

Conflict Resolution and Grievance Procedure v2.0 0221AC

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## **CONFLICT RESOLUTION AND GRIEVANCE PROCEDURE**

The University expects its employees and staff to comply with this Procedure. It does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time in consultation with the University's recognised trade unions. This procedure has been developed in accordance with the ACAS Code of Practice 'Disciplinary and grievance procedures' 2015.

### **1 Introduction**

- 1.1 The University is committed to supporting its staff in carrying out their responsibilities to the highest possible standard within a culture which encourages productive and cooperative working practices.
- 1.2 The aim of the conflict resolution and grievance policy and procedure is to set out the intent of the University to deal with individual grievances and outline the procedural requirement. and guidance for managers when dealing with an employee who has raised a concern, problem or complaint regarding their working environment or their employment (terms and conditions).
- 1.3 The University will encourage managers and staff to discuss and resolve issues at the earliest opportunity to ensure employees' concerns are heard.
- 1.4 This procedure will be used to enable managers and staff to resolve grievances fairly, consistently and as quickly as practicable without, wherever possible, the need to proceed to formal procedures. However, if formal procedures are required the procedure will ensure the process is handled expeditiously and fairly.
- 1.5 This procedure seeks a mutually acceptable resolution as an outcome. However, in certain circumstances and where it can be reasonably justified, the decision of the manager hearing the grievance is final.

### **2 General Principles**

- 2.1 Where possible, employees and managers should attempt to resolve grievances at the informal stage with those immediately involved and at the lowest possible level.
- 2.2 All managers will be fully supported in applying this procedure and will be expected to undertake mandatory management training offered by Personnel. This formal training will occur within a reasonable time frame of staff being appointed into post or promoted. Solutions of some issues will 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.

- 2.3 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- 2.4 For academic staff, as an alternative conflict resolution option to progressing into formal grievance procedures, workload concerns will initially be put before Hope's Workload Committee. This committee will be in a position to assess the issue in light of the agreed staff allocation model of the University and suggest if appropriate an informal resolution. Further details can be obtained from Personnel. In many cases, such informal resolution is sufficient to improve the working relationship.
- 2.5 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.
- 2.6 Personnel must be consulted and advice sought before proceeding into formal grievance procedures. This is to ensure consistency and fairness across the University.
- 2.7 Employees have the right to be accompanied by a trade union representative or work colleague at any meeting convened during the **formal** process.
- 2.8 All efforts must be made by both parties (and representatives) to meet within a reasonable time frame and ensure the grievance meeting takes priority over other work commitments.
- 2.9 All grievance proceedings must be kept confidential by all parties involved. If disciplinary action arises from the outcome of a grievance, the original complainant will only be informed that 'appropriate action has been taken'.
- 2.10 If an employee wishes to raise a formal grievance against their immediate line manager, it should be raised with the next higher level of management.
- 2.11 Any formal grievance where there is 'no case to answer' and which is subsequently found to be vexatious or malicious may involve formal disciplinary action against the employee who lodged the original grievance.
- 2.12 Timescales may be subject to variation to allow for further necessary investigations or where key individuals are not available due to legitimate absence (