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**Title:** **GRIEVANCE PROCEDURE**

**Keywords:** Grievance, complaint, investigation, mediation

**Description:** Procedure to address staff grievances

**Audience:** Staff and Managers

**1. PURPOSE**

1.1 This procedure provides a means by which staff may raise concerns, problems, or complaints about their employment in order to seek resolution. It provides a framework to ensure that such cases are dealt with consistently and fairly. It provides for matters to be addressed as close to the point of origin as possible.

1.2 The procedure aims to ensure good practice by applying the standards set out in the relevant sections of the [ACAS Code of Practice on Disciplinary and Grievance Procedures](http://www.acas.org.uk/?articleid=2174) and principles of fairness and natural justice, as set out in section 3 below.

**2. SCOPE**

2.1 This procedure applies to all staff of the University except, “holders of senior posts” as defined in the Articles of Government, i.e. members of the University Executive Team (UET) and the Clerk to the Board. Such “holders of senior posts” are subject to a similar procedure, according with the principles as set out in this procedure. “Staff” in this context refers to anyone receiving a salary or wages directly from the University (both established and hourly paid posts).

2.2 This procedure does not apply to collective grievances raised by a trade union on behalf of two or more employees. Please refer to the [collective grievance procedure](https://intranetsp.bournemouth.ac.uk/policy/Collective%20Grievance%20Procedure.docx) for further details.

2.3 The grievance procedure may be used to raise concerns, problems, or complaints in connection with an individual’s employment, including those relating to a third party (e.g. a client or contractor). In such cases, the University will follow the principles of this procedure and take appropriate action (e.g. to seek resolution with the external party). This procedure is not to be used for matters in relation to Dignity and Respect, Harassment, Sexual Harassment as BU has separate policies for these purposes. This process does not apply to complaints grievances or appeals where other policies are in place, for example, disciplinary/conduct, redundancy, performance, ill health.

2.4 The grievance procedure does not apply to ex-employees. Should an ex-employee write to register a complaint, the case will be referred to the Director of Human Resources Services, or their nominee, to determine the appropriate course of action in the circumstances.

2.5 Should a member of staff have a grievance that has arisen due to the application of another procedure, or in circumstances where another procedure may take precedent, they should refer the matter to the HR Department in the first instance. The relevant member of HR will consider the circumstances of the case and discuss with the complainant the appropriate procedure to use.

**3. PRINCIPLES**

3.1 BU is committed to both the elimination of unlawful discrimination and positive promotion and celebration of equality and diversity throughout all aspects of its work. The University will not tolerate unfair or unlawful treatment on the grounds of a protected characteristic as defined in the Equality Act 2010 in respect of the application of this procedure.

3.2 All members of staff and other workers are responsible for ensuring that their own conduct is in accordance with the [University’s](http://intranetsp.bournemouth.ac.uk/policy/dignity-diversity-and-equality-policy.doc) Dignity & Respect (Harassment) Policy and Procedure, the Sexual Harassment Policy and Procedure and Dignity, Diversity & Equality Policy.

3.3 Staff requiring assistance in connection with this procedure (e.g. due to reasons relating to disability or the need for translation from English) should contact the HR Department. The University is committed to making reasonable adjustments for staff who consider they have a disability.

3.4 Grievances are normally best dealt with as near to the point of origin as possible and whenever possible an informal resolution should be sought in the first instance (see section 4). Complaints may however arise that are sufficiently serious to warrant formal intervention at the outset and these may be raised under the formal procedure (see section 5)

3.5 Grievances should be bought in good faith, whether informal or formal, the purpose of a meeting/discussion and/or the grievance hearing is to seek a resolution to the complaint raised, and arrangements for informal meetings/discussions and/or the hearing should facilitate this end. All parties have responsibility to work towards a fair and reasonable resolution. Variations to the process, in response to the requirements of a particular case, must be reasonable in the circumstances.

3.6 Grievances relate to a wide range of issues and are of varying severity and complexity. Depending upon the circumstances, it may be appropriate for an independent investigation to be undertaken at the formal stage of the procedure. Further information can be found in the [Investigation’s procedure.](http://intranetsp.bournemouth.ac.uk/policy/Investigation%20Procedure.docx)

3.7 Each case will be considered on its own merits in order that any decision should be reasonable in all the circumstances.

