and irrespective of the outcome can make it difficult to return to / resume normal working relationships. As such, the informal resolution approach should not be rushed or unduly dismissed without serious consideration.

5.4 Formal Procedure

5.4.1 When an employee has exhausted the possibility of resolving a grievance by informal means, or in the circumstances it is deemed by all parties inappropriate to attempt to resolve the grievance by informal means, then the formal procedure should be implemented.

5.4.2 On receipt of a formal grievance (Appendix 1) if the relevant Human Resources Business Partner considers that not enough time or effort has been allowed to try to resolve the grievance informally, then they may advise that further informal efforts are made, in order to resolve the matter. A member of Human Resources (HR) will be in attendance at any meeting held under the formal procedure. A copy of the main stages of the formal procedure is included as Appendix 2, in the form of a flowchart.

5.4.3 Formal stages will usually be held via a face-to-face meeting. Where this is not possible, the University may consider it appropriate to conduct some or all process remotely. In such situations the University will ensure that employees (and any representative or companion) has access to the necessary technology for participating, and will ensure that the procedure remains fair and reasonable, adjusting procedures where it is felt reasonable to do so.

5.5 The role of a companion (for formal stages)

A companion is a work colleague or trade union representative, whose role it is to accompany the employee during formal stages. Although consideration may be given to allowing a different companion, for example in situations where the employee might need support with a disability, or communication is a particular issue (e.g. language skills). The companion may not be a legal representative. It is also not normally reasonable for employees to insist on being accompanied by a companion whose presence would prejudice the hearing, nor would it be reasonable for an employee to be asked to be accompanied by a companion from a remote geographical location if someone suitable and willing was available.

5.5.1 A companion's role is to support the employee. With permission of the Hearing Officer conducting the meeting, the companion may (within reason) be permitted to address the hearing, asking questions, and responding on behalf of the employee, but not answering questions put to the employee. They may also put forward the case, and sum up the case; and confer with the employee during the hearing (or during an adjournment, whichever the Hearing Officer deems most appropriate).

5.5.2 The companion must also adhere to confidentiality as set out above in section 2.3.

5.5.3 Where an employee requests that they wish for a companion to attend formal grievance meetings, if that chosen companion cannot attend on a proposed date the employee can suggest another date as long as it is reasonable and not more than 5 working days after the date originally proposed by the Hearing Officer. It is the responsibility of the employee to liaise with their companion regarding meeting arrangements, and they will need to confirm to the Hearing Officer who the companion is at least 2 working days before the meeting.

5.6 Stage 1 (*Investigation*)

5.6.1 The grievance must be set out in writing (which should normally be done using the University's Grievance Form accompanying this procedure - see appendix 1) stating the nature of the grievance; any relevant times and dates; and any witnesses (where appropriate), what (if any) informal methods have been used to resolve the situation and what the employee's desired outcome / remedy is. If the grievance is unclear, an employee may be asked to clarify the complaint, or resolution they seek, prior to any grievance meetings being held.

5.6.2 An employee should raise a grievance with their Head of School / Service, unless the grievance is about their Head of School / Service, in which case it should be raised to the next level of authority. The person investigating the grievance will be referred to as the 'Investigating Officer' and on receipt will speak to the HR department for support. In instances where the grievance is against a direct report to the Vice Chancellor, the Vice Chancellor (on advice from HR) will nominate an appropriate individual to act as the investigating Officer. In any case the Investigating Officer will normally be in place within 5 working days of the written grievance being received and where it is reasonable to believe that the informal process has been exhausted, and that the grievance is not vexatious (see section 8).

5.6.3 On receiving a formal written grievance, the Investigating Officer should consider carefully how to investigate the grievance, which will depend on the nature of the grievance. As such this may involve seeking to gather further information prior to a meeting with the employee raising the grievance. The investigation shall be reasonable and proportionate to the issue being raised.

