



This revised Grievance Policy (dated 1 October 2024) should be used for all new cases being initiated on or after 1 October 2024.

The original Grievance Policy (dated November 2021) should continue to be used for any case that was initiated prior to 1 October 2024.

The original policy is still on display in this file and follows immediately after the revised policy.

## **GRIEVANCE POLICY**

October 2024



# GRIEVANCE POLICY

October 2024

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<b>Document Title</b>	
Grievance Policy	
<b>Department author and department</b>	
Human Resources	
<b>Approving Body</b>	
People, Culture and Engagement Committee	
<b>Date of Approval</b>	
19 September 2024	
<b>Review Date</b>	
1 October 2027	
<b>Edition No.</b>	
006	
<b>ID Code</b>	
95	
<b>Date of Effect</b>	
1 October 2024	
For a) public access online internet or b) staff only intranet	Both
External queries relating to the document to be referred in the first instance to the Corporate Governance Team: email <a href="mailto:corporate-governance@port.ac.uk">corporate-governance@port.ac.uk</a>	
If you need this document in an alternative format, please email <a href="mailto:corporate.communications@port.ac.uk">corporate.communications@port.ac.uk</a>	

The latest version of this document is always to be found at:

<https://policies.docstore.port.ac.uk/policy-095.pdf>

## 1. Introduction

- 1.1 We consider it important that all employees have access to a policy to help deal with any grievances relating to their employment fairly and without unreasonable delay. We aim to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied. The purpose of this policy is to set out how employees can raise a grievance and how we will investigate and deal with grievances. The principles within this policy mirror the principles contained within the ACAS guidance.
- 1.2 Issues that could cause grievances may include, but are not limited to: terms and conditions of employment; health and safety; work relations; bullying and harassment; new working practices; working environment; organisational change; and discrimination. Employees are encouraged to raise grievances as soon as practical to ensure matters are dealt with promptly and whilst memories are still relatively fresh.
- 1.3 This grievance policy should not be used, in the first instance, to complain about another process which includes its own appeal stage, for example a dismissal, disciplinary action, or a decision relating to sickness or performance. If you are dissatisfied with any action, under a process which has its own appeal stage, you should submit an appeal under the appropriate policy. If you have submitted a grievance to the University and another process subsequently commences, the existing grievance will continue to run as set out in this procedure. If you raise a grievance during another process, e.g. disciplinary proceedings that is unrelated to those proceedings, the other process e.g. the disciplinary proceedings and grievance policy will normally run independently in parallel with reasonable effort made to consider the grievance concerns as soon as possible. Unless it is felt necessary that the disciplinary process is temporarily suspended, this will only be in exceptional cases.
- 1.4 This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns (except where the grievance relates to harassment or bullying then any member of staff is able to submit a grievance under this policy). In addition, this policy also does not apply to those on secondment to the University, in this case the policies and procedures from the original employer are applicable.
- 1.5 This policy has been implemented following consultation with UCU and Unison, the unions recognised by the University. However, this policy does not form part of any contract of employment and we may amend at any time, following consultation with the unions recognised by the University.
- 1.6 If you have difficulty at any stage of the policy because of a disability, or if you need assistance because English is not your first language, you should discuss the situation with your line

manager or a member of the HR Business Partnering Team as soon as possible.

1.7 Annex 1 to this policy sets out a flow chart which summarises the stages of this policy.

## 2. General principles

- 2.1 Our aim, where possible, will be to work with you to seek an early resolution to any issues that arise during your employment.
- 2.2 This policy is intended to ensure that managers respond to grievances in a constructive and timely manner, which we hope will assist in fostering good relationships between management and employees. However, the timescales set out in this policy are for guidance only and, if it is not practicable to adhere to these time limits, extensions may be made and all parties informed of the reason for the delay. Our aim is to ensure that the process does progress without unreasonable delay.
- 2.3 If an employee against whom a grievance has been made raises a counter grievance the Chief People Officer will consider suspending the procedure for a short period to consider the implications of the counter grievance (if any) on the process. A decision will be taken as to whether the grievances should be dealt with concurrently or separately.
- 2.4 Where you raise concerns in good faith you will not suffer any detriment even if the grievance is not substantiated. However, if at any point during the grievance process:
  - (a) the grievance is deemed vexatious or malicious, we may be decided to reject the grievance and you may be subject to disciplinary action;
  - (b) any person involved gives deliberately misleading statements or attempts to bring unfair retaliatory action the employee concerned may be subject to disciplinary action.
- 2.5 Written grievances will be placed on your personnel record, within the HR Department, along with a record of any decisions taken and any notes or other documents compiled during the grievance process, this will be held on your personal file indefinitely.

## 3. Confidentiality and note taking

- 3.1 Our aim is to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with any investigation or grievance matter.

- 3.2 Grievances are of a confidential nature and must be treated as such. Breach of confidentiality by the parties or a witness may be treated as a disciplinary matter. There is no right in the ACAS Code or this policy for an employee who has raised a grievance or provided a witness statement to see the interview notes, evidence or witness statements from the investigation. The extent of disclosure will depend upon the nature and sensitivity of the complaint and the rights of other employees to preserve their confidentiality under data protection legislation.
- 3.3 You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings conducted under this policy, whether these meetings are conducted in person, by telephone, or using remote working platforms or technologies. In certain limited circumstances, we may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability. Any breach of this provision may lead to disciplinary action, which could include dismissal.
- 3.4 We will take a written record of all meetings conducted under this policy. We will use our best endeavours to arrange for an additional person to attend the meeting and take notes, where this is not possible notes will be taken by the person holding the meeting or someone else already attending. The notes from the meetings are not intended to be verbatim. The notes will be a summary of what was said within the meeting and capture all the salient points. We will send you a copy of the notes as soon as possible following the meeting, unless a factual error has been made within the notes, no amendments shall be made to the notes. Any comments you may have on the notes will be recorded separately on the file.

## **4. Personal conduct during the grievance process**

- 4.1 We recognise that a grievance process can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect and dignity.
- 4.2 We will not tolerate abusive or insulting behaviour from anyone taking part in a grievance process and treat any such behaviour as potential misconduct.

## **5. Raising grievances informally**

- 5.1 Most grievances can be resolved quickly and informally through discussion with your line manager. You are strongly encouraged to try to deal with matters informally before commencing the formal procedure. If you feel unable to speak to your line manager because the complaint concerns them, then you should speak informally to your line manager's line manager.

- 5.2 It may be that mediation is suggested as a solution to avoid a formal grievance being submitted. If discussing the matter informally does not resolve the issue, or you do not feel it is appropriate to raise your concerns informally (for example if your grievance relates to serious issues such as discrimination) you should follow the formal policy below.
- 5.3 An informal grievance does not have to be made in writing and will not normally be formally recorded, however your line manager (or line manager's line manager) will keep an informal record of the steps taken and any agreement reached e.g. an email or file note.

## 6. Formal written grievances

- 6.1 If your grievance cannot be resolved informally you should put it in writing and submit it to your line manager, indicating that it is a formal grievance. You should use the form set out in the annex. If the grievance concerns your line manager, you should submit it to your line manager's line manager. The person who is in receipt of the grievance will usually carry out the remainder of this grievance process. However, where this is not possible or it is not appropriate (for example the person is involved in some way with the issues raised), a member of the HR Business Partnering Team will appoint another individual to do so. You will receive written confirmation of who will be dealing with your grievance. The identity of the person dealing with your grievance will take into account the particular sensitivities of the case. For example a person who has been sexually assaulted may be more comfortable talking with an investigator of a specific gender and where possible the employee should identify this within their written grievance. In exceptional cases, a member of the HR Business Partnering Team may discuss preferences for an investigator with you if they feel this could be appropriate to your circumstances. For the avoidance of doubt members of the HR Business Partnering Team have the final decision on who to appoint as an investigating officer, taking into account all the relevant circumstances.
- 6.2 It is important that you clearly set out the nature of your grievance, explain what informal steps have been taken to date (if appropriate) and indicate the outcome that you are seeking. You should include:
- (a) Details of who the grievance is against – e.g. by naming specific individuals or against the University as a whole;
  - (b) A brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. You should include any supporting evidence as attachments to your grievance. If your grievance is unclear, we may ask you to clarify your complaint before we hold a grievance meeting.



## 7. Investigations

- 7.1 It may be necessary for us to carry out an investigation into your grievance. As mentioned above, the person dealing with your grievance will usually conduct the investigation.
- 7.2 The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.
- 7.3 You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation. Investigation meetings may take place in person or remotely, using remote working platforms or technologies as appropriate, if you wish for a meeting to take place in a particular format please let us know. However, we reserve the right to make the final decision on the format of the meeting.
- 7.4 We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases, we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, we will hold a further grievance meeting with you after our investigation and before we reach a decision.
- 7.5 For complex cases, we may, at our discretion, feel it is appropriate to appoint a separate investigation manager. This person will be appointed by your line manager (or other person completing the grievance process) and a member of the HR Business Partnering Team. It is completely our discretion as to whether to appoint a separate investigation manager, you do not have the right to insist a separate investigation manager is appointed.
- 7.6 The investigation will investigate the points/allegations within your original grievance. During the investigation, you are able to provide further information to the points/allegations within your original grievance but the investigation stage is not an opportunity for you to add new points and/or allegations to your grievance and therefore we strongly encourage you to ensure that your grievance is clearly explained at submission stage.
- 7.7 You will usually be given a summary of any evidence collated during the investigation in advance of the grievance meeting. The summaries will be collated in a document referred to as an investigation report. The length and detail of such document shall vary depending on the specific circumstances.

## 8. Right to be accompanied

- 8.1 You may bring a companion to any grievance meeting under this policy. You may choose to bring a trade union representative or a University of Portsmouth work colleague. You must advise the person holding the grievance meeting who your chosen companion is, in good time before the meeting.
- 8.2 At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may talk privately with your companion at any time during the meeting and may ask for a brief adjournment to do so.
- 8.3 Acting as a companion is voluntary and your University of Portsmouth work colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 8.4 If your chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than 7 calendar days afterwards, we may proceed with the meeting and we shall explain to you that you may wish to choose someone else to accompany you.
- 8.5 We may, at our discretion, allow you to bring a companion who is not a University of Portsmouth work colleague or union representative (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.

## 9. Grievance meetings

- 9.1 You will be invited to a grievance meeting; the timing of this meeting will depend on the level of investigation that may need to be completed in accordance with paragraph 7. The letter inviting you to a grievance meeting shall also include a summary of the investigation progress to date, if applicable.
- 9.2 At the grievance meeting usually a note taker will be present and where appropriate, a member of the HR Business Partnering Team may also be present to provide procedural advice. You will be given at least 7 calendar days' notice of the grievance meeting.
- 9.3 Although the emphasis is that meetings should take place in person, there may be reasons that make it more appropriate to conduct a meeting remotely (for example, by using remote working platforms or technologies). If this situation arises we will provide these reasons to you and notify you of the relevant arrangements and instructions for joining the meeting. If you have any

questions regarding how to join the meeting remotely, you should let us know before the meeting date. We recognise that, in some cases, the use of remote working platforms or technologies may not be appropriate (for example, where an employee has a medical condition or does not have access to relevant equipment or software). In these cases, the meeting will take place in person where possible. If the employee believes there is a reason the meeting should be held remotely, they may request this and we will consider any request reasonably, however we do reserve the right to confirm the meeting shall take place in person.