3.8 Grievance hearings will be independent and where a potential conflict of interest is raised advice will be sought from HR. The outcome of a grievance hearing is the sole responsibility of the hearing manager and will not be made by the person who conducted the investigation (should an investigation have been necessary). Similarly, appeals against grievance outcomes will be heard by person(s) not being involved with the grievance hearing.

3.9 Grievances should be raised as promptly as possible and will be dealt with without undue delay. The person raising the grievance, the complainant will be kept informed of progress and timeline throughout.

3.10 If a complaint relates to another employee, the respondent will be informed of the allegation(s) against them and be given the opportunity to present their perspective at the grievance hearing and if appropriate, to the investigating officer, should an investigation be necessary.

3.11 During a grievance should it become necessary to investigate a matter in accordance with another procedure (e.g., disciplinary procedure, dignity and respect (harassment) policy and procedure, Sexual Harassment Policy and Procedure) then the relevant persons (as determined by the investigating officer and HR representative) will be informed accordingly and without delay.

3.12 Any party may seek advice and guidance from HR at any stage of this procedure.

3.13 HR will accompany those authorised to conduct formal grievance hearings and approve the form and wording of letters relating to grievance matters.

3.14 Within the formal procedure, individuals have the right if they wish, to be accompanied by a fellow member of staff or by an appropriate representative of an independent trade union (recognised or non-recognised) as defined in the Employment Relations Act 1999 or an official employed by a trade union.   Trade Union officials bringing a complaint can be accompanied by a Regional Official if they wish.

3.15 Individuals may not be accompanied by anyone acting as a legal representative at any stage of the procedure.

3.16 If it is found that an employee has deliberately made a false or vexatious claim, the grievance will be rejected, and the matter will be dealt with in accordance with the disciplinary procedure.

3.17 Records should be treated as confidential and be kept no longer than necessary in accordance with the data protection principles set out in the Data Protection Act 2018. This Act also gives individuals the right to request and have access to personal data stored about them.

3.18 Copies of meeting records should be given to the employee including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) BU might withhold some information. Meeting records do not need to be a verbatim report. They should then be provided to the individual to confirm whether they are an accurate record of the meeting. The notes should be retained and may be attached, as appropriate, to the investigating officer’s report (see appendix 1).

3.19 This procedure does not have contractual effect.

**4. RAISING AN INFORMAL GRIEVANCE**

4.1 A member of staff with cause for complaint is encouraged to seek to resolve the matter as promptly as possible and, whenever possible, informally in the first instance. This course of action has the potential to resolve the matter swiftly, avoiding further escalation.

4.2 The matter should be raised by the employee, normally with their line manager and/or directly with the party giving cause for complaint, seeking to resolve the matter through discussion. If the complaint relates to the line manager, another manager may be approached.

4.3 Dealing with grievances informally can often lead to a speedy resolution of problems and may well resolve the matter directly. The manager should acknowledge the complaint in writing without delay. Every effort should be made by all involved to deal with issues promptly and not cause unreasonable delay.

4.4 Informal action will be appropriate to the circumstances and may involve the line manager arranging one or more informal meetings with the parties. It may be appropriate at this point for the manager to arrange a facilitated discussion between the two parties with a view to resolving the issue and agreeing a way forward.

4.5 In keeping with the informal approach, HR will not normally be present, and the employee will not normally be accompanied by a trade union representative.

4.6 The line manager should seek advice from HR and discuss whether [workplace mediation](http://intranetsp.bournemouth.ac.uk/policy/Workplace%20Mediation.docx) is an appropriate option.

4.7 Following the informal discussions between the parties and possible other action (e.g. workplace mediation or a facilitated discussion) the matter may be satisfactorily resolved, however, if this is not the case, the employee has recourse to the formal procedure.

**5. RAISING A FORMAL GRIEVANCE**

5.1 A member of staff, who has a complaint that has not been resolved informally, or who wishes to raise a formal grievance, should set out the reasons in writing and send this to their Director/Head of Professional Service or Executive Dean, unless the complaint relates to that person. If the complaint relates to the Director/Head of Professional Service or Executive Dean, the grievance should be sent to the member of the University Executive Team (UET) with responsibility for the complainant’s area of work.

5.2 The written grievance should clearly outline the basis of the grievance, include relevant evidence, specify the remedies sought, and indicate what might be a reasonable outcome.

5.3 Upon receipt of a formal grievance hearing, HR should be advised before proceeding.

5.4 Receipt of the grievance should be acknowledged in writing without delay.

**6. GRIEVANCE HEARING**

**6.1** **Written Notification of Hearing**

6.1.1 The manager responsible for hearing the grievance (the ‘hearing manager’) will write to the complainant to acknowledge its receipt and arrange for a hearing to discuss the matter, to be held without unreasonable delay, and as soon as is reasonably practicable after the grievance has been received in writing. Details of this notification and the response required, including timescales are included in [appendix 1.](http://intranetsp.bournemouth.ac.uk/policy/Appendix%201%20Grievance%20Hearing%20and%20appeal%20procedures.docx)

6.1.2 Where the hearing manager considers further time is required to consider the evidence or seek further clarification, and/or request that an investigation be undertaken, they can implement a reasonable adjournment and this will be communicated to the complainant, along with an estimate of the timescales involved. If these timescales change this will be communicated to the complainant.

**6.2 The Grievance Hearing**

6.2.1 The hearing manager will vary depending upon the nature of the grievance and the seniority of the staff involved. All hearing managers will be appropriately trained University staff with sufficient knowledge of the area of the University and relevant technical knowledge to make a judgement. It would be a normal expectation for the manager hearing the grievance to be of a more senior position than the named respondent to the grievance. The hearing manager shall be made known to the complainant in advance of the hearing, and the complainant should raise any relevant concerns with regards to the hearing manager in advance to the Director of Human Resources Services, or their nominee.

6.2.2 Procedural details for the grievance hearing are set out in [appendix 1.](http://intranetsp.bournemouth.ac.uk/policy/Appendix%201%20Grievance%20Hearing%20and%20appeal%20procedures.docx)

6.2.3 During the hearing, the complainant raising the grievance will be given the opportunity to explain the grievance, present any evidence, call witnesses if required and explain how they think it should be resolved.

6.2.4 In some circumstances the hearing manager may deem it is appropriate to adjourn the hearing to undertake necessary further investigation without unreasonable delay. The hearing manager shall discuss and agree with the complainant the scope of any investigation and the names of any potential witnesses or other staff who should be interviewed. The hearing manager shall explain proposed next steps and an estimate of the timescales involved. The hearing manager may decide in complex cases to appoint an investigating officer with terms of reference agreed with the complainant (and their trade union representative where relevant). The investigation will be carried out in accordance with the University’s [Investigation Procedure.](http://intranetsp.bournemouth.ac.uk/policy/Investigation%20Procedure.docx) The form the investigation takes will depend on the circumstances of the case.

6.2.5 If the complainant is unable to attend a grievance hearing due to ill health/medical condition, the University may seek medical advice through the through Occupational Health and/or a medical practitioner and shall apply reasonable adjustments, as appropriate to the circumstances.

6.2.6 Should the complainant fail to attend the grievance hearing, the hearing manager will consider the reasons for non-attendance, and take action appropriate to the circumstances to reschedule the hearing.

6.2.7 If the complainant advises the University that they are unwilling to attend a hearing, the hearing manger may find it necessary to make a decision based on the evidence available in their absence. The complainant will be provided with the opportunity to submit a written statement to the hearing.

6.2.8 If the complainant’s trade union representative or workplace colleague cannot attend a hearing on a proposed date, they can propose a reasonable alternative time normally within a period of 5 working days after the original date.

**6.3 The Grievance Hearing Outcome**

6.3.1 Following the hearing and having considered the information provided by the complainant, together with the findings from the investigation and information from the respondent (where relevant), the hearing manager will inform all parties of the outcome, in accordance with GDPR and BU’s Privacy Notice as appropriate.

6.3.2 The outcome from a hearing may be that the grievance is upheld, (either in full or in part), or that it is not upheld. The hearing manager may make recommendations with respect to action to address any of the findings from the hearing.

6.3.3 The outcome and any recommendations will be confirmed in writing to the complainant, within 5 working days after the meeting. Where this timeframe cannot be met, this will be communicated, with reasons and an alternative timeframe agreed.

6.3.4 Other parties, for example, the s respondent, will also be informed of the outcome.

**7.0 RIGHT OF APPEAL**

7.1 Should the complainant believe that there are grounds to appeal the outcome from a grievance hearing, they may do so in writing, stating the reasons for the appeal. This should be done within 10 working days of receiving written notification of the outcome of the hearing.

7.2 In cases where a Director/Head of Professional Service or Executive Dean heard the grievance, appeals should be addressed to the Office of the Vice-Chancellor.

7.3 In cases where the grievance was heard by a member of UET, appeals should be addressed to the Clerk to the University Board (boardclerk@bournemouth.ac.uk).

7.4 In initiating an appeal, the appellant should state the grounds upon which the appeal is based. Some examples of grounds for appeal might be:

* the process was not appropriately followed.
* where there is new evidence relevant to the case which was not previously available; or
* the grievance outcome is deemed to be disproportionate.

7.5 The appeal hearing will consider the reasons for the appeal and will not constitute a re-hearing, unless, by exception, the Chair of the appeal determines whether there are grounds to warrant this.

7.6 Procedural details for holding an appeal hearing and conveying the outcomes are set out in [appendix 1.](http://intranetsp.bournemouth.ac.uk/policy/Appendix%201%20Grievance%20Hearing%20and%20appeal%20procedures.docx)

**8. WORKPLACE MEDIATION**

8.1 Workplace mediation can be a helpful intervention to resolve problems in the workplace. An outcome of a grievance may be the recommendation of independent mediation as a way to resolve a grievance (whether raised informally or formally) or after a grievance hearing has taken place.

8.2 Independent mediation will be used in the appropriate circumstances, and with the agreement of all parties, to wherever possible resolve issues raised during the grievance process.

8.3 A fuller description of workplace mediation, what it is, its voluntary nature, the advantages of mediation and possible outcomes, how it interacts with this procedure and when mediation might be used can be found [here.](http://intranetsp.bournemouth.ac.uk/policy/Workplace%20Mediation.docx)

**9. SOURCES OF HELP AND SUPPORT**

9.1 BU recognises that raising a grievance is extremely difficult for the person raising it (the complainant).  Additionally, the circumstances are also extremely difficult for the person/people that are part of the complaint (respondent/s).  BU will manage each case as quickly as possible, ensuring that all parties are treated with dignity and respect. Please see below support available for anyone who is considering taking action to address a grievance and /or anyone who is subject to a grievance.

* their Line Manager, if appropriate
* the [HR department](https://staffintranet.bournemouth.ac.uk/aboutbu/professionalservices/humanresources/)
* [trade union representatives](https://staffintranet.bournemouth.ac.uk/workingatbu/staffunions/)
* [Dignity & Wellbeing Advisers](https://staffintranet.bournemouth.ac.uk/aboutbu/professionalservices/humanresources/dignityandrespectharassment/servicesandsupport/)
* by contacting the [Employee Assistance Programme](https://staffintranet.bournemouth.ac.uk/workingatbu/healthsafetywellbeing/occupationalhealthwellbeing/eap/)
* by contacting BU Faith and Reflection

9.2 BU will ensure that all parties are updated regularly in respect of timelines and progress. All parties will be provided with a point of contact within HR or the Faculty or Service who will be responsible for this throughout.

9.3 BU recognises that cases can be difficult and complex and that those investigating and / or hearing them may also want support, this can be discussed with a line manager (providing confidentiality is not compromised) or access one of the sources of support listed.

**Appendices**

Appendix 1Grievance hearings and appeal hearings; procedural details

Appendix 2 Grievance Procedure Manager Guidance

**Appendix One**

 **Grievance hearings and appeal hearings; procedural details**

**Introduction**

The procedural detail in this appendix provides information to assist an employee who has raised a grievance to understand the process to be followed at a grievance hearing. It is important to remember that the purpose of a grievance hearing is to seek a resolution of the problem, to the satisfaction of all parties concerned and so arrangements for the hearing should facilitate this end. This means that there may be some variation to the process described below in response to the requirements of a particular case, however, any variations to the procedure must be reasonable in the circumstances.

**Terminology and parties**

The member of staff who has raised the grievance or is appealing against the findings of a grievance hearing is also referred to as the employee, individual, or appellant.

The manager to whom the grievance was addressed is referred to as “the manager”.

The person the member of staff has invited to accompany him/her in accordance with paragraph 3.14 of the procedure is referred to as “the companion”.

The person hearing the grievance who is responsible for deciding the outcome is referred to as “the hearing manager”.

The person hearing the appeal who is responsible for deciding the outcome is referred to as “the chair”.

A working day refers to any day Monday to Friday inclusive, but excludes Bank Holidays or publicised University closure days.

**GRIEVANCE HEARING**

**Written notification of grievance hearing**

A member of staff will be informed, in writing and given 10 working days’ notice of the meeting to hear his/her grievance. This notification will include a copy of the original written grievance, any documentation that might be referred to during the hearing, the names of any witnesses that the hearing manager intends to call during the hearing, details of the date, time and venue for the hearing, the right to be accompanied and a copy of the grievance procedure.

The letter will also advise the member of staff that s/he is invited to submit a further written statement, together with any supporting documentation and the names of any additional witnesses s/he intends to call and that this should be received at least 5 working days in advance of the hearing.

After this time limit, no further documentation shall be considered and taken into account at the hearing, unless the hearing manager agrees an exception.

All documentation submitted will be disclosed to the relevant parties present at the hearing.

**The grievance hearing**

The hearing manager shall make introductions, outline the format for the hearing and have responsibility for the orderly conduct of proceedings.

Present at the hearing will be;

* the hearing manager, accompanied by a member of HR acting in an advisory capacity,
* the aggrieved employee, who may choose to be accompanied
* if relevant, the responding employee/manager, who may choose to be accompanied.
* where an investigation has been undertaken, the investigating officer may be called as a witness and they may be accompanied by a member of HR.
* if appropriate, other witnesses may be called by either the employee, the respondent or the hearing manager
* there may also be supporting persons present (e.g. note-taker, or a person to assist an individual with a disability).

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

Any witness(es) shall join the hearing, in turn, to give evidence and answer questions and shall leave the room when this is concluded.

Either party may request an adjournment at any stage of the proceedings.

The employee will be invited to explain his/her grievance and, if required, call witnesses (whose names have been notified in advance).

The hearing manager and HR representative may ask questions of the employee and his/her witnesses.

The responding employee/manager will be given the opportunity to respond to the grievance and may call witnesses (whose names have been notified in advance).

If appropriate the investigating officer may be called as a witness to present their findings.

The hearing manager, HR representative, employee and employee‘s companion may ask questions of the responding employee/manager, investigating officer and witnesses.

When the matter has been presented and discussed from the various perspectives and questioning has been completed, the hearing manager may invite the individual and responding employee/ manager respectively to give a short concluding statement.

The hearing manager may, if s/he so wishes, give a summing up.

The hearing manager will call an adjournment when the hearing is concluded in order to consider his/her decision.

**The outcome and written confirmation following a grievance hearing**

The individual will be informed of the decision and the reasons for the outcome at the earliest opportunity. The hearing manager may reconvene the hearing on the same day to advise the individual and responding employee/manager of the outcome, or if it is not possible to reach a decision on the day, an indication will be given within one working day of the likely timescale for a decision to be reached.

The decision and reasons will be confirmed in writing to the individual, normally within seven working days after the decision has been made. This notification will include reference to the right of appeal and the name of the person to whom any appeal should be made. A member of staff wishing to appeal should do so, in writing, stating the grounds for the appeal within 7 working days of receiving the outcome letter. Further details about the appeals procedure can be found below.

The outcome may be that the grievance is upheld, in whole or in part, or that it is not upheld. In addition, the hearing manager may recommend that action outside the formal procedure should be taken.

The outcome (and any recommendations) will be communicated to the relevant manager, as appropriate.

The hearing manager may find that it is appropriate to communicate relevant information from the outcome and findings of the hearing to person(s) affected by the complaint and this communication shall be at the absolute discretion of the hearing manager, with HR advice and support.

**APPEAL HEARING**

**Making the appeal and exchange of information**

Should the employee believe that there are grounds to appeal the outcome from the grievance hearing they should submit their grounds for appeal in writing within 10 working days of receiving notification of the outcome of the hearing. In cases where a Director/Head of Professional Service or Executive Dean heard the grievance, appeals should be addressed to the Office of the Vice-Chancellor. In cases where the grievance was heard by a member of UET, appeals should be addressed to the Chair of the Board, via the Clerk to the University Board.

In initiating an appeal, the employee should state the grounds upon which the appeal is based. Grounds for appeal might be: the process was not appropriately followed; where there is new evidence relevant to the case which was not previously available; or the grievance outcome is deemed to be disproportionate.

The appeal hearing will consider the employee’s case for the appeal and will not constitute a re-hearing, unless, by exception, there are grounds to warrant this.

An appeal hearing will normally be convened within 15 working days of the receipt of the notice of appeal.

The appellant will be invited to provide a written statement supporting his/her grounds for appeal, together with any supporting documentation and names of witnesses s/he intends to call. This must be received by the designated person at least 7 working days before the date of the hearing.

The manager who chaired the grievance hearing will be invited to submit a written statement together with any supporting documentation and names of witnesses, to be received at least 7 working days in advance of the hearing.

All documentation will be exchanged between the parties and forwarded to the chair at least five working days in advance of the hearing.

After this time limit, no further documentation shall be considered and taken into account at the hearing, unless the chair should agree such an exception.

**The appeal hearing**

The chair shall make introductions, outline the format for the hearing and be responsible for the orderly conduct of proceedings.

Present at the hearing will be;

* the chair, (and in cases where the grievance was heard by a member of UET, two other members of the University Board) accompanied by a member of the HR department acting in an advisory capacity,
* the appellant, who may choose to be accompanied,
* the hearing manager, who will be accompanied by a member of the HR department,
* there may also be supporting personnel present (e.g. note-taker, or a person to assist an individual with a disability).

The appellant’s companion is allowed to address the hearing, to put and sum up the individual’s case, respond on behalf of the individual to any views expressed at the meeting and confer with the individual during the hearing. The companion does not however have the right to answer questions on the individual’s behalf, or address the hearing if the individual does not wish it, or prevent the University from explaining its case.

Any witness(es) shall join the hearing, in turn, to give evidence and answer questions and shall leave the room when this is concluded.

Either party may request an adjournment at any stage of the proceedings.

The appellant will be invited to present the appeal and call witnesses (whose names have been notified in advance).

The chair, panel members (if present),HR representative and hearing manager will have opportunity to question the appellant and his/her witnesses.

The hearing manager will be invited to respond to the employee’s case and call witnesses (whose names have been notified in advance).

The chair, panel members (if present), HR representative and appellant shall be given opportunity to question the hearing manager and management witnesses.

When both parties have concluded their presentations and questioning has been completed, the chair may invite the appellant and hearing manager respectively to give a short concluding statement.

The chair may, if s/he so wishes, give a summing up.

The chair will call an adjournment when the appeal is concluded in order to consider the outcome.

**The outcome and written confirmation**

The appellant will be informed of the decision and the reasons for the outcome at the earliest opportunity. The chair may reconvene the hearing on the same day to advise the individual and hearing manager of the outcome, or if it is not possible to reach a decision on the day, an indication will be given within one working day of the likely timescale for a decision to be reached.

The decision and reasons will be confirmed in writing to the individual, normally within five working days of the hearing. This decision is final and there is no further right of appeal.

The chair may find that it is appropriate to communicate relevant information from the outcome and findings of the hearing to person(s) affected by the complaint and this communication shall be at the absolute discretion of the chair, with HR advice and support.

 **Appendix Two**

**MANAGERS GUIDANCE – GRIEVANCE PROCEDURE**

1. **Introduction**
	1. This guide is intended to explain the grievance procedure, the roles and responsibilities of those involved, and the support mechanisms that are available. This guide should be read in conjunction with the [Grievance Procedure.](http://intranetsp.bournemouth.ac.uk/policy/Grievance%20Procedure.docx)
2. **What is a grievance?**
	1. A grievance is a complaint, concern or problem; it could be a problem or difficulty about;
* Working conditions
* Working practices
* Terms and conditions of employment
* Training
* Health and safety
* Pay and benefits
* Relationships with colleagues
* Organisational change

2.2 Or it could be a sense or perception of being treated unfairly

1. **Informal Grievance**

The University would always try to seek resolution at an informal stage wherever possible.

* 1. How do you manage an informal grievance?

This is laid out in the [Grievance Procedure](http://intranetsp.bournemouth.ac.uk/policy/Grievance%20Procedure.docx), the key principles are:

* Determine the nature of the grievance
* Ask questions (probing / open questions)
* Give the employee opportunity to state any further information
* Distinguish between fact and opinion
* Look at possible solutions
* Respond to the employee stating action to be taken
	1. Potential Outcomes of an informal grievance;
* Mediation
* Apology(ies)
* An agreement on how to proceed
* Progression to formal grievance
1. **What is mediation?**
	1. ACAS states that:
* It involves an independent, impartial person helping two or more individuals or groups reach a solution that’s acceptable to everyone. The mediator can talk to both sides separately or together. Mediators do not make judgements or determine outcomes – they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their differences or dispute.
* The overriding aim of workplace mediation is to restore and maintain the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.
	1. The key principles of mediation;
* All staff members may access mediation.
* Participation in mediation is voluntary for all parties.
* The mediation process is not prescriptive and can take many different forms.
* Line managers may recommend mediation to any staff members experiencing conflict in a working relationship. Alternatively, staff members can request mediation directly.
* Where mediation is deemed an appropriate course of action, a neutral mediator is allocated by HR to both parties.
* Mediation meetings involve the participants engaged in the process and the mediator(s).
* The mediation process and its outcome remain confidential between the participants unless they agree to share information with appropriate parties (e.g. line managers). The only exception to this principle of strict confidentiality is where there is a potential unlawful act or where there is evidence of serious risk to health and safety. In these circumstances the process will be terminated and the HR Manager informed.
* Although it is hoped that mediation will resolve conflicts, it is an independent process, sitting outside University statutes and policies. As such, participation in mediation does not preclude recourse to formal procedures at any stage in the future. However, details of the agreement or mediation process are inadmissible in any formal procedure.
	1. **Who can mediate?**
* Contact the HR department for details of trained Mediators.
1. **Formal Grievance**
	1. If a grievance is not resolved at the informal stage it can be raised formally. This should be set out clearly in writing and sent to the Director/Head of Professional Service or Executive Dean, unless the complaint relates to that person. If the complaint relates to the Director/Head of Professional Service or Executive Dean, the grievance should be sent to the member of the University Executive Team (UET) with responsibility for the complainant’s area of work.
	2. The written grievance should outline clearly:
* The basis of the grievance
* Include relevant evidence
* Specify the remedies sought
* Indicate what might be a reasonable outcome.
	1. The grievance will be ‘heard’ by a hearing manager who will determine;
* Whether further time is required to consider the evidence
* Whether further clarification is required
* Whether an investigation should be undertaken
	1. The investigation will be carried out in accordance with the University’s [Investigation Procedure.](http://intranetsp.bournemouth.ac.uk/policy/Investigation%20Procedure.docx)
	2. **What happens in a grievance hearing?**

The grievance hearing will be set out as per appendix 1 of the [Grievance Procedure](http://intranetsp.bournemouth.ac.uk/policy/Grievance%20Procedure.docx).

1. **What are the potential outcomes of the hearing?**
* The grievance (or part of the grievance), could be upheld
* The grievance is not upheld
* Recommendations with respect to any actions to address any findings from the hearing will be made.
1. **Can an employee appeal?**
* Yes, an employee can appeal within 10 working days of receipt of the hearing outcome.
* Where a Director/Head of Professional Service or Executive Dean heard the grievance, appeals should be addressed to the Office of the Vice-Chancellor. If heard by a member of UET, appeals should be addressed to the Clerk to the University Board.
* The appeal should state the grounds upon which the appeal is based.
* The appeal hearing will consider the employees reasons for appeal and will not constitute a re-hearing, unless by exception grounds warrant this.

**8. What support is available?**

 BU recognises that raising a grievance is extremely difficult for the person raising it (the complainant).  Additionally, the circumstances are also extremely difficult for the person/people that are part of the complaint (respondent/s).  BU will manage each case as quickly as possible, ensuring that all parties are treated with dignity and respect. Please see below support available for anyone who is considering taking action to address a grievance and /or anyone who is subject to a grievance.

* their Line Manager, if appropriate
* the [HR department](https://staffintranet.bournemouth.ac.uk/aboutbu/professionalservices/humanresources/)
* [trade union representatives](https://staffintranet.bournemouth.ac.uk/workingatbu/staffunions/)
* [Dignity & Wellbeing Advisers](https://staffintranet.bournemouth.ac.uk/aboutbu/professionalservices/humanresources/dignityandrespectharassment/servicesandsupport/)
* by contacting the [Employee Assistance Programme](https://staffintranet.bournemouth.ac.uk/workingatbu/healthsafetywellbeing/occupationalhealthwellbeing/eap/)
* by contacting BU Faith and Reflection

 BU will ensure that all parties are updated regularly in respect of timelines and progress. All parties will be provided with a point of contact within HR or the Faculty or Service who will be responsible for this throughout.

 BU recognises that cases can be difficult and complex and that those investigating and / or hearing them may also want support, this can be discussed with a line manager (providing confidentiality is not compromised) or access one of the sources of support listed.