



UNIVERSITY OF  
LINCOLN

# Grievance Policy and Procedure

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## 1. Purpose

**1.1** This Policy is designed to ensure employees have access to a clear and systematic procedure by which they may raise concerns, problems or complaints relating to their own employment. The aim is to ensure prompt, consistent and fair treatment for all employees and to help both the employee and the University to be clear about their expectations of the process.

**1.2** The University and the recognised Trade Unions agree that this Policy should not be used as a substitute for promoting and maintaining positive and productive relationships throughout the University.

**1.3** In this Policy, "Reporting Person" shall mean the person or group who raises a grievance about an employment matter.

## 2. Scope

**2.1** This Policy applies equally to all employees, of all levels of seniority, without exception.

**2.2** This procedure is to be used for the resolution of an individual or collective grievance connected with employment issues, defined as follows:

(a)"Grievance": An individual employee may raise as a grievance under this procedure any matter relating to their employment, for example relating to:

- (i) the duties and associated grade of their post;
- (ii) working conditions and environment;
- (iii) University / College / School / Department policies or procedures, unless specifically excluded below.

(b)"Collective Grievance": A group of employees may raise as a collective grievance any matter relating to their employment, which is common to them all.

**2.3** This procedure is not applicable to any grievances regarding:

- (i) nationally agreed terms and conditions, policies, practices or agreements;
- (ii) any matter which seeks to change an agreement reached with a recognised trade union, either nationally or locally;
- (iii) collective disputes that are the subject of negotiation or consultation with a recognised trade union;
- (iv) complaints about the instigation of disciplinary proceedings against an individual, action taken under the disciplinary procedure, or the operation of the disciplinary procedure, which should be dealt with under the disciplinary procedure at the same time as the alleged misconduct is being considered;

(v) complaints about being subject to the Managing Sickness Absence Policy, or action taken under that Policy, which should be dealt with under the Managing Sickness Absence Procedure;

(vi) complaints about the instigation of the Improving Performance Policy against an individual, action taken under the Improving Performance procedure, or the operation of the Improving Performance procedure, which should be dealt with under the Improving Performance procedure at the same time as the alleged under-performance is being considered;

(vii) a complaint against an actual or potential dismissal (for example, redundancy or end of fixed term contract), which should be dealt with under the appropriate procedure;

(viii) allegations which should be more appropriately managed through the University's Bullying and Harassment Procedures;

(ix) allegations which are brought under the University's Whistle-blowing Procedures;

(x) employees are excluded from using this procedure to raise substantively the same grievance again following completion of the original grievance process, except where agreed actions have not been implemented. A complaint may be considered repetitious if it is identical, or substantially similar, to a complaint, or complaints, which have been thoroughly investigated previously.

**2.4** Where a grievance raised by an employee relates to a procedure not covered by section 2.3, it will be managed using this Policy and in parallel with the other procedure, if it is deemed appropriate to do so.

### **3. Principles**

**3.1** The University aims to create and maintain a working environment where employees feel able to raise concerns at the earliest opportunity and reduce the need for employees to initiate formal procedures. Wherever possible, concerns should be resolved informally (please refer to Section 9 below). Where it is not possible for a concern to be resolved informally, the formal procedure detailed below will be followed.

**3.2** The University fully supports and recognises the right of individuals to raise a grievance in good faith. Any employee who has a grievance relating to their employment has a right to express it, receive a written response and be certain that they will not be victimised for using the Grievance procedure.

**3.3** The University will not victimise or permit the victimisation of any employee who seeks advice or raises a Grievance under this Policy, or any employee who represents or accompanies a colleague who has invoked the Grievance procedure or acts as a witness. Victimisation of an individual involved in such proceedings will not be tolerated and is a form of misconduct that may result in a disciplinary process.

**3.4** Whilst not a statutory legal framework, this Policy and Procedure are in line with ACAS guidelines on Grievances.

**3.5** The University will maintain the right of all employees to exercise their freedom of speech and expression, although these rights must be exercised within the law (article 10.1 of the European Convention on Human Rights). The right to freedom of speech must be balanced by the obligation to use that freedom responsibly and professionally and respecting other rights which employees enjoy.

**3.6** If, at any time, the employee wishes to withdraw their formal grievance, they must make their intentions known, in writing, to the Investigating Officer or the People, Performance and Culture (PPC) Department Representative dealing with the grievance. The University reserves the right to investigate the original complaint if it is considered to be in the best interests of the University and the individuals concerned, even if the employee withdraws the grievance.

**3.7** Grievances submitted by an employee after they have left the University will be reviewed by the Chief People Officer and may be accepted, although not normally. However, the University recognises that some cases involving outgoing and former employees can raise important issues which may warrant investigation, if it is possible to do so. If an employee raises a grievance prior to leaving but the process has not yet been completed, then the University will conclude the process as best as reasonably possible by the end date of employment. An employee who leaves the University during the grievance process will have no right of appeal against the outcome.

## **4. Responsibilities under this Policy**

### **4.1 Employee Responsibilities**

Employees should:

- Take responsibility for conducting themselves in a professional, consistent and respectful manner in line with our One Community Values.
- Take appropriate action as outlined in this Policy at the earliest opportunity should a concern arise about an employment issue.
- Consider accessing support mechanisms to maintain health and wellbeing during the process.

### **4.2 Management Responsibilities**

Line Managers are responsible for:

- Wherever possible, facilitating informal resolution to grievance issues;
- Taking appropriate and prompt corrective action as outlined in this Policy or seeking advice from the PPC Department regarding how to proceed, if a grievance issue is raised.

- Ensuring that all parties are dealt with fairly and receive the appropriate support;
- Referring the Reporting Person to support mechanisms to maintain health and wellbeing during the process (and accessing themselves, if required).

### **4.3 Responsibilities of the People, Performance and Culture (PPC) Department**

The PPC Department is responsible for providing advice and information on the operation and application of this procedure at any stage and has a specific role in providing professional support during the formal stages of this procedure. A Representative of the PPC Department will be present during all formal meetings to provide the Investigating Officer with procedural guidance, and to ensure fair, consistent and appropriate management of the process. PPC will also be responsible for monitoring the number of formal cases investigated each year and the outcomes of those cases.

### **4.4 Responsibilities of the Investigating Officer (IO)**

**4.4.1** Upon receipt of the grievance an independent IO is appointed by the Reporting Person's Line Manager and PPC (or the next tier Line Manager, if appropriate, depending on the nature of the grievance). It is the IO's role to determine the outcome of the grievance. The IO will consider the level and scope of their investigative actions (which will be dependent on the nature, seriousness and sensitivities of the grievance) to ensure that they are able to respond in a fair, proportionate and efficient manner. The IO will conduct the investigation in a thorough, impartial and objective manner, and will carry out the investigation with sensitivity and due respect for the rights of all parties concerned.

**4.4.2** In some instances, where the initial information submitted by the Reporting Person is unclear, the IO may need to communicate directly with the Reporting Person in advance of the Fact Finding Meeting to gain clarity; this is in order to ensure that the IO is able to respond to the grievance effectively and in a fair, proportionate and efficient manner.

**4.4.3** It is important that the grievance is dealt with promptly to reduce any distress caused to parties; therefore, the IO must complete the investigation report within a timescale agreed with PPC.

### **4.5 Responsibilities of the Witness**

Reasonable requests made by an IO of an employee to attend a Fact Finding Meeting and / or provide a statement (see Appendix 4) to assist the investigation of a case, should be met, unless there are reasonable grounds for not responding to such a request. These reasons must be given to the IO without undue delay. Witness evidence must be provided in good faith; if such evidence is found to be malicious or vexatious, it may be necessary to take subsequent disciplinary action. Anonymous statements will not normally be accepted for the purpose of this Policy,

however witnesses who wish to retain anonymity will be reviewed on a case by case basis.

#### **4.6 Responsibilities of the Trade Union Representative**

The Trade Union (TU) Representative's role in the process is to support their member(s) (see Appendix 5). On occasion the TU Representative may intervene in order to seek clarification, advise the member about particular questions, or request an adjournment.

### **5. Interaction with the Other University Policies**

**5.1** At any stage of this Grievance Procedure, the IO dealing with the grievance and having taken advice from PPC, may transfer the issue to a more appropriate policy or procedure either during or after an investigation, should there be sufficient evidence to support this, and if it is deemed appropriate to do so.

#### **5.2 Interaction with the Disciplinary Policy and Vexatious Complaints**

**5.2.1** If, after a full investigation, a grievance is substantiated and the conduct of an employee is deemed to be a disciplinary matter, the case will be taken forward for consideration under the University's Disciplinary Policy. The investigation report, associated evidence and witness statements relating to the grievance will be shared with the Disciplinary Panel as it may be considered pertinent to (or to wholly constitute) the preliminary investigations of the disciplinary procedure. In such cases, the employee concerned will have a right to appeal against any disciplinary warnings and decisions in accordance with the appeals mechanism within the Disciplinary Policy.

**5.2.2** In terms of the general approach to be taken, the University and its employees will assume that grievances are raised in good faith and will take all grievances seriously unless there is clear and objective evidence to the contrary.

**5.2.3** A vexatious complaint is one that is made solely or mainly to harass, annoy or subdue another person, or something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted. Such a complaint may be made in order to slow down or frustrate another procedure that the Reporting Person is involved in (for example, an ongoing poor performance or disciplinary procedure).

**5.2.4** A malicious complaint is one that is made with the intention of causing harm by seeking to defame a colleague or manager, through knowingly providing false or misleading information or withholding information about an incident or issue.

**5.2.5** The University has a duty to protect its employees from complaints made in bad faith. If at any point in the investigation, the IO decides the grievance is malicious or vexatious then the grievance may be rejected without further

investigation and following advice from PPC, appropriate disciplinary action may be taken against a Reporting Person. A grievance made maliciously may be considered gross misconduct and could result in dismissal. The IO will meet with the Reporting Person prior to making any such decision, advise them that they are minded to dismiss the grievance; in such cases the Reporting Person will have the opportunity to make representations as appropriate. The IO should make a final decision based on the evidence and report this decision to the Reporting Person.

**5.2.6** Should a grievance be unfounded this is not in itself a reason to conclude that it was not made in good faith. On occasion, a complaint may prove impossible to uphold; for example, if the concern turns out to be due to a misunderstanding or is not capable of being sufficiently substantiated. No one will be treated less favourably or suffer any detriment for having raised or supported a grievance made under this Policy in good faith.

### **5.3 Interaction with the Bullying and Harassment Policy**

**5.3.1** The University has a separate Bullying and Harassment Policy that should be followed if the Reporting Person believes they have been the victim of bullying or harassment.

**5.3.2** If at any stage of the grievance procedure, the grievance is also involves allegations of bullying and harassment, then the IO will review the grievance and, with advice from PPC, will determine the most appropriate policy to address the matter under. If the matter is to be addressed under the Bullying and Harassment policy, this decision will be circulated to all concerned as all relevant details, evidence and witness statements previously relating to the grievance may be considered pertinent to (or to wholly constitute) the preliminary investigations of the Bullying and Harassment procedure.

## **6. Collective Grievances**

**6.1** For the avoidance of doubt, collective grievances are distinct from collective disputes, which are the subject of negotiation or consultation with a recognised trade union and senior representatives of the University. Collective disputes will be heard under the procedure outlined in the Recognition Agreement.

**6.2** Grievances on the same issue can come from more than one employee and this will normally be dealt with collectively, rather than on an individual basis. A group of employees may raise as a collective grievance any matter relating to their employment covered by this Policy. All the employees raising the collective grievance must be in agreement with this approach, be named on the grievance and state how the issue affects them personally.

**6.3** Consideration will be given to how each employee would like to see the grievance resolved. Employees who raise a collective grievance will be notified individually of the outcome.

**6.4** There is a right to appeal, as outlined in section 12.4. Should an appeal be raised, there will be one appeal meeting and one appeal outcome.

**6.5** In all other respects the same grievance process will be followed.

**6.6** If there is not full agreement to these principles, if the grievances are not identical or if any of the employees wish their trade union to represent them on an individual basis, the grievances will be managed individually.

## **7. Accessibility and Support**

**7.1** The University is committed to complying with its obligations under the Equality Act 2010.

**7.2.1** If any aspect of the grievance procedure causes an employee or their companion difficulty on account of any disability or medical condition that they may have, they should raise this as soon as possible with the IO or the PPC Representative, who will arrange for any reasonable adjustments to be made.

**7.2.2** Such adjustments may include extending time limits, permitting additional support in meetings or arranging meetings away from the campus. Advice may be sought from Occupational Health, if appropriate. Such information will be treated sensitively and confidentially by those who need to be aware.

**7.3** A grievance process can be stressful for everyone involved and different individuals will respond differently to stressful situations. There may be occasions where the process causes distress and impacts on a person's mental health. Where there are signs of this happening to anyone involved in the process, the University will consider whether the process can be adjusted in a reasonable way and the IO / PPC Representative will inform the individual's Line Manager who should signpost the individual to support available to them within the University or to their GP, if appropriate.

### **7.4 Employee Assistance Programme**

Confidential counselling via the Employee Assistance Programme is available, should it be required. Further details can be found on the University PPC portal page.

### **7.5 Mental Health First Aiders (MHFA)**

**7.5.1** University Mental Health First Aiders (MHFA) can also be a point of contact and support for employees involved in this process. The role of a MHFA is to recognise mental ill health and help people find the support they need. They strive to achieve the University's ambitions of creating an inclusive culture, whereby attitudes and behaviours to mental ill health are not stigmatised, and employees feel

able to talk about their mental health without fear of repercussion or judgement. MHFA can:

- Understand the important factors affecting mental ill health;
- Identify the signs and symptoms for a range of mental health conditions;
- Listen non-judgmentally and hold supportive conversations;
- Signpost employees to professional help and ongoing support.

**7.5.2** MHFA are not directly involved in the informal or formal procedure under this Policy.

**7.5.3** Further details about MHFA and how to contact them can be found on the University PPC portal page.

**7.6.1** PPC and TU Representatives can also provide information for employees on the options available under this Policy and the support available.

**7.6.2** Further information on wellbeing services can be found on the University PPC “Supporting Your Wellbeing” page, which includes internal and external support providers.

## **8. Confidentiality and Record-Keeping**

**8.1** It is the University’s aim to deal with matters sensitively and with due respect for the privacy of individuals involved. Confidentiality is an important part of the procedures provided under this Policy; all parties must treat any information communicated to them in connection with matters under this procedure as confidential, subject to the need to seek appropriate advice, guidance and support. Breach of confidentiality may give rise to disciplinary action under the Disciplinary Policy.

**8.2** It is not University policy to allow audio or visual recordings of formal meetings by either party unless there are exceptional reasons why this should be considered, including those which might relate to the disclosure of a disability or relevant health condition. The decision regarding whether to allow a recording will be taken by the IO in consultation with PPC in advance of the meeting. A recording may be made only where all parties agree. If any party covertly records a meeting under this procedure, the recording will not be considered as evidence, and the employee involved may be the subject of disciplinary action under the University’s Disciplinary Policy.

**8.3** The PPC Department will keep a written record of formal meetings. The meeting notes will provide a summary of the key discussion points and are not intended to be verbatim. A copy will be provided to the employee who attended the meeting, and they will have the opportunity to comment on any factual inaccuracies and asked to confirm that the record of the meeting is accurate. Where agreement cannot be

reached the individual should give written reasons for the disagreement and these should be attached to the notes. Notes of formal meetings will be kept in line with the University's Records Management Policy.

**8.4** In some circumstances it may be necessary to redact documents and/or meeting notes. Redacting may happen when information is presented that is not directly relevant to the grievance or its relevant context, and which could cause offence, is inflammatory, financially or commercially sensitive, personal data and/ or otherwise confidential. Any redacting will be completed by the PPC Department in conjunction with the IO.

**8.5** Any employee who is cited in a grievance has the right to see the allegations against them in full and have the opportunity to respond. Therefore, the Reporting Person automatically gives permission for the relevant sections of the grievance to be shared with anyone named in it.

**8.6** Any employee cited in a grievance will normally be told the names of any witnesses whose evidence is relevant to the specific aspect of the grievance relating to them, unless the IO exceptionally and reasonably believes that a witness's identity should remain confidential. Witnesses should understand that evidence provided by them will, other than in exceptional circumstances, be provided to the Reporting Person and, where applicable, to any employee cited in the grievance. Any witnesses who wish to retain anonymity will be reviewed on a case by case basis.

**8.7** The University will keep a written record of all grievance raised under this Policy, including the investigation report; the decision and actions taken; the reason for the actions; whether an appeal was lodged; the outcome of the appeal and any subsequent developments. Records will be treated as confidential and be kept no longer than necessary in accordance with the data protection principles set out in data protection legislation. Data protection legislation also gives individuals the right to request and have access to certain personal data stored about them.

## **9. Informal Resolution**

**9.1** It is the expectation of the University that, wherever possible, grievances are resolved at an early stage by the Line Manager and employee informally.

**9.2** Line Managers and employees at all levels of the University are encouraged to view the informal raising of concerns or disagreements constructively. Wellbeing and good performance/productivity can be dependent upon effective working relationships, and the fair and reasonable handling of disagreements is an important element in creating and maintaining those relationships.

**9.3** A 'no fault' approach is strongly recommended by all parties where reasonable and practicable, when responding to disagreements raised under this Policy, with resolution being a shared and inclusive responsibility. Adopting a constructive attitude may facilitate a speedy and satisfactory resolution, and potentially avoid the need for the matter to be raised as a formal grievance.

**9.4** The informal stage will normally be dealt with in a confidential one-to-one basis with the immediate Line Manager. The employee should be encouraged to talk the issues through with their Line Manager, and discuss ways in which the matter can be resolved. The Line Manager should discuss how the employee can obtain further support if required, whilst also being mindful that they might need support themselves, depending on the circumstances. Information about support can be found in section 7.

**9.5** It is sometimes possible that the issues raised may appear to the Line Manager to be trivial however, they should bear in mind that the matter may not be trivial to the employee. Managers should be mindful that it is easy for conflicts to become deep-seated when a misunderstanding remains unresolved for a prolonged period of time. Where possible, employees are encouraged not to 'store-up' issues over a prolonged period of time before raising them as this sometimes makes the task of resolving them more problematic. Where practicable and reasonable, issues should normally be raised as soon as they occur or come to light.

**9.6** In contrast to formal grievance proceedings, informal resolution is not a process which involves detailed investigation into the complaint, the making of decisions on disputed issues or attributing blame or fault. The focus of informal resolution is to allow safe and constructive dialogue to explore whether the issue can be resolved through discussion and by agreement on ways of avoiding similar matters arising in future. This may include:

- (i) exploring and discussing the reason for the decision or action which has given rise to the issue and considering whether there have been any misunderstandings on either side;
- (ii) the employee and the Line Manager, and any other employee(s) to whom the issue relates, explaining their views and feelings on the issue in question to better understand each other's position;
- (iii) considering whether alternative ways of communicating or working with each other could have prevented the issue arising or might avoid similar matters arising in the future.

**9.7** Where necessary, the Line Manager may need to explore the issues further by speaking to other employees or seeking relevant advice before meeting again with the employee. This will be carried out as soon as is practically possible, and any reasons for a delay will be communicated to the employee by the Line Manager.

**9.8** Although this is an informal process, it is advisable that the Line Manager should make a confidential summary note recording the details of any discussions, their outcomes and any agreed next steps, as this may be useful in the event that further action becomes necessary. A copy should be provided to the Reporting Person raising their concerns. The summary note should be agreed by both parties. The summary note will only be shared by the Reporting Person or their Line Manager if the matter escalates to a formal grievance or if all involved agree it would be

beneficial to share the record more widely. The Reporting Person should be told that they have the right to use the formal procedure as set out in Section 11 if they are dissatisfied with the outcome of the informal process.

**9.9** Whilst a PPC Representative will not attend meetings connected with the informal stage, PPC advice may be sought by the Reporting Person or their Line Manager, if required.

**9.10** As a means to informal resolution the Reporting Person and the Line Manager may wish to pursue Mediation as set out in Section 10 below.

## **10. Mediation**

**10.1** Mediation is an important consideration for resolving issues and disputes at an early stage informally without resorting to formal procedures. The University would encourage all parties to consider mediation or other non-adversarial discussions to take place at the earliest opportunity, preferably before formal procedures are commenced.

**10.2** Mediation is a voluntary and confidential process which encourages open communication of feelings and encourages parties to deal directly with any conflict and determine the resolution. It is designed to be a positive process, as it focuses on resolving problems to move forwards, rather than trying to apportion blame.

**10.3** The University may recommend mediation to try and resolve concerns. Subject to the agreement of all parties involved in the grievance, the procedure may be suspended at any stage for mediation or other non-adversarial discussions with the aim of expediting a resolution.

**10.4** Agreement to mediation does not preclude the Reporting Person from submitting a formal grievance at a later stage if mediation is not successful in resolving the matter. In such circumstances, the Reporting Person must raise any subsequent formal grievance promptly.

**10.5** Workplace mediation will be facilitated by an independent, impartial person, working with both sides to find a solution. Mediators will normally be internal, however the PPC Department reserves the right to appoint an external professional mediator in exceptional cases where it deems this is necessary. The process would seek to facilitate a mutually acceptable way forward, in a supported and confidential manner. Solutions on some issues may require an element of compromise and it must be accepted that it may not always be possible to resolve an issue to the total satisfaction of everyone involved.

**10.6** Further information on mediation can be obtained from the PPC Department.

## **11. Submitting a Formal Grievance**

**11.1** If the Reporting Person feels that informal discussion has not resolved the matter, they should complete and submit the Grievance Form at Appendix 2 to both the Line Manager and PPC.

**11.2** The Grievance Form will help the Reporting Person clearly set out the grievance issue, so that the matter can be responded to effectively. A key focus of the Grievance Policy is resolution; therefore, it is important that the Reporting Person states how they would like the grievance resolved.

## **12. The Formal Grievance**

### **12.1 Invitation to the Fact Finding Meeting**

**12.1.1** Once the Grievance Form (Appendix 2) has been received by PPC, an appropriate independent Investigating Officer (IO), will be appointed by PPC and the Line Manager of the Reporting Person, to lead the next stage of the process. The IO will have no conflict of interest or prior involvement with the matters of the grievance. The IO will be supported by a member of the PPC Department who will provide procedural advice.

**12.1.2** The PPC Department reserves the right to appoint an external investigator in cases where it deems this is necessary. This will only be done in exceptional circumstances and in consultation with the Chief People Officer.

**12.1.3** To avoid any conflict of interest, if the Reporting Person has a genuine and valid reason why it would not be appropriate for the IO assigned to investigate the grievance, they must raise this at the earliest opportunity with the PPC Representative, clearly stating the reasons for their objection. Such comments will be taken into consideration in determining the appropriateness of the IO assigned. Where objections remain regarding the choice of IO, the matter should be referred to the Chief People Officer, whose decision will be final.

**12.1.4** The IO's preparatory work will be to consider the details provided on the Grievance Form (Appendix 2) by the Reporting Person, and as detailed in section 4.4 above, this may necessitate further conversation with the Reporting Person. Dependent on the nature of the grievance i.e. the seriousness and sensitivities of the grievance, the IO will decide the scope of their investigation, where relevant witnesses need to be interviewed and / or statements requested, and advise PPC accordingly.

**12.1.5** The method of communications regarding meetings and outcomes will be agreed individually with all parties. In the absence of agreement, the preferred method of communication will be by email to the employee's University email account.

**12.1.6** Where circumstances require it, and in particular, to avoid delay, the Fact Finding Meeting(s) may be held by way of video or teleconference with the agreement of the employee concerned, the IO and the PPC Representative.

**12.1.7** The PPC Representative on behalf of the IO will send a link to this Policy to:

- a) The Reporting Person;
- b) The Line Manager of the Reporting Person;
- c) Where applicable, any employees cited in the grievance;
- d) Where applicable, any witnesses deemed relevant by the IO to be interviewed (or alternatively, requested to submit a witness statement).

**12.1.8** The individuals listed in section 12.1.7 will be informed of the need to hold a Fact Finding Meeting, and the following information will also be sent to them in writing:

- The date, time, location and purpose of the meeting;
- The right to be accompanied by a companion and the need to notify PPC of the name of the companion in advance of the meeting (see Appendix 5);
- The name of the IO and the PPC Representative who will be present at the meeting, and their roles;
- An outline of the grievance; and
- Available support.

**12.1.9** In addition to section 12.1.8, the information sent to the Reporting Person will include:

- Where relevant, confirmation that any employee who is cited in the grievance will be sent relevant sections of the grievance and potentially other information received by the IO.

**12.1.10** In addition to section 12.1.8, where applicable, the information sent to any employee who is cited in the grievance will include:

- Any relevant sections of the grievance;
- The right to provide their own material evidence or named witnesses to the IO to support the investigation;
- Confirmation that the Reporting Person may be sent copies of witness statement forms and potentially other information received by the IO.
- A copy of the information will also be sent to the Line Manager of any employee cited in the grievance.

**12.1.11** In addition to section 12.1.8, the information sent to the Line Manager of the Reporting Person and where applicable, any witnesses will include:

- The name of the Reporting Person;
- The right to provide their own material evidence or named witnesses to the IO to support the investigation;

- A request, where applicable, to complete the Witness Statement Form (see Appendix 4);
- Confirmation that the Reporting Person may be sent copies of witness statement forms and potentially other information received by the IO.

## **12.2 The Fact Finding Meeting**

**12.2.1** The purpose of the Fact Finding Meeting is for the IO to listen to the Reporting Person's concerns, establish the scope of the grievance, review the information presented, consider whether the grievance is valid and explore possible solutions.

**12.2.2** Any meeting with the Reporting Person will be held by the IO without undue delay. A PPC Representative will be present to provide procedural advice, and an appropriate notetaker will also be in attendance.

**12.2.3** At the Fact Finding Meeting, the Reporting Person and where applicable, any employee cited in the grievance, will be given the opportunity to present their case at separate meetings with the IO, in a calm, fair and objective manner and state how they would like the matter resolved.

**12.2.4** The IO will explain the proposed next steps and provide an estimated timescale for carrying out any investigation and responding to the Reporting Person. If there are any delays to the proposed timescales, the IO will explain how long the delay will be and why. It shall be for the IO to determine the extent of the investigation they considers necessary to respond to the grievance, including the need to interview any other employees.

**12.2.5** The IO will consider the information presented, decide if the grievance is well-founded and what actions should be taken. The factors to be taken into consideration when making such a decision are:

- The gravity of the case;
- Any precedents;
- Any mitigating circumstances;
- What resolution or remedies are being sought and whether they are possible or appropriate.

**12.2.6** The IO may, at any point during this process, reconvene any meeting if new information has come to light and further time or information is required to consider the grievance. This will be done without undue delay and for good cause.

**12.2.7** If any parties involved in the grievance proceedings have concerns regarding the IO's investigation at any stage of the process, they should raise them at the earliest opportunity with the PPC Representative.

## **12.3 After the Fact Finding Meeting**

**12.3.1** After the Fact Finding Meeting, the IO will, without undue delay, write a report which will summarise the nature of the grievance, the investigation that has taken place, the decision on whether to uphold, to partially uphold or not to uphold the grievance, and the reasons for that decision. The report will also detail any recommendations considered appropriate to resolve the grievance or address its cause (whether or not the grievance is upheld). Where recommendations are made, the report will detail who is responsible for ensuring that any actions are complied with and reviewed at a later date.

**12.3.2** Where evidence is contested or contradictory, the decision as to what happened will be taken on the balance of probabilities, i.e. whether it is more probable than not that the issues/events in question occurred.

**12.3.3** The outcome of the grievance will be communicated by PPC who will send the Reporting Person a copy of the IO's report. The University reserves the right to redact any sections or recommendations from the report that are not relevant to the Reporting Person. If the grievance is not upheld, or upheld only in part, the Reporting Person will be advised of the right to appeal the decision under the next stage of the grievance procedure.

**12.3.4** The relevant sections and recommendations from the report will be sent to the Line Manager of the Reporting Person.

**12.3.5** Where appropriate, the relevant sections and recommendations of the report will be provided to any employee cited in the grievance and their Line Manager.

**12.3.6** Where appropriate, the Line Manager and PPC Representative will meet with the Reporting Person to discuss the outcome and actions in a formal outcome meeting. PPC will keep a record of any outcome meeting and the agreed actions, in line with the University's Records Management Policy.

## **12.4 The Appeal Process**

**12.4.1** An appeal, which is the final stage of this process, can be submitted in writing using the Appeal Form at Appendix 3 to PPC. This must be done within 10 working days from receipt of the decision by the Reporting Person as detailed at section 12.3.3 above. The Reporting Person should clearly set out their grounds for appeal and in the event this is not specified, the Reporting Person will be asked to provide this detail.

**12.4.2** An appeal will be heard without undue delay by an independent IO who has not been previously involved in the matter.

**12.4.3** The purpose of the Appeal Meeting is not to rehear the case but to ensure that the original decision was reached in a procedurally correct way, the action taken was reasonable, and to consider the proportionality of any penalty to the offence.

**12.4.4** PPC will write to all concerned notifying them of the time and date of the hearing. The Appeal Process will be the same as that detailed in the Disciplinary procedure.

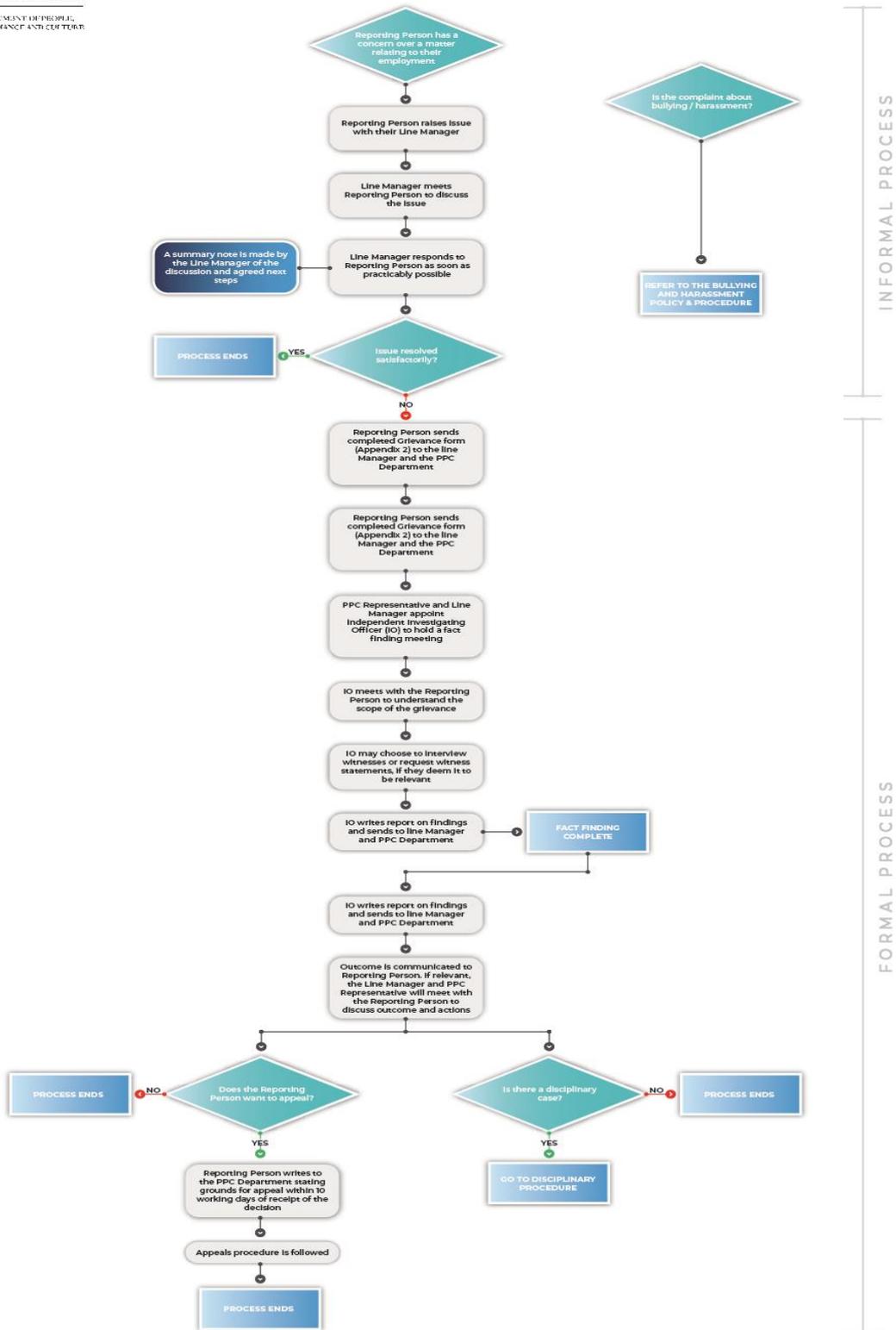
**12.4.5** The outcome of the appeal will be communicated in writing by PPC, without undue delay to the employee and their Line Manager.

**12.4.6** The outcome of the appeal is final and there are no further stages to the Grievance procedure.

# 13. Appendix 1 Grievance Procedure Flowchart



## GRIEVANCE PROCEDURE





## 14. Appendix 2

# Grievance Form

To be completed by the Reporting Person and sent to the Line Manager and Department of PPC. Please ensure you have read the Grievance Policy and Procedure before completing this form.

This form should contain all relevant facts and circumstances that will enable the grievance to be investigated fully. The information provided should be clear and concise so the Investigating Officer hearing the grievance can articulate the key concerns. If there are several elements to your grievance, you should use separate headings to address these points.

Please note that the grievance procedure cannot be initiated unless this form is complete. If you have any queries about completing this form, please contact the PPC Department or your Trade Union Representative.

<b>Name</b>		<b>College / Directorate</b>	
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**DESCRIPTION OF GRIEVANCE:** Please answer the questions as outlined below as this will help the Investigating Officer to deal with your grievance more effectively.

**Please provide a summary of the events leading up to your grievance**

**Please provide the date(s) and time(s) the alleged incident(s) occurred**

**Please explain what action, if any, you took in response to the alleged incident(s)**

**Please explain what steps, if any, you have taken to resolve the alleged incident(s) informally**

**Please explain what steps, if any, have been taken by your Line Manager to resolve the alleged incident(s) informally**

**Please outline how you would like your grievance to be resolved**

--

**SUPPORTING WITNESSES AND EVIDENCE:** Relevant and up-to-date evidence should be included where applicable.

If relevant, please provide the names of any witnesses to the specific alleged incident(s) and why you consider them to be relevant to your grievance:

<b>Witness Name</b>	<b>Why they are a relevant witness</b>

Please provide a list of any materials you would like to submit as evidence in support of your grievance i.e. emails, contract clauses etc. and why you consider it relevant.

<b>Item</b>	<b>Why it is relevant to your grievance</b>

I provide this information in good faith and I am aware that the content will be discussed with relevant people connected to this grievance.

<b>Electronic Signature / Name</b>		<b>Date</b>	
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### 15. Appendix 3

# Grievance Appeal Form

To be completed by the Reporting Person and sent to the Line Manager and Department of PPC. Please ensure you have read the Grievance Policy and Procedure before completing this form.

This form should contain all relevant facts and information that will enable the appeal to be investigated fully.

Please note that the appeal procedure cannot be initiated unless this form is complete. If you have any queries about completing this form, please contact the PPC Department or your Trade Union Representative.

Please note that the time for lodging an appeal is 10 working days from receipt of the grievance decision.

<b>Name</b>		<b>College / Directorate</b>	
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#### GROUNDS FOR APPEAL:

Please indicate on which grounds you are appealing	
The original decision was not reached in a procedurally correct way	<input type="checkbox"/>
The action taken was not reasonable	<input type="checkbox"/>
The penalty was not proportional to the offence	<input type="checkbox"/>

Please provide a detailed explanation regarding the basis for your appeal

**Please outline how you would like your appeal to be resolved**

I provide this information in good faith and I am aware that the content will be discussed with relevant people connected to this appeal.

<b>Electronic Signature / Name</b>		<b>Date</b>	
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## 16. Appendix 4

# Grievance Witness Statement Form



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To be completed by the witness and sent to the Department of PPC. Please ensure you have read the Grievance Policy and Procedure before completing this form.

If you have any queries about completing this form, please contact the PPC Department or your Trade Union Representative.

<b>Name</b>		<b>College / Directorate</b>	
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The Department of PPC will have provided you with an outline of the grievance you have been named as a witness in. Please answer the questions as outlined below as this will help the Investigating Officer to deal with the grievance more effectively.

**Please provide a description of what you saw or heard, or how you are involved with the grievance**

--

**Please provide the date(s) and time(s) the alleged incident(s) occurred**

--

**Please explain what action, if any, you took in response to the alleged incident(s)**

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**SUPPORTING EVIDENCE:** Please provide any evidence, where applicable, in support of your statement and why you consider it relevant.

Item	Why it is relevant to your statement

I provide this information in good faith and I am aware that the content will be discussed with relevant people connected to this grievance.

<b>Electronic Signature / Name</b>		<b>Date</b>	
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## **17. Appendix 5**

### **The Role of the Companion under this Policy**

Under the formal procedure for dealing with grievances the companion may be a Trade Union Representative or work colleague. The employee must notify PPC of the name of the chosen companion in advance of the first meeting. It is not reasonable for the employee to insist on being accompanied by a colleague whose presence would prejudice the meeting or who might have a conflict of interest.

The role of the companion is to assist and support the employee by putting forward the employee's case or summarising it at the end. They may also ask questions to clarify understanding of the situation and ask to confer with the employee outside the room with the employee's agreement about any pertinent matters. However, a companion cannot answer questions on behalf of the employee where questions are directed at the employee. They cannot address the hearing if the employee does not want them to, or prevent the employer from explaining their case, nor can they prevent any other person at the hearing from making a contribution.

Colleagues who do not wish to accept an invitation to act as a companion are not obliged to do so.

Companions may attend meetings during working hours without loss of pay and will be given reasonable time to familiarise themselves with the matter and confer with the employee both before and after meetings.

Employees are responsible for ensuring their companions are willing to support them and attend meetings.

Employees may not appoint a legal representative or anyone external to the University, other than a recognised TU official, to act as a companion.

Where a companion is a witness (or is otherwise involved, or is potentially involved) in the investigation, the employee should be advised of the need to select a different companion in order to avoid any suggestion of collusion or conflict of interest.

## 18. Appendix 6

### **Inability to attend a Fact Finding or Grievance Appeal Meeting**

The University is committed to completing the grievance process promptly and without undue delay, so that employees are confident that issues will be dealt with in a timely manner. It expects all employees involved in the process to abide by this principle. The University therefore expects that attendance at a Fact Finding or Appeal Meeting should normally take precedence over other commitments.

An employee who cannot attend a meeting should inform the IO or the relevant PPC Representative in advance whenever possible, and another date will be set. Pre-arranged annual leave periods will be respected in this process.

If an employee cannot attend a re-arranged Fact Finding or Appeal Meeting within a reasonable period of time, and with reasonable justification, the meeting will be held in their absence based on the available evidence. Where they have chosen to be accompanied the companion will be invited to attend on their behalf and / or the employee may wish to send a written submission.

If an employee's companion cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than 5 working days after the date originally proposed. If this cannot be done, then the University may ask that another companion is chosen instead. In exceptional cases or due to the complexity of the case, this 5-day time limit may be extended by agreement with the University.

Employees taking a period of sick leave during a grievance investigation can be invited to participate in formal meetings, however individual circumstances will be taken into consideration at the time and advice may be sought from Occupational Health and/or the employee's GP on a case-by-case basis. In discussion with the employee, consideration will be given to the most appropriate location to hold any meetings during this time.

A decision may be taken in the employee's absence based on the available evidence if they fail to attend the re-arranged meeting and cause undue delay, without reasonable justification.

# Grievance Policy and Procedure

Owner	Last Reviewed
Operations	May 2023



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