5.7 Stage 2 (*Hearing the grievance*)

5.7.1 At stage 2 of the formal procedure, the Hearing Officer (usually the same person investigating the concern, but here on in known as the 'Hearing Officer') shall write to the employee raising the grievance, confirming arrangements to meet to discuss the grievance where the employee will have the opportunity to explain the grievance, attempts to resolve informally; and the resolution they are seeking. The employee will also be provided the opportunity to submit relevant background information to evidence and support their grievance. The employee will be informed of their right to be accompanied by a work colleague or trade union representative at the grievance meeting (see section 5.14 – 5.17), and a member of HR will also be present, to provide support in terms of the process and in order to note the meeting. No other recording of the meeting shall be permitted, unless express permission from the University is obtained, otherwise recording without consent from the University shall be deemed misconduct. The grievance meeting should take place without unreasonable delay and usually within 15 working days after receipt of the written grievance. It is expected that all formal meetings will be held in person unless there are exceptional circumstances (such as issues regarding an employee's attendance on University premises). Where the employee is unable to attend the meeting due to availability or circumstances beyond their control, they are required to inform the Hearing Officer as soon as possible, whereupon they shall be offered an alternative date at the earliest reasonable opportunity. Failing to attend, without good reason, or if it appears that they have not made sufficient attempts to attend, the grievance meeting may take place in their absence, based on the written grievance statement and any other documentation available. The Hearing Officer shall ordinarily only offer one re-arrangement of the meeting.

5.7.2 Following the meeting with the employee raising the grievance, where the Hearing Officer deems it necessary, a meeting shall also be held with the employee against whom the grievance has been raised, having informed the person beforehand, (if this is the nature of the grievance), and interviewing any witnesses if appropriate, and seeking such other information / evidence as the Hearing Officer requires. Where a meeting is required, the employee will be informed of their right to be accompanied by a work colleague or trade union representative at the grievance meeting (as outlined in section 5.3.1). This meeting should take place without unreasonable delay and usually within 5 working days following the meeting with the employee raising the grievance. Witnesses are not normally afforded the right to bring a companion.

5.7.3 Once the Hearing Officer has met with all those they deem necessary, they shall consider the issues and, if necessary, seek any technical or process advice, or undertake further investigation which shall be reasonable and proportionate.

5.7.4 Following the final meeting and consideration of relevant information, the Hearing Officer will normally write to the employee who raised the grievance confirming the outcome of the grievance within 10 working days of the meeting. If this cannot be achieved within the timescale, the Hearing Officer will notify the employee informing them of the reasons for the delay, and expected timescales.

5.7.5 Once a decision has been made and communicated, the employee will be informed of the right to appeal against the decision if they are not satisfied with it. Any appeal must be lodged in writing with the HR Business Partner within 5 working days of the notification, to be addressed in accordance with the appeal procedure detailed below. Where the grievance relates to concerns about another employee, they too shall be written to by the Hearing Officer.

5.8 Grievance against the Vice Chancellor

5.8.1 In the event the Vice Chancellor is personally named as the subject of the grievance by virtue of their alleged conduct (and not by virtue of the proper exercising of their authority as the Vice Chancellor of the University), the grievance may be

submitted, formally, in writing, to the University Secretary and Clerk to the Governors who will arrange for the grievance to be heard by a Governor. The procedure to be followed by the Governor hearing the grievance will be as referred to in this procedure, except that any appeal should be addressed to the University Secretary and Clerk to the Governors within 5 working days of notification of the outcome, where upon they shall arrange for the appeal to be heard by the Chair of the Board of Governors (or their nominee), in line with the procedures set out herein.

6. APPEAL (AGAINST OUTCOME OF FORMAL STAGES)

6.1 The purpose of an appeal is not to re-hear the original grievance, and the employee must explain clearly the basis on which they think the outcome is wrong or unfair, or why any action or measures taken to resolve the grievance are inappropriate. This may be where new evidence has come to light, or was not available when the original grievance was heard; or where the procedure has not been followed, which impacted on the outcome of the grievance. The employee should also outline the remedy or outcome they seek.

6.2 The HR Business Partner will ensure that the appeal is considered by an independent manager (usually the next level of authority, e.g. the Dean; or a member of the University Executive Board). This person will be referred to as the 'Appeal Officer'.

6.3 The role of the Appeal Officer is to consider whether the procedure has been followed; any new evidence has come to light that was not previously available; and whether the decision of the Hearing Officer was reasonable based on the circumstances.

6.4 In instances where the grievance is against a direct report to the Vice Chancellor, the Vice Chancellor will act as the Appeal Officer, or may nominate a senior post holder from elsewhere in the University of Bolton Group.

6.5 The Appeal Officer will write to the employee to invite them to attend an appeal meeting. This meeting should take place without unreasonable delay and usually within 15 working days of receiving the appeal. The employee will be informed of their right to be accompanied by a trade union representative or a work colleague.

6.6 If the employee is unable to attend the appeal meeting because of circumstances beyond their control, they should inform the manager conducting the meeting as soon as possible. If they fail to attend without good reason, or if it appears that they have not made sufficient attempts to attend, the meeting may take place in their absence, based on their written appeal statement and any other supporting documentation available. The Appeal Officer shall ordinarily only offer one re-arrangement of the meeting.

6.7 At the appeal meeting, the employee will be given the opportunity to explain their grievance and the grounds of appeal, and state how they think it may be resolved.

6.8 The Appeal Officer will review the issues and if necessary adjourn the appeal meeting to seek advice or undertake further investigation.

6.9 The decision of the Appeal Officer shall be either that:

- the decision stands;
- the decision is partly upheld;
- the decision is not upheld

6.10 The Appeal Officer will consider their decision, and usually within 10 working days of the appeal meeting inform the employee in writing of the outcome of the appeal which will be final. If the grievance relates to concerns about another employee, and the appeal outcome is different from the original outcome, the other employee shall also be informed by the Appeal Officer of any material changes to the outcome.

7. RECORDS AND DATA PROTECTION

7.1 Notwithstanding the University's retention schedule, copies of correspondence from all stages of the grievance procedure will ordinarily (unless the issues raised are of a nature that requires otherwise) be kept on the employee's personal file for a period of 12 months.

7.2 The University processes personal data collected during informal complaints and the formal grievance procedure in accordance with data protection legislation. Data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. Any inappropriate access or disclosure of employee data should be immediately reported, and may constitute a data protection breach. It may also constitute a disciplinary offence, which the University may consider within the disciplinary procedure.

7.3 Employees and companions should also treat correspondence and documents in relation to the grievance and/or appeal as confidential both during and following the outcome of proceedings.

8. VEXATIOUS CLAIMS

8.1 The University recognises the legitimacy of raising grievances in order to resolve concern(s). Where however the University considers that grievances have not been raised in good faith, but that they have been raised vexatiously, then the University shall consider taking disciplinary action against the employee raising the grievance, and the employee shall be informed that the University considers the grievance to be vexatious, and the next steps.

9. PROCEDURAL ADVICE AND GUIDANCE

9.1 Human Resources advice may be sought for impartial procedural guidance by any party at any stage.

10. TIME LIMITS

10.1 The indicative time limits are working days (Monday to Friday) unless otherwise stated and are included in the procedure in order to ensure as far as possible that matters are dealt with promptly and without undue delay. However, in certain circumstances it may be necessary to extend these time limits in order that the grievance and any appeal is dealt with properly. In such cases where extensions to time limits are required, the employee will be notified with the reason(s) given, and shall be provided with updated expected timescales.

11. OTHER RELATED POLICIES, PROCEDURES, CODES AND GUIDELINES

- Anti-Bullying and Harassment Policy
<https://www.bolton.ac.uk/assets/Anti-Bullying-and-Harassment-Policy-6-May-2022.pdf>
- Disciplinary Procedure
<https://www.bolton.ac.uk/assets/Uploads/All-Staff-Disciplinary-Procedure-UPDATED-March-2016.pdf>
- Acas Code of Practice on disciplinary and grievance procedures
<https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>

12. DISSEMINATION OF AND ACCESS TO THE POLICY

12.1 This procedure will be made available to all employees via the on-line 'HR A-Z' on the staff section of the University web site.

Appendices

Appendix 1: Grievance Form

Section A: To be completed by person making the grievance.

Employee Name:

Name of School/Department:

Name of Line Manager:

Nature of Grievance - please include:

- the nature and details of the grievance;
- any relevant dates/times and where appropriate witnesses;
- what informal methods have been used to attempt to resolve the situation;
- your desired outcome / remedy

(continue on / use a separate sheet if necessary)

I am raising these concerns in good faith, and confirm that I have attempted to resolve matters via an informal process:

Signed (Person Making Grievance):

Date:

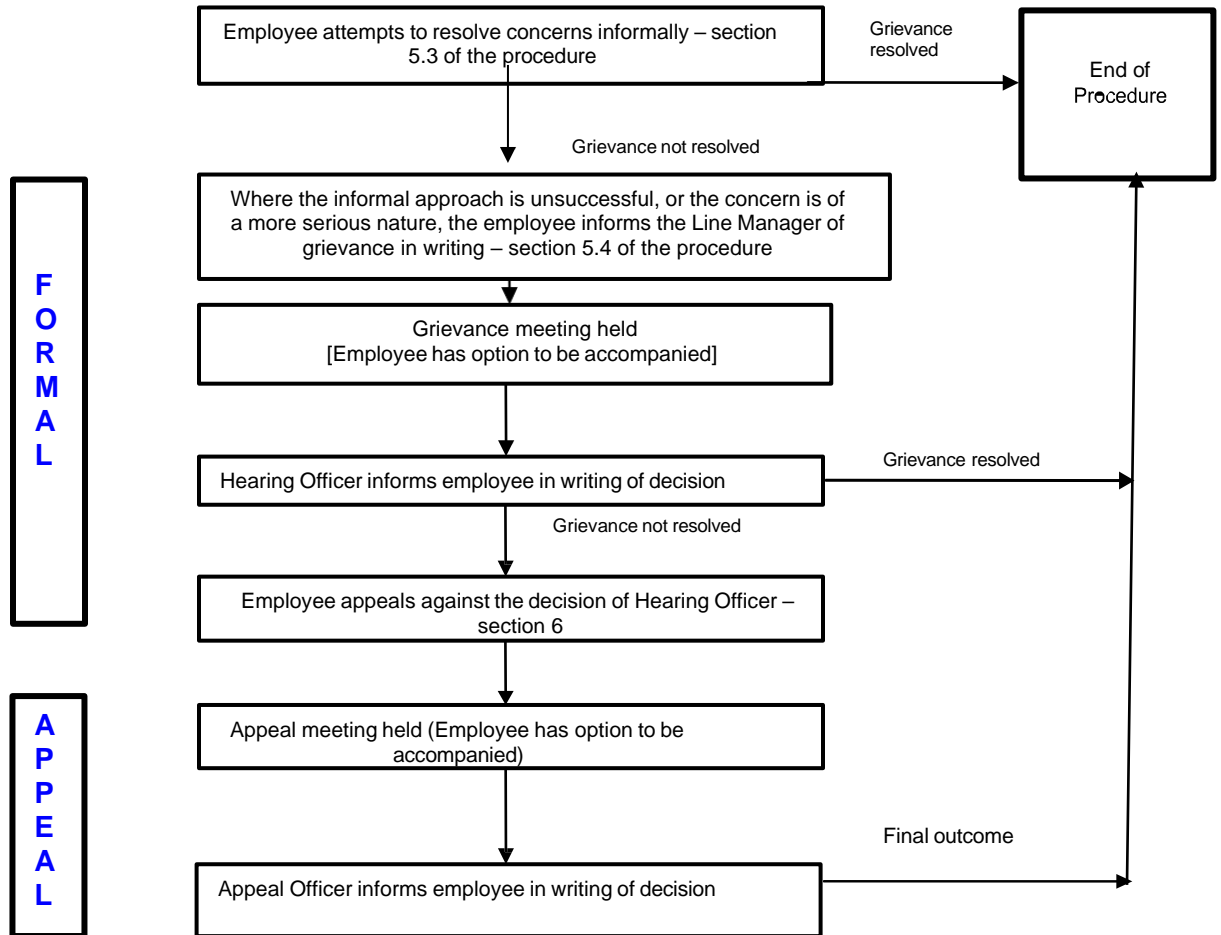
Section B: To be completed by person receiving the grievance

Date Received:

Received By (print name and job title):

Appendix 2 : Flowchart

Please note that this flowchart is only a brief summary of the procedural stages, and should be read in conjunction with the procedure



Appendix 3 : Monitoring and Review

This procedure shall be monitored and its effectiveness reviewed by the Executive Director of HR.

<i>The Grievance Procedure</i>	
Version Number	3
Version Date	July 2023
Name of developer/reviewer	Senior HR Business Partner
Procedure Owner (School/Unit)	Human Resources
Person responsible for implementation (postholder)	Executive Director of Human Resources
Approving Committee/Board	Board of Governors
Date approved	4 th July 2023
Effective from	1 st September 2023
Dissemination method (e.g. website)	Website/HR Department
Review Frequency	In line with strategy/legislation
Reviewing Committee	Executive Board
Document History (e.g. rationale for and dates of previous amendments)	To update and simplify the policy / procedure from the 2009 version