

# THE UNIVERSITY OF BOLTON

## THE INDIVIDUAL GRIEVANCE PROCEDURE

### 1. Introduction

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, the promotion of the positive duty in relation to race, gender and disability and avoidance of discrimination.

The University wishes to establish a culture of professionalism, respect and a positive working environment for its entire staff. It recognises that from time to time circumstances may arise where employees could have concerns about, for example, their work, working conditions and working relationships with colleagues. In such cases an employee may wish to bring the issue(s) to the attention of the University in the form of a grievance.

Any employee who has a grievance relating to his or her 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:

- (i) sets out a framework 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, and is concerned to achieve a resolution of employee grievances;
- (iii) sets out the general steps that will be followed by the University and is non-contractual.

The University reserves the right to vary any stage in this procedure as it deems necessary in order to comply with any current legal obligations and best practice.

### 2. Scope

This procedure applies to all staff within the University other than the Vice-Chancellor, Deputy Vice Chancellor or the University Secretary and Clerk to the Governors who are designated as senior post holders and to whom a separate procedure shall apply in respect of any grievance raised by a senior post holder.

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.

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 or remuneration or public interest disclosure.

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. However, if the matter cannot be resolved informally, it may then pass to formal stages.

### **3. The Procedure**

#### **3.1 Informal Procedure**

Employees are encouraged to resolve any grievances which arise in the workplace as quickly as possible through informal means, including through mediation.

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 he/she should speak to his/her line manager. If the employee feels unable to speak to his/her line manager, for example, because the complaint concerns the line manager, the employee should speak informally to a more senior manager or the Personnel Manager. If this does not resolve the problem the formal procedure set out at 3.2 below should be followed.

##### **3.1.1 Mediation**

Mediation is a completely voluntary and confidential process, which 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 – he/she 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.

The University and/or the employee may suggest mediation as a potential way forward in appropriate cases. If an employee wishes to have his/her issue resolved through mediation they should contact the University's Personnel Manager, however, the University may decide that 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 informal/formal procedure (as appropriate). Where mediation is considered an appropriate mechanism for resolving a particular grievance, an individual will be selected from an approved list of mediators held by the Personnel Manager to mediate on the grievance.

##### **3.1.2 Failure to resolve a grievance informally**

Only if the informal methods fail to resolve the issue or it is not considered appropriate to seek resolution by informal means should the employee use the formal procedure set out at paragraph 3.2 below.

#### **3.2 Formal Procedure**

##### **3.2.1 Stage 1 of the Formal Procedure**

When an employee considers that he/she has exhausted the possibility of resolving a grievance by informal means or in the circumstances it is deemed inappropriate to

attempt to resolve the grievance by informal means, then the formal procedure should be implemented as outlined below. A member of the Personnel Team will be in attendance at any meeting held under the formal procedure.

- 3.2.1.1 The grievance must be set out in writing (which can be done using the University's Grievance Form accompanying this procedure (see appendix A)) stating the nature of the grievance, any relevant dates/times and where appropriate witnesses, what, if any, informal methods have been used to resolve the situation and what the employee's desired outcome / remedy is.
- 3.2.1.2 An employee should raise a grievance with his/her immediate supervisor, unless the grievance is about this individual, in which case it should be raised to the next level of authority. The person dealing with the grievance will be referred to as the grievance officer. In instances where the grievance is against a direct report to the Vice Chancellor, the Vice Chancellor will nominate an appropriate individual to act as the grievance officer.
- 3.2.1.3 On receiving a written formal grievance, the grievance officer should consider carefully how to investigate the grievance. This should include a meeting with the employee raising the grievance who will have the opportunity to explain his/her grievance and a meeting 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 as the grievance officer requires.
- 3.2.1.4 The grievance officer should write to the employee who raised the grievance to invite him/her to a meeting to discuss the grievance as soon as practical to do so. The employee will be informed of his/her right to be accompanied by a work colleague or trade union representative at the grievance meeting. The grievance meeting should take place without unreasonable delay and usually within 15 working days after receipt of the written grievance.
- 3.2.1.5 If an employee's 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 grievance officer.
- 3.2.1.6 At the meeting, the employee will be given the opportunity to explain his/her grievance and state how he/she thinks it may be resolved.
- 3.2.1.7 The grievance officer will consider the issues and, if necessary, adjourn the meeting to seek advice or undertake further investigation.
- 3.2.1.8 The grievance officer will 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 grievance officer will write to the employee informing him/her of the reasons for the delays. Once a decision has been made and communicated, the employee will be informed of his/her right to appeal

against the decision if he/she is not satisfied with it. Any appeal must be lodged in writing with the Personnel Manager within 5 working days of the notification to be dealt with in accordance with paragraph 3.2.3 below.

### **3.2.2 Grievance against the Vice Chancellor**

In the event the Vice Chancellor is personally the object of the grievance by virtue of his/her alleged conduct and not by virtue of the proper exercising of his/her authority as the Vice Chancellor of the University, the grievance may be submitted, formally, in writing, to the University of Secretary and Clerk to the Governors who will arrange for the grievance to be heard by a Governor, the "grievance officer". The procedure to be followed by the Governor hearing the grievance will be as referred to at paragraphs 3.2.1.2 - 3.2.1.8 above, except that in the event that the employee is dissatisfied with the decision he/she has a right of appeal to be lodged in writing with the University of Secretary and Clerk to the Governors within 5 working days of the notification. The University of Secretary and Clerk to the Governors will arrange for the appeal to be heard by the Chair of the Board of Governors (or his/her nominee), the "appeal officer(s)", in line with the procedures set out in paragraphs 3.2.3.2 - 3.2.3.6 below.

### **3.2.3 Stage 2 of the Formal Procedure - Appeal**

- 3.2.3.1 The Personnel Manager will pass the appeal to the next level of authority to deal with (usually a Director of School / Research Centre or Head of a Service) i.e: a more senior manager. This person will be referred to as the appeal officer. In instances where the grievance is against a direct report to the Vice Chancellor, the Vice Chancellor will act as the appeal officer.
- 3.2.3.2 The appeal officer will write to the employee to invite him/her 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 his/her right to be accompanied by a trade union representative or a work colleague.
- 3.2.3.3 At the appeal meeting, the employee will be given the opportunity to explain his/her grievance and the grounds of appeal and state how he/she thinks it may be resolved.
- 3.2.3.4 The appeal officer will review the issues and if necessary adjourn the appeal meeting to seek advice or undertake further investigation.
- 3.2.3.5 The decision of the appeal officer shall be either that:
  - (i) the decision stands; or
  - (ii) the decision is not upheld.
- 3.2.3.6 The appeal officer will consider his/her 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.

### **3.3 Records**

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.

### **3.4 Procedural Advice and Guidance**

The Head of HR Strategy & Personnel and/or the Personnel Manager may be consulted for procedural guidance by any party at any stage.

### **3.5 Time Limits**

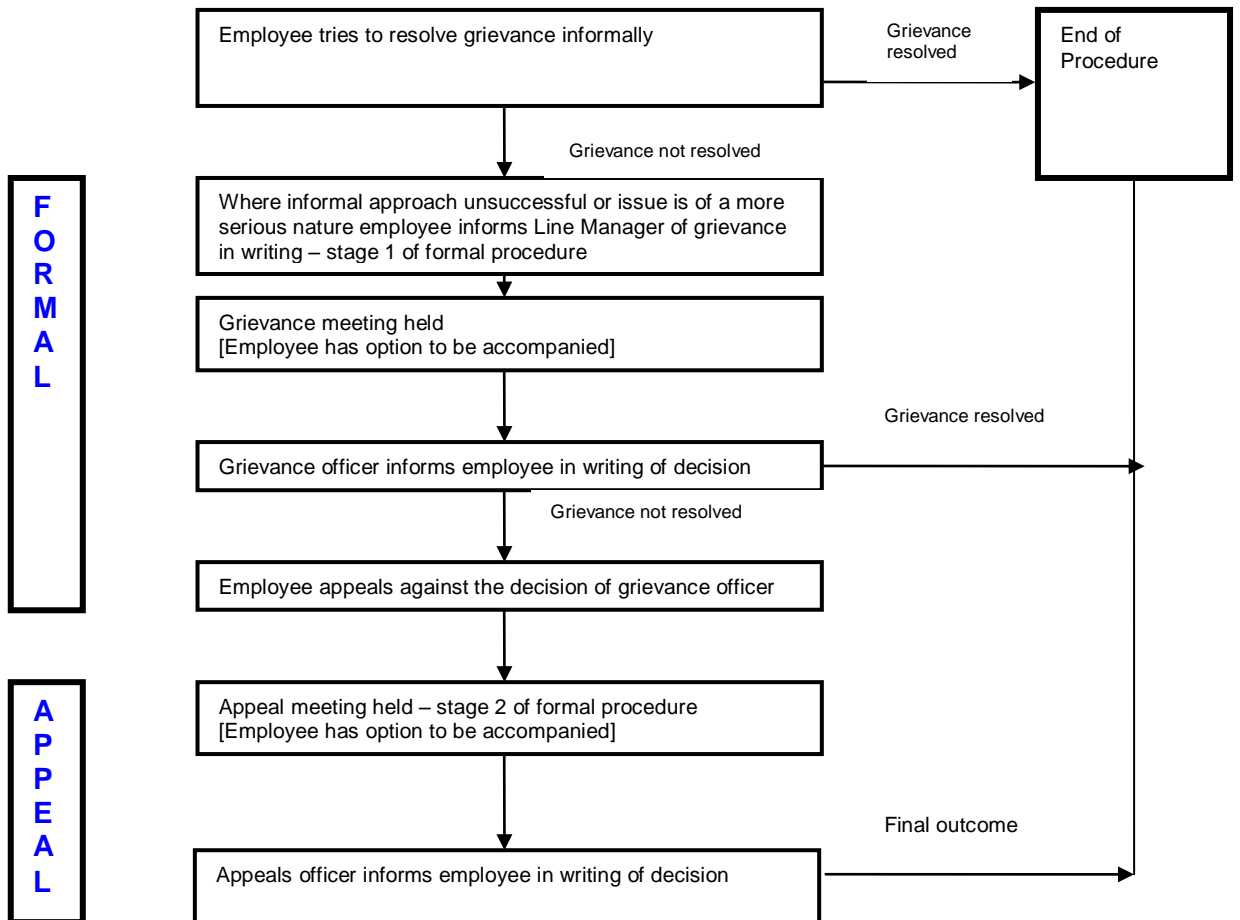
The indicative time limits are working days (Monday to Friday) and are included in the procedure in order to ensure as far as possible that matters are dealt with promptly and without undue delay. However, in certain circumstances it may be necessary to extend these time limits in order that the grievance and any appeals are dealt with properly.

### **3.6 Representation**

As indicated in paragraphs 3.2.1.4 and 3.2.3.2 above, an employee may be accompanied by a companion at any formal stage of the procedure. The person chosen by the employee as his/her "companion" may be either a fellow worker, a trade union representative or an official employed by a trade union. 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 on site.

The companion may address the hearing to put or sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion does not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the grievance officer or appeal officer from explaining the University's case.

#### 4. Flowchart



## 5. Other Related Policies, Procedures, Codes and Guidelines

Dignity and Respect at Work Procedures for Staff  
Dignity & Respect Procedure – Formal Complaints  
Grievance Form  
The University's Disciplinary Procedure  
The Role Analysis Review Procedure  
The Role Analysis / Grading Appeal Procedure

## 6. Monitoring and Review

This procedure shall be monitored and its effectiveness reviewed by the Head of HR Strategy & Personnel and reported to the University's Resources Committee as part of the HR annual report.

## 7. Dissemination of and Access to the Policy

This procedure will be made available to all staff via the Governance section of the University's website.

The Individual Grievance Procedure	
Procedure Ref:	
Version Number	2
Version Date	March 2009
Name of developer/Reviewer	Head of HR Strategy & Personnel
Procedure Owner ((School/Centre/Unit)	Personnel & Organisational Development
Person responsible for implementation (postholder)	Head of HR Strategy & Personnel
Approving Committee/Board	Board of Governors
Date approved	4 March 2009
Effective from	4 March 2009
Dissemination method (e.g. website)	Website/HR Department
Review Frequency	In line with strategy/legislation
Reviewing Committee	Governance and Management Group
Document History (e.g. rationale for and dates of previous amendments)	To simplify the procedure so that informal mechanisms are encouraged and that formal procedures are streamlined for greater effectiveness

**Appendix A**

**GRIEVANCE FORM**



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

Name:

School/Centre/Service:

Line Manager:

**Nature of Grievance include dates, times and any relevant witnesses (use separate sheet if necessary)**

**Desired Outcome (i.e. what action would you like the organisation to take)**

Signed (Person Making Grievance):

Date:

---

***Section B: To be Completed by Person Resolving the Grievance***

Date Received:

Received By:

Date of Grievance hearing: