



PRIFYSGOL
BANGOR
UNIVERSITY

GRIEVANCE POLICY AND PROCEDURE
ORDINANCE 27

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CONTENTS

	Page number
1 Introduction	3
2 Roles and responsibilities	4
3 Stage 1 – Informal Resolution	4
4 Mediation	5
5 Facilitated discussion	5
6 Stage 2 – Formal Resolution	6
7 Stage 3 - Appeal	9
8 General	10
9 Review	11
10 Equality Impact Assessment	12

Appendices

Appendix A Grievance Report Form

(available at <https://my.bangor.ac.uk/humanresources/forms.php.en>)

1 Introduction

- 1.1 This Grievance Policy and Procedure represents the relevant Ordinance in relation to grievances. This Policy and Procedure has been negotiated and agreed with the Unions, approved by the Council and forms a term of all relevant employment contracts of staff members of the University.
- 1.2 This procedure has been drawn up to establish the appropriate steps to be followed when pursuing and dealing with a grievance and applies to all staff members.
- 1.3 Every effort should be made by all involved to deal with issues promptly and not cause unreasonable delay. Members of staff should normally lodge the grievance within 3 months of the issue arising, and the University will endeavour to complete the procedure within 2 months of the grievance being lodged. Indicative timescales will be provided at the start of the process, with those involved kept informed of progress and any deviations from the initial timescales.
- 1.4 The procedure allows employees to raise issues about matters concerning work or working environment, for example:
 - terms and conditions of employment,
 - health and safety matters,
 - work relations,
 - new working practices,
 - organisational changes and
 - equal opportunities and equality related matters.
- 1.5 This procedure does not apply where the complaint relates to the following circumstances:
 - Collective Disputes between the Campus Trade Union(s) and the University which will be managed through the Collective Disputes Procedure within the Recognition Agreement. Section 7.12 of this document refers to the procedure to be followed if a group of staff members raise a collective grievance.
 - Grievances raised by former employees where the grievance has been raised after their employment has ended will not normally be heard. A grievance lodged during employment may continue to be heard if employment ends, at the request of the individual. In such circumstances, this will be at the discretion of the University, who shall notify the former employee of the appropriate procedure, if any, to be followed.
 - Where complaints are raised regarding any other policies of the University, these complaints may be considered at hearings under the applicable procedure where appropriate, and the outcome of the appeal stage of that procedure is final. Please refer to section 7.6 of this policy

for further details regarding grievances relating to other policies and procedures of the University.

- 1.6 At the formal stage of this procedure, the member of staff shall have the right to be accompanied by a colleague or trade union representative. It is expected that at the outset of the informal stage, the relevant parties discuss the matters with the aim of resolving the differences / difficulties. If matters are not resolved, but informal resolution is still the preference, a Trade Union representative or colleague may accompany the individual concerned.

2 Roles and Responsibilities

Both managers and employees have a responsibility within this procedure.

- 2.1 **Line managers** are responsible for the conduct of this procedure and will:

- Try to resolve all issues informally before they become formal grievances.
- Ensure the grievance procedures are followed correctly, seeking advice from the Human Resources Department.
- Treat all grievances seriously, dealing with each one fairly, consistently and sensitively.
- Address any grievances promptly and within the given timelines.
- Where appropriate, consider alternative working arrangements with the aggrieved employee where it is not possible, or appropriate, for the employee to continue to work as before.

- 2.2 **Employees** will:

- Work with the manager to genuinely seek resolution.
- Cooperate with any investigation.
- Wherever possible try to resolve the grievance informally.
- Comply with all reasonable management instructions while their grievance is being progressed.

3 Stage 1 - Informal Resolution

- 3.1 As far as is reasonably possible, before lodging a formal grievance, the employee is first encouraged to attempt to resolve the grievance informally through discussions with their line manager (or other appropriate manager where their concern relates to their immediate supervisor/line manager) or with the person to whose conduct the grievance relates. The manager and employee should keep a note of

any informal meetings, and any agreed resolutions. Every effort should be made to resolve the grievance at this stage as matters not dealt with successfully at this stage have a tendency to become more complex problems in the longer run.

- 3.2 The relevant manager should allow the staff member to explain the complaint and ask the individual how they would like to see the matter resolved. The focus of informal resolution is on exploring whether the issue can be resolved through discussion/informal intervention and in particular on ways of avoiding similar issues arising in future.
- 3.3 If the initial complaint is against the immediate line manager, then the matter should be raised at the next level of management or a member of the Human Resources department.
- 3.4 Depending upon the nature of the grievance, there may be other ways to resolve the issue, for example mediation or a facilitated discussion. These may be used to resolve issues at the informal stage, but may also be instigated at any stage of this procedure with the mutual agreement of both parties i.e. the complainant and respondent. Where an employee is uncomfortable raising the matter directly with the person to whose conduct the grievance relates (for example because the employee feels they have been bullied or harassed), they should seek advice from their Line Manager, a member of the HR team, or their Trade Union representative where relevant. Should mediation or facilitated discussion fail to resolve the issues, the formal grievance procedure will resume at the point which had been reached prior to the commencement of mediation/discussion.

4 Mediation

- 4.1 Mediation is a support measure which can be effective in rebuilding working relationships and it is most effective when utilised as early as possible. Mediation is likely to be most appropriate in cases involving interpersonal relationships.
- 4.2 Mediation is voluntary and will take place only if all parties agree. It is, however, hoped that employees will recognise the benefits of seeking to resolve issues via mediation and will be amenable to and cooperate with this approach. Further information can be found in the Mediation Policy.

5 Facilitated Discussion

- 5.1 There may be circumstances in which alternative non-adversarial discussions may be undertaken with the aim of promoting a speedy resolution. An independent third party, a manager, or a member of Human Resources can facilitate a discussion between the parties. This is not mediation, however having someone else involved in the discussion, may aid communication.

- 5.2 These processes are voluntary and can only take place if all parties agree. The grievance procedure may be suspended so as to allow time to explore these alternative methods to resolve the difficulties.
- 5.3 If the employee and the manager cannot resolve the matter satisfactorily on an informal basis, it should be dealt with under the formal grievance procedure as set out below.

6 Stage 2 - Formal Resolution

- 6.1 The formal resolution procedure should only be used once any or all appropriate informal steps have been undertaken and/or carefully considered. In some circumstances, it may not be appropriate for the grievance to be resolved informally, in light of the seriousness of the matters raised, for example alleged sexual harassment or misconduct. In these cases, the Chief People Officer may agree that it should proceed directly to the formal procedure. If the grievance cannot be resolved informally, or where informal steps are not appropriate (following guidance from HR) then the employee should put their grievance in writing to their immediate line manager using the Grievance Report Form (Appendix A), usually within 3 months of the incident/matter of concern and without unreasonable delay. Where the grievance is against the line manager, then the matter should be raised with a more senior manager, this being the Pro Vice Chancellor, Head of College, Head of School or Director. If the grievance concerns a Director or Pro-Vice Chancellor or Head of College, the staff member should address their grievance to the Vice Chancellor. If the grievance concerns the Vice Chancellor, the grievance should be submitted to the Chair of the University Council. For the avoidance of doubt, grievances concerning the Vice Chancellor will follow the process set out in this procedure.
- 6.2 In every case where the employee reports to the formal procedure, they must first identify a specific outcome they are seeking, and this should be made clear on the Grievance Report Form.
- 6.3 The individual identified to consider the grievance (the Pro Vice Chancellor/Head of School/Director) for the purpose of this procedure will be known as the Grievance Manager. The identity of the Grievance Manager will be made known to the complainant, and any objection should be communicated by the complainant at the outset and will be duly considered.
- 6.4 A member of staff will be appointed to investigate the grievance (the Investigating Officer). The Investigating Officer will be drawn from outside of the College or Department where the complainant works and their identity will be made known to the employee who raised the grievance. The investigation shall be undertaken in an open and transparent manner by individual(s) who are independent of the matters raised in the grievance. The Investigating Officer will be supported by a

member of Human Resources in the investigation process where necessary.

- 6.5 The Investigating Officer will carry out the necessary investigations. This will include gathering the relevant evidence and interviewing witnesses. Where an investigation is carried out, the following principles will apply:
- As part of the investigation, the employee may be interviewed and asked to clarify the nature of their complaint and/or provide further information, for example names of relevant witnesses and relevant documents.
 - If there are witnesses to an incident or the employee has made an allegation against someone else, written statements from such persons will be obtained and/or where appropriate these persons will be interviewed and a note or statement from each interview will be prepared. Other persons who may have relevant knowledge of the matter complained of may also be interviewed or asked to give a statement.
 - Employees should cooperate fully and promptly in the investigation and attend interviews as requested.
 - Only in exceptional circumstances will statements or interview notes be permitted to be anonymised, for example if there is a genuine concern for personal safety. This should be agreed with the HR advisor.
 - The Investigating Officer's report will note where possible: the process undertaken, persons interviewed, persons not interviewed, the facts established, those that could not be established, any mitigating factors, findings, conclusions, and any supporting documents.
- 6.6 If the grievance is against another employee the Grievance Manager and/or Human Resources will make them aware that they are the subject of a grievance. Sufficient information on the written grievance received will then be shared to enable them to respond. A member of staff against whom a grievance is raised will be given the opportunity during the investigation to state their case.
- 6.7 To facilitate a proper investigation and to avoid the possibility of further exacerbation of the situation through continued contact, the University may require, without prejudice, one or more parties to work from a different location during the period of investigation, where this is practical, or put other appropriate measures in place. Should the staff member refuse the consent for the investigator to discuss the grievance to whose conduct the grievance relates, this may limit the scope and potential outcomes of the investigation.
- 6.8 Following any investigation the Investigating Officer will submit the report to the Grievance Manager. The report will also be shared with the complainant, the Grievance Manager may:
- Arrange for a Grievance Hearing to take place; or,
 - direct that the grievance should be considered under any other procedure; or,

- refer the matter for mediation where there is agreement to this; or,
- dismiss the grievance where it is found to be vexatious, trivial, false, malicious or mistaken and/or where the investigation finds insufficient evidence to substantiate the complaint. Where the grievance is dismissed then the employee will be informed of the reason and may appeal this decision.

6.9 The grievance investigation will be completed in a timely manner and where possible within two months. The time taken will depend upon the complexity of the matters raised. The timescales referred to in this procedure are indicative, however where such timescales are exceeded all parties will be kept informed of progress.

6.10 Grievance Hearing

6.10.1 Where informal action or mediation has been considered inappropriate or has not resolved the concerns, or where following an investigation it is considered that a grievance hearing is appropriate in the circumstances, the employee will be invited to a grievance hearing to discuss the grievance.

6.10.2 At least ten working days before the date of the grievance hearing, the Grievance Manager (or their designate) will write to the employee:

- advising of the date, time and venue of the grievance hearing,
- advising of the right of the employee to attend the hearing in person and to be accompanied (by either a Trade Union representative or a fellow employee),
- enclosing a copy of the outcome of any investigation, including statements from any witnesses and other relevant evidence

6.10.3 At the Grievance Hearing:

- The Investigating Officer will present the report outlining the investigation carried out, and the conclusions reached.
- The employee will have the opportunity to ask any questions of the Investigating Officer.
- The Grievance Manager will have the opportunity to ask any questions of the Investigating Officer.
- The employee may put their case in person or through their companion.
- The Grievance Manager may choose hear evidence from witnesses, and make the necessary arrangements to obtain such evidence. No additional written evidence may be introduced at this stage.

6.10.4 Following the Grievance Hearing the Chair may carry out further investigations before reaching their decision. This will not be a repeat of the investigation carried out, but rather obtain further clarity on any matters shared, make further enquiries for example, where it is felt such steps are required to reach an informed decision.

- 6.10.5 Within 10 working days following the grievance hearing, the Grievance Manager, having given due regard to the Investigating Officer's report, will write to the employee setting out the outcome of the grievance, including any action(s) to be taken to resolve the grievance. If the grievance has been made against another employee(s) they will also be advised of the outcome. The employee who raised the grievance will also be informed of their right of appeal.

7 Stage 3 - Appeal

- 7.1 A staff member has a right of appeal against the grievance outcome. The staff member's written outcome letter will include details of the arrangements to follow should the staff member decide to appeal, e.g. to whom to appeal.
- 7.2. Staff intending to appeal against the decision taken under this procedure, must do so promptly, within 10 working days of receipt of the outcome letter. Should the employee require additional time to submit an appeal, they may make a request for a reasonable extension of time. This request must be made within the 10-day timeframe. Any such request for an extension of time will be granted at the discretion of the University.
- 7.3. The appeal must be communicated in writing, stating the grounds upon which the appeal is made.
- 7.4. The University will, as far as reasonably practical, seek to hear the appeal within 28 working days of receipt of the submitted appeal. The employee will be informed in writing of the date of and arrangements for the appeal hearing no later than 7 working days in advance of the appeal hearing.
- 7.5 The appeal chair will be a senior member of staff at the University who was not involved in the grievance process or investigation and who is no less senior than the individual who reached the original decision. A member of the Human Resources Department will support the meeting. The appeal chair will not have previous involvement in the case.
- 7.6 As the purpose of the appeal is not a reconsideration of all matters, it is the responsibility of the staff member to state their case and bring to the attention of the appeal chair all relevant documentary evidence that should be considered.
- 7.7 The staff member will be informed in writing of the appeal outcome, usually within 10 working days of the appeal meeting. If the timescales are to be longer, this will be communicated to the employee. The decision is final within the procedures of the University and will conclude the process.

8 General

- 8.1 If a staff member involved in the grievance process is absent due to sickness, they may be invited to visit the University's Occupational Health Service to assess their fitness to attend a meeting, and to give advice on any special requirements or adjustments for the investigation/hearing. Staff members may elect to submit a written statement to the panel, and for a meeting to take place in their absence.
- 8.2 Where a staff member believes that disability or language skills (e.g. English is not their first language) may impact on the ability to participate as appropriate in the procedure, it is the individual's responsibility to raise this with Human Resources as soon as possible. In such cases the University will consider providing appropriate reasonable support/adjustments during formal proceedings. Panel members shall be advised of any reasonable adjustments to be made.
- 8.3 Employees shall have the right to use Welsh or English (as may be preferred) at all stages of the procedure, and translation facilities will be arranged where appropriate.
- 8.4 If accompanied, the companion should be allowed to address a meeting to put and sum up the staff member's case, respond on behalf of the staff member to any views expressed at the meeting and confer with them during the meeting. The companion does not, however, have the right to answer questions on their behalf, address the meeting if the staff member does not wish it or prevent the employer from explaining their case.
- 8.5 Every effort should be made by all to attend meetings as arranged. Effort will be made to arrange meetings which are mutually acceptable, wherever possible. Where a staff member fails to attend on more than two occasions, the University may decide that a decision should be made in their absence on the evidence available at that time.
- 8.6 Where a staff member raises a grievance during any other procedure (for example disciplinary, capability or redundancy processes) which is related to the subject matter of these procedures, the relevant panel may deem it appropriate at their discretion to:
- direct that both cases are dealt with concurrently under a single investigation; and/or
 - direct that the grievance should be considered at a formal hearing under any other procedure; or
 - defer consideration of the grievance (in whole or in part) in order to safeguard the fairness of the process.

The employee will be given the reason(s) for the decision. However, the decision of the Grievance Manager on this shall be final.

The Grievance Policy and Procedure cannot be used to appeal against any decisions taken under any University policy that gives the right to appeal.

- 8.7 There is no obligation on the University to suspend the other proceedings in order to address the grievance. Every such decision shall be determined on its own merits.
- 8.8 Investigations that have been undertaken under this grievance procedure may be used as and where appropriate to inform another procedure.
- 8.9 Employees will not be penalised for raising a grievance in good faith. However, if an employee makes vexatious or malicious allegations under this or the public interest disclosure policy, particularly if the employee persists in making them, this is a serious disciplinary matter and disciplinary action or other appropriate action may follow. Similarly, if an employee persists in making trivial and unfounded grievance complaints against other individuals, disciplinary action may follow where appropriate.
- 8.10 Records of grievances will be kept confidential and retained in accordance with the University's Information Security Policy. The handling of personal data is controlled by the General Data Protection Regulation (GDPR) and associated legislation.
- 8.11 If a grievance is raised in response to another grievance (a counter grievance) or in response to action being taken under any other Ordinance or process, the Chief People Officer or such other person as they nominate shall decide the order in which matters are dealt with, and any such decision may include a determination that two processes should run or be investigated concurrently, or be combined.
- 8.12 Sometimes several staff may choose to raise a group grievance about the same issue which they feel affects them all. In these instances it may be appropriate for the group to elect a spokesperson on their behalf and agree a joint statement, rather than collecting individual statements from all involved.

9 Policy Review

- 9.1 This Grievance Policy and Procedure will be reviewed 12 months from its implementation, and then at regular intervals of not less than three years, and will at all times be read and applied subject to the general law. All reviews will be undertaken in consultation with the recognised campus Trade Unions and any changes agreed with them, prior to approval from the University Council.

10 Equality Impact Assessment

- 10.1 This Grievance Policy and Procedure has been Equality Impact Assessed based on consultation and information available at the time of the Policy being developed. A further Equality Impact Assessment will be carried out in conjunction with any review of the Policy.