- 9.4 You and your companion (if any) should make every effort to attend grievance meetings. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time. You should make every effort to attend the meeting. If you fail to attend the meeting, we will arrange a second meeting date. If you fail to attend again, without good reason, we will normally proceed to hold the second meeting offered in your absence and make a decision on how to proceed based on the evidence available.
- 9.5 The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made.
- 9.6 After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.
- 9.7 We will write to you, usually within 7 calendar days of the final grievance meeting, to inform you of the outcome of each point of your grievance and the reason why each point has been upheld/partially upheld/not upheld and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person. For the avoidance of doubt you will not usually be provided with a copy of any notes and/or statements created during the investigation process, instead you shall be provided with a summary as explained in paragraph 7.7.
- 9.8 The outcomes of a grievance will vary depending on the specific circumstances. Different elements of the grievance may have different outcomes. An outcome may include (but is not limited to):
  - (a) That the grievance is upheld and further action should be taken e.g. that informal management advice and/or training should be carried out; and/or a disciplinary investigation should commence and/or action be taken against third parties;

- (b) That there has been a misjudgement or mistake/or a breakdown of relationships where fault is not attributed or is attributed to the parties equally. A subsequent meeting should be arranged where both parties should aim to resolve the matter by discussion. Mediation and/or other forms of training may be considered;
- (c) That the grievance is not upheld;
- (d) That the grievance is partially upheld.

## 10. Appeals

- 10.1 If the grievance has not been resolved to your satisfaction you may appeal in writing to the Chief People Officer, stating your full grounds of appeal, within 7 calendar days of the date on which the decision was sent or given to you.
- 10.2 The appeal will be dealt with in accordance with the Appeals Policy September 2024.
- 10.3 For the avoidance of doubt, if the grounds of appeal raise new complaints these will not be accepted and must be dealt with as a fresh grievance.
- 10.4 Only the individual who has raised the grievance (or individuals if raising a collective grievance see section 12) may appeal the outcome of a grievance. Witnesses, or the individual against whom a grievance has been raised, are not able to appeal the outcome.

## 11. Former Employees, Exit Interviews and Resignation Letters

- 11.1 If a grievance is lodged either formally or contained within a resignation letter or made during an exit interview shortly before or after the employment has ended it may not be reasonably practicable to apply this policy.
- 11.2 There is no explicit requirement in the ACAS Code for an employer to follow a grievance policy in cases involving former employees. In these circumstances we reserve the right to deal with such complaints as it deems appropriate, which could include an internal review and outcome letter or no action at all. Members of the HR Business Partnering Team will provide the oversight, advice and guidance on benefits to the University of completing an internal review.

## 12. Collective grievances

12.1 If you and another employee (or more than two of you) have identical, or significantly similar, grievances and you all wish to have it addressed in one grievance process, you can raise a collective grievance.

12.2 If you are raising a collective grievance, the requirements set out in this policy are varied as follows.

12.3 Raising a formal grievance:

(a) Your written complaint should be headed "Formal collective grievance". Your complaint must be submitted in one document and must clearly identify and be signed by each employee raising the collective grievance. You and your colleagues will need to nominate one of you to act on behalf of all of you throughout the grievance process. Your grievance letter must identify whom you have appointed to be the spokesperson;

(b) If you and your colleagues are all members of the same trade union, your trade union representative may raise the collective grievance on your behalf.

12.4 Stage 2 - Hearing your grievance:

(a) If you have been appointed to be the spokesperson, you will be invited to attend one collective grievance meeting. You will be entitled to be accompanied by a fellow University of Portsmouth work colleague or a trade union official. Following the meeting, there will be one identical outcome. Your spokesperson will be notified of the outcome in writing and any action that will be taken as a result of your collective complaint.

12.5 Stage 3 – Appeal:

(a) Your appeal should be headed "Formal collective appeal". Your appeal must be submitted in one document and must clearly identify those individuals who are wishing to appeal. Your appeal letter must also identify whom you have appointed to be the spokesperson throughout the appeal stage (see also 10.4);

(b) If you have been appointed to be the spokesperson, you will be invited to attend one collective grievance appeal meeting, in accordance with our appeals policy. Following the appeal meeting, there will be one identical outcome. Your spokesperson will be notified of the outcome in writing. The outcome of the collective appeal is final;

(c) If only one employee wishes to appeal, the normal appeal procedure will apply to the appeal.

#### 12.6 Dealing with your grievances individually:

(a) We reserve the right to hear your grievances individually if your grievances are not identical, or there are exceptional circumstances.

12.7 If you wish to withdraw your grievance from part of a collective grievance process, you should confirm this in writing to the relevant member of the HR Business Partnering Team who can, if appropriate, discuss the relevant options, in relation to the next steps, with you.

### 13. Additional support

13.1 Employees are able to seek additional support from recognised trade unions. We recognise the following unions:

(a) UCU: <http://ucu.port.ac.uk/> or [www.ucu.org.uk/](http://www.ucu.org.uk/)

(b) Unison: [www.port.ac.uk/unison/](http://www.port.ac.uk/unison/) or [www.unison.org.uk/](http://www.unison.org.uk/)

13.2 We understand that circumstances arising from this policy can cause stress and feelings of insecurity. If you are concerned about your wellbeing or that of a colleague you should speak to your line manager or member of the HR Business Partnering Team. Alternative confidential support is available through the Employee Assistance Helpline – Vivup – further information can be accessed via this link:

<https://staff.port.ac.uk/departments/services/humanresources/myrole/mybenefits/#healthandwellbeing>

**Confidential  
Grievance form**

This form should be used to submit a grievance in accordance with the formal Grievance Policy. You should complete this form, and email it, with any evidence in support, to your line manager, or their line manager if the grievance is about your line manager. You are advised to keep a copy. Your trade union representative can assist you in completing this form if you wish.

**Your details**

Name:	
Position Held:	
Department/ School/ Faculty:	
Spokesperson if a collective grievance	

If this is a collective grievance (in accordance with paragraph 12 of the policy), please complete the above for all the employees involved but nominate an employee to act as the lead employee who will present the grievance.

**Who is the grievance against?**

Please complete the below.

Name:	
Position Held:	
Department/ School/ Faculty:	

If the grievance isn't against an individual but instead the University as a whole please confirm here

.....

**Details of your grievance**

*If you are hand writing your responses please continue on a separate sheet if required.*

Please explain the nature of your grievance i.e., give full details on relevant facts, dates, and names of those involved, where appropriate please also provide details of how these facts/circumstances have made you feel and/or what effect they have had on you.

If there are any witnesses to the matters raised in your grievance, list them here. (Where possible please provide: Name, Position Held, Department/School/Faculty).

List and attach copies of any documents upon which you wish to rely on within your grievance.



What action has been taken at the informal stage? (For example on what date did you first raise your grievance and with whom? What was the outcome of this?) If you have not completed the informal stage please confirm why.

What outcomes/ resolution are you seeking? (please detail actions you would like taken to resolve the situation e.g., training to be provided, a policy to be reviewed, an apology, instigation of the disciplinary process)?

Indicate if you would be interested in exploring a resolution through facilitated meeting or mediation? Would you like to receive more information about these options?

YES/ NO/ MORE INFORMATION

Has your trade union representative been informed?

YES/ NO

If yes, do you wish the representative to receive copies of all correspondence between us?

YES/NO

If yes, please identify the representative:

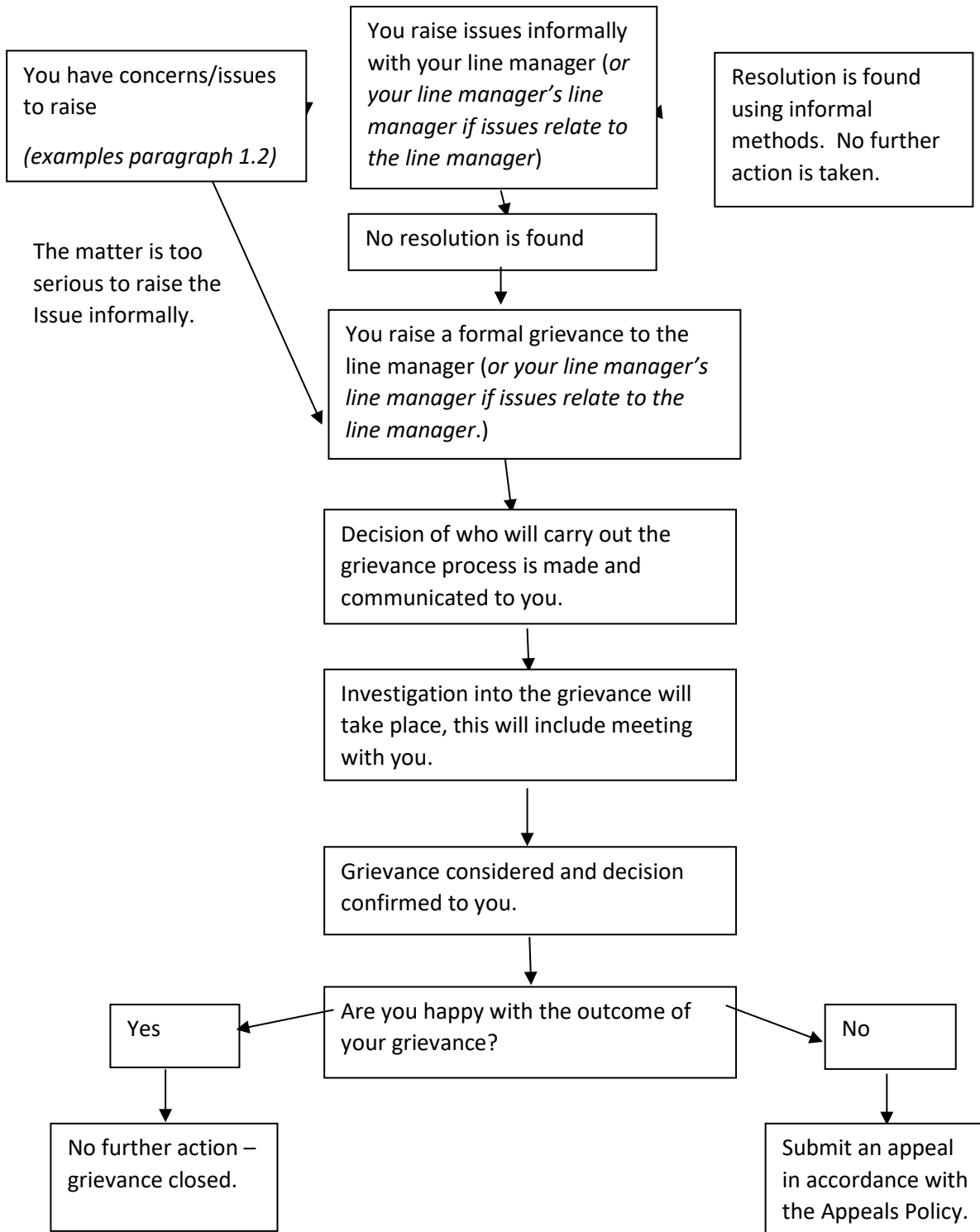
This document will be treated as confidential, but it will be necessary for it to be seen by those who are responsible for seeking resolution of the grievance and the information included may be disclosed, in whole or part, to any person who is identified within it.

Signed: .....

Print Name: .....

Date: .....

Flow chart on grievance policy





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# GRIEVANCE POLICY

November 2021

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<b>Document title</b>		
Grievance Policy		
<b>Document author and department</b>		
Human Resources Department		
<b>Approving body</b>		
People Culture and Engagement Committee		
<b>Date of approval</b>		
November 2021		
<b>Review date</b>		
November 2024		
<b>Edition no.</b>		
005		
<b>ID Code</b>		
95		
<b>Date of effect</b>		
November 2021		
<b>EITHER</b> For public access online (internet)? <i>Tick as appropriate</i>		<b>YES</b>
For public access on request copy to be mailed <i>Tick as appropriate</i>		<b>YES</b>
<b>OR</b> For staff access only (intranet)? <i>Tick as appropriate</i>		
Password protected <i>Tick as appropriate</i>	<b>NO</b>	
External queries relating to the document to be referred in the first instance to the HR team: email <a href="mailto:hrenquiries@port.ac.uk">hrenquiries@port.ac.uk</a>		
If you need this document in an alternative format, please email <a href="mailto:corporate.communications@port.ac.uk">corporate.communications@port.ac.uk</a>		

## 1. Introduction

- 1.1 This policy has been approved by the People Culture and Engagement Committee which has overall responsibility for the effective operation of this policy and for any subsequent revision and amendment. Day to day responsibility for operating this policy and ensuring its maintenance and review has been delegated to the Chief People Officer.
- 1.2 This policy has been implemented following consultation with the recognised trade unions, UCU and UNISON.
- 1.3 This policy does not form part of any contract of employment, although there are statutory entitlements referenced within it.
- 1.4 The University's Equality Impact Procedure was used in the development of this policy.

## 2. Purpose

- 2.1 Where informal attempts to resolve an issue have been unsuccessful a formal grievance under this policy may be required.
- 2.2 The purpose of this policy is the resolution of grievances fairly, as rapidly as possible and as near as possible to the point that they occur. The earlier that problems or concerns can be discussed, the more likely it is that these can be resolved quickly. Unresolved grievances are likely to detract from the achievement and maintenance of work standards.

## 3. Scope

- 3.1 This policy applies to all University of Portsmouth employees. It does not apply to agency workers or self-employed contractors.
- 3.2 Grievances may range from issues of a relatively straightforward nature through to issues of fundamental importance significantly impinging upon the employee's ability to work effectively. Issues that may cause grievances and result in the instigation of this policy may include:
  - Terms and conditions of employment
  - Health and Safety
  - Work relations (also see Anti-Harassment and Anti Bullying Policy)
  - New working practices
  - Organisational change
- 3.3 This policy may not be used for grievances which are covered by separate University procedures including:
  - Disciplinary action
  - Termination of employment
  - Dignity and Respect
  - Harassment and Bullying
  - Whistleblowing (unless the employee is directly affected by the matter in question or where the employee believes they may have been subjected to retaliatory action in consequence of their act of whistleblowing)



- 3.4 This policy cannot be used to lodge a complaint about the outcome of any other formal policy which has its own appeal process or in relation to a matter which seeks to change an agreement reached with a recognised trade union or is outside the responsibility or control of the University in its role as an employer.

#### 4. Guiding Principles

This grievance policy is designed to help management and employees resolve grievances by:

- Applying the principles of natural justice (avoidance of all bias) to all stages of the policy
- Ensuring consistency of decision making
- Working with union representatives to play a role in advising and offering early support to their members at all stages of the process with a view to seeking an agreed resolution without recrimination as early as possible
- Affording employees the opportunity of putting their case should they have a complaint which they are unable to resolve through regular communication with their line manager
- Fostering good relationships between management and employees by encouraging the speedy and effective resolution of grievances
- Resolving grievances as near as possible to the point that they arise in an atmosphere of trust and confidentiality
- Affording protection and ensuring confidentiality for all involved in the grievance process from unfair retaliatory action which will be investigated and disciplinary action taken if necessary
- Ensuring that managers respond to grievances in a constructive and timely manner
- Ensuring that regard is made to the possible effects on other members of staff, Departments and the University as a whole in any decisions

#### 5. Roles and Responsibilities

- 5.1 **The Commissioning Manager** – The Commissioning Manager will often, but not necessarily be, the employee's line manager. Where the grievance concerns the employee's line manager, the Commissioning Manager may be the line manager above or such senior manager as is nominated by the Chief People Officer or Deputy Directors of HR. The Commissioning Manager will decide in conjunction with HR:

- Whether the complaint can be accepted under this policy and if so whether further information is required
- Whether an investigation is required and if so the scope of the investigation
- The appointment of an investigator and whether the role of Investigating Manager and Meeting Manager should be combined
- If required, the appointment of a separate Meeting Manager

The Commissioning Manager will make such decisions as required in relation to the conduct of the investigation as they arise; for example, if unexpected issues arise which may warrant widening the scope of the investigation.

- 5.2 **The Investigating Manager and the Investigation** – The Commissioning Manager in conjunction with HR will appoint an appropriately trained Investigating Manager. The purpose of an investigation is to establish a fair, balanced and unbiased view of the facts based on the evidence. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the

employee and any witnesses and/or reviewing relevant documentation. The Investigating Manager will report to the Commissioning Manager at the conclusion of the investigation and should inform the scope and direction of the investigation where necessary.

- 5.3 **The Meeting Manager** – Where the roles of the Meeting Manager and Investigating Manager are not combined the Investigating Manager will submit the investigation report to the Commissioning Manager who will appoint a Meeting Manager who will convene a grievance meeting as soon as is reasonably practicable. The purpose of the grievance meeting is to enable the employee to explain their grievance and how they think it should be resolved. The Meeting Manager will reach a decision based on the available evidence and the representations made by the employee. The outcome of the meeting will be provided in writing.

## 6. Stages in the Grievance Policy

### Informal Stage

- 6.1 Most grievances can be resolved quickly and informally through discussion. If an employee has a grievance that involves another member(s) of staff they should first of all endeavour to resolve the matter informally by approaching the person(s) involved and, if necessary, request the involvement of their manager. If the complaint is about the line manager they should speak informally to a more senior manager or HR. This allows for problems to be resolved quickly and normal working relationships to resume.
- 6.2 Employees should be able to demonstrate that they have made every effort to discuss the issue(s) informally, before the formal process is commenced and so should document the informal action they have taken.
- 6.3 During the informal stage, it may be appropriate for HR to explore the use of facilitated meetings or mediation, depending on the nature of the grievance.

### Facilitated Meetings

- 6.4 Facilitated meetings are carried out, with the agreement of all parties, at the informal stage and are often successful in resolving minor issues particularly involving group/team behaviours. The meeting is conducted by an appropriately trained internal member of HR (or external facilitator as appropriate) whose role is to facilitate a resolution. No findings of fact or decisions are made by the facilitator in relation to the grievance. Minutes will not be taken and if the grievance is not resolved information from this meeting will not be admissible within the formal grievance process. If the process is successful a note of the agreed outcome will be retained on the individual personnel file.

### Mediation

- 6.5 Mediation can be used, if appropriate, at any stage of the grievance process and is always voluntary. The investigating manager will consider whether mediation between the parties is appropriate but any party to the process, and HR, can also suggest a referral to mediation.
- 6.6 Mediation will be conducted either by an internally qualified mediator who has had no involvement in the grievance or process or an external mediator as determined by the Chief

People Officer or Deputy Directors of HR.

- 6.7 Further information about Facilitated Meetings and Mediation is available upon request.

#### **Formal Stage**

- 6.8 At all stages of the formal procedure the complainant employee (and any employee who is the subject of the complaint) will have the right to be accompanied by a trade union representative or a UoP work colleague. Any request made by an employee to be accompanied must be within reasonable timescales. What is reasonable will depend on the circumstances of each individual case.
- 6.9 A companion is allowed reasonable time off from duties without loss of pay but no one is obliged to act as a companion if they do not wish to do so. Companions should inform their line manager that they require reasonable time off for this purpose.
- 6.10 The trade union representative or UoP work colleague will be allowed to address the meeting to sum up the employee's case and confer with the employee during the meeting. The trade union representative or UoP work colleague does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employee from explaining their case. If the employee's representative cannot attend on a proposed date for a meeting the employee must notify the person arranging the meeting as soon as possible and is able to suggest an alternative time and date so long as it is reasonable and it is not normally more than 5 working days after the original date.

### **7. Filing the Grievance.**

- 7.1 If a grievance has not been resolved informally the employee bringing the grievance must submit a written grievance in the form attached to this policy at Appendix 1 to their immediate manager (or the manager above if the grievance is about the immediate manager). The manager will then notify HR.
- 7.2 The formal grievance will not proceed until the employee has submitted their grievance using the form at Appendix 1 clearly stating the nature of their grievance with as much detail as possible, including what outcome they are looking for. All relevant evidence should be submitted with the grievance form, including confirmation of a meeting at the informal stage. Information that the informal stage has been undertaken or was not appropriate should also be submitted at this stage with reasons why it was not possible to reach a resolution.
- 7.3 If adjustments are required in relation to the completion of Appendix 1 or the procedure generally, either because of disability or because English is not a first language, this should be raised with HR.

### **8. Grievance Investigation**

- 8.1 Upon receipt of a formal grievance the Commissioning Manager in conjunction with HR will appoint an Investigation Manager and a Meeting Manager. These roles may be combined.
- 8.2 It may not always be necessary to carry out an investigation into a formal grievance. Where a grievance investigation is necessary the Commissioning Manager in conjunction with HR will determine, and agree, the scope of the investigation/grievance for the Investigating Manager.

- 8.3 In order to ensure fairness between the parties grievances must be raised as near as possible to the cause of the complaint. Grievances concerning issues that are more than 6 months old will not usually be investigated unless related to the current issue or there are exceptional circumstances.
- 8.4 The length of time of any investigation required will depend upon the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and witnesses and/or reviewing relevant documents. Witnesses will not suffer any detriment for acting as a witness.
- 8.5 The complainant employee must co-operate fully and promptly in any investigation. This may include informing the Investigating Manager of the names of any relevant witnesses, disclosing any relevant documents and attending interviews as part of the investigation.
- 8.6 The Commissioning Manager will acknowledge receipt of the grievance normally within one week of appointment. If the grievance is unclear or no resolution has been suggested the Commissioning Manager may require further clarification before proceeding further.
- 8.7 The Investigating Manager will contact the complainant, normally within one week of appointment, and invite the complainant to an investigatory meeting see 9 below.
- 8.8 The investigation should be carried out without unreasonable delay. The timescale for completion of the grievance investigation will depend upon the complexity of the case, availability of witnesses and the volume of documentation to be considered. However, the Investigating Manager should advise the complainant and the person against whom the grievance is brought (if any) of the anticipated timescales and keep them informed should the timescale change.

## **9. Grievance Meeting**

- 9.1 An investigation may be instigated before holding a formal grievance meeting where considered appropriate. In other cases a grievance meeting may be held before deciding what investigation (if any) to carry out. In either case the Investigating Manager (or Meeting Manager) will hold a further grievance meeting after the investigation is completed to enable a decision to be made. They may be supported at the grievance meeting by a member of HR.
- 9.2 A formal grievance meeting will be arranged without unreasonable delay after the conclusion of the investigation report. The purpose of the formal grievance meeting is to enable the employee to explain their grievance and make representations so that a decision can be made on the basis of the available evidence and representations. The focus will be on finding a resolution that is acceptable to all parties. At least 5 working days' notice of the grievance meeting will be provided and the employee and companion (if any) should make every effort to attend. An unreasonable/persistent refusal to attend may result in the dismissal of the complaint or a finding being made in the absence of the employee based on the available evidence.
- 9.3 If the grievance is against another employee/s separate meetings with each of the parties involved may be held if this is deemed appropriate. The Manager considering the grievance will decide on the conduct of the meeting and, in particular, who should be present at any meeting. Electronic recordings may not be made during any meetings or hearings under this policy unless agreed as a disability related reasonable adjustment. Covert recordings will be

dealt with as a disciplinary matter. Grievance meetings are not confrontational, but should be constructive and supportive with a view to reaching a resolution.

## 10. Grievance Outcome

**10.1** At the end of the formal grievance meeting, there will usually be an adjournment for a short period to enable the Manager to arrive at a decision. The decision may be conveyed orally in the presence of the parties and will be confirmed in writing with a rational explanation of the outcomes as soon as reasonably practicable, usually within 5 working days. However, after a lengthy meeting the process may be adjourned and reconvened at another time to consider the decision. In such cases it may be agreed to communicate the outcome in a further meeting before confirming the decision in writing. If the complaint included complaints against a third party they will only be told of outcome in relation to the findings that relate to them. The outcome letter will set out the employee's right of appeal.

## 11. Appeals

**11.1** In the event of dissatisfaction with a grievance decision, the employee who raised the grievance has the right of appeal. To exercise this right the employee should set out their full grounds of appeal in writing to the Chief People Officer within 10 working days of the issue date of the decision letter.

**11.2** The appeal notification and grounds of appeal will be forwarded to the HR Employment Practice Team who will assist in the coordination of the case and the compilation/distribution of the documentation for the appeal hearing.

**11.3** The appeal hearing will be conducted impartially by a panel of at least two senior managers at Grade 10 or above who have had no previous involvement in the case and are more senior than the manager who determined the grievance. The panel members will be drawn from a different Faculty/Department to the employee and composition will, where possible, reflect equality and diversity principles.

**11.4** Panel membership will be nominated by the Chief People Officer or Deputy Directors of HR. At any appeal hearing, including during subsequent deliberations leading to a decision, the panel may be advised by a member of HR.

**11.5** The employee has the right to be accompanied at the appeal hearing by a UoP work colleague or accredited union representative. The details are set out at section 6.8, 6.9, 6.10.

**11.6** If the grounds of appeal raise new complaints these will not be accepted and must be dealt with as a fresh grievance. If new evidence about the same complaint is raised any documentary evidence in support must be included with the appeal notification and if this involves new witnesses their evidence must be submitted within a written statement. New evidence will only be considered if relevant and there is good reason why this had not been included as part of the

original investigation and meeting. This may delay the listing of the appeal as the Investigator/management may need to undertake further investigation in order to respond. If management provide new information this will be disclosed as a summary including, where

appropriate, copies of additional relevant documents and witness statements. The employee will be provided with a reasonable opportunity to consider the information.

11.7 The appeal hearing will normally be dealt with by way of review of the fairness of the original decision in light of the procedure that was followed and any new information that may have come to light. However, there may be some circumstances where the hearing will be dealt with by way of a re-hearing. This will be at the discretion of the University depending upon the circumstances of the case. In any event the appeal will be dealt with fairly and impartially.

11.8 The appeal panel may need to adjourn the appeal hearing to allow further investigation into any new and relevant points raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is convened.

## **12. Notification of the Appeal Hearing**

12.1 The employee will be provided with written details of the appeal hearing which will be arranged without unreasonable delay. This notification will normally be within 10 working days of receipt of the appeal notification and grounds and will include:

- Details of the date time and venue for the appeal hearing
- Confirmation of the right to be accompanied by a UoP work colleague or accredited union representative
- The names of the panel members
- The names of the persons who will be present at the hearing
- The format that the appeal will take
- A guidance note as to the procedure that will be followed

12.2 Upon receipt of this notification, by return, the employee must confirm their attendance, or propose an alternative date in accordance with section 11.4 and provide details of their companion. The employee must take all reasonable steps to attend the appeal hearing and an unreasonable refusal to do so may result in the panel making a decision in the employee's absence on the basis of the available evidence or may result in the panel dismissing the appeal.

## **13. Appeal Documentation**

13.1 The appeal documentation comprising the documentation upon which the parties will rely will be coordinated by the HR Employment Practice Team and sent to the employee, the employee's trade union representative where permission is given by the employee, management and the panel members not less than 10 working days before the hearing date.

## **14. The Appeal outcome**

14.1 The appeal hearing will usually be adjourned for a short period to enable the Panel to arrive at a decision. The decision may be conveyed orally in the presence of the parties and will be confirmed in writing with explanation and rationale of the outcomes as soon as reasonably practicable, usually within 5 working days. However, after a lengthy hearing, the process may be adjourned and reconvened at another time to consider the decision. In such cases it may be agreed to communicate the outcome in a further meeting before confirming the decision in writing. The panel may:

- Confirm or partially confirm the original decision

- Revoke the original decision
- Substitute a different decision
- Make recommendations

14.2 The appeal decision is final. There is no further right of appeal under this Policy

## 15. Operational Considerations

### Confidentiality and Disclosure

15.1 Grievances are of a confidential nature and must be treated as such. Breach of confidentiality by the parties or a witness may be treated as a disciplinary matter. There is no right in the ACAS Code or this policy for an employee who has raised a grievance or provided a witness statement to see the interview notes, evidence or witness statements from the investigation report. The extent of disclosure will depend upon the nature and sensitivity of the complaint and the rights of other employees to preserve their confidentiality under data protection legislation.

### Vexatious, Malicious and Frivolous Grievances

15.2 All grievances will be taken seriously, but only those which raise a legitimate or genuine concern will be heard or investigated. Frivolous or vexatious grievances or any repeat complaints which have already been responded to will not be accepted. Evidence of malicious grievances may result in formal disciplinary action being taken against the employee(s) concerned. Should a complaint not be upheld this will not, of itself, be evidence of a malicious grievance.

### Overlapping Disciplinary and Grievance Issues

15.3 If an employee raises a grievance after disciplinary proceedings have been instigated against them the Chief People Officer will consider suspending the disciplinary proceedings for a short period to consider the implications of the grievance (if any) on the disciplinary process. If the grievance and disciplinary issues are unrelated they can be heard separately otherwise they may be dealt with concurrently where appropriate.

### Collective Grievances

15.4 Neither the ACAS Code nor this policy applies to grievances concerning 2 or more employees raised by a representative of a recognised trade union. These will be dealt with as appropriate to the facts of the case. However, where a group of employees take out a grievance regarding the same subject matter this will be heard using this process i.e. one grievance claim. It may be appropriate for the complainant employees to appoint one or two individuals to present the grievance.

## 16. Former Employees, Exit Interviews and Resignation Letters

16.1 If a grievance is lodged either formally or contained within a resignation letter or made during an exit interview shortly before or after the employment has ended it may not be reasonably practicable to apply this policy.

16.2 There is no explicit requirement in the ACAS Code for an employer to follow a grievance policy



in cases involving former employees. In these circumstances the University reserves the right to deal with such complaints as it deems appropriate which could include an internal review and outcome letter or no action at all. HR will provide the oversight, advice and guidance on benefits to the Institution of completing an internal review.



**17. Appendix 1 Employee's notification of grievance**

This form should be used to submit a grievance in accordance with the formal grievance policy.

You should complete this form, if appropriate with the assistance of your trade union representative, and hand it, with any evidence in support, to your line manager, or their line manager if the grievance is about your line manager. You are advised to keep a copy.

If this is a collective grievance, which is where several employees wish to raise a grievance arising from the same factual situation, please list all the employees involved but nominate up to two employees to act as lead employees who will present the grievance.

Name	
Post Held	
Department/ School/ Faculty	
Nominated second employee if a collective grievance	

If this is a collective grievance list all the employees with details of their roles Departments / School / Faculty on whose behalf this grievance is submitted.

**Describe briefly:**

The nature of your grievance (this should include a full description of the nature of your complaint including any relevant facts, dates and names of individuals involved)
If there are any witnesses to the matters in your complaint list them here

List and attach copies of any documents upon which you wish to rely

On what date did you first raise your grievance and with whom?

What action has been taken in relation to your grievance at the informal stage?

What outcomes/ resolution are you seeking? (please detail actions you would like taken to resolve the situation, e.g. an apology)

Indicate if you would be interested in exploring a resolution through a facilitated meeting or mediation, or if you would like to receive more information about these options

YES/NO/ MORE INFO

Do you wish for a trade union representative to receive copies of all correspondence between us?

YES/NO

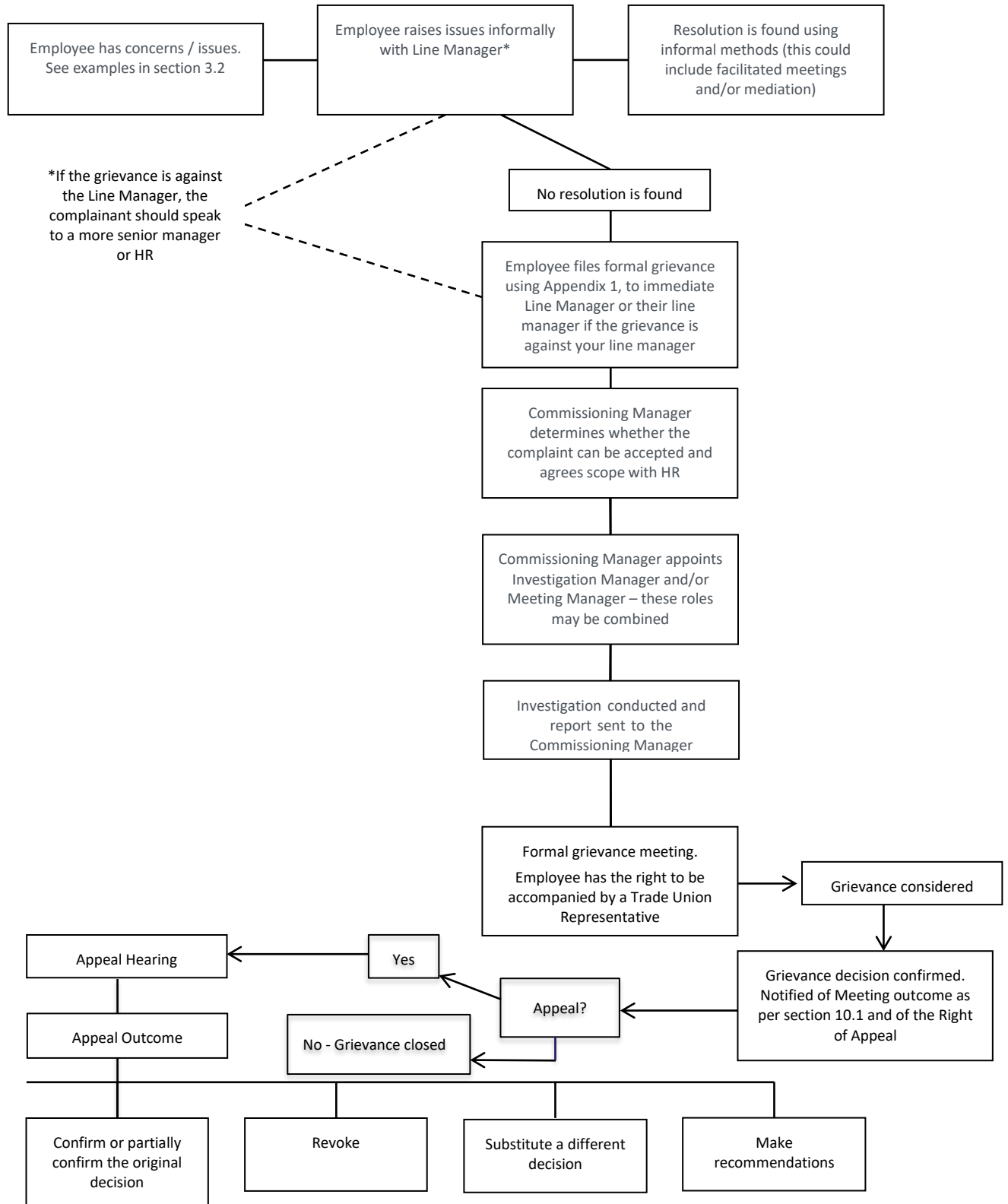
If yes please identify the representative:

This document will be treated as confidential, but it will be necessary for it to be seen by those who are responsible for seeking resolution of the grievance and it may be disclosed, in whole or part to any person who is identified within it.

Signed

Date

## 18. Appendix 2 Grievance Policy Flowchart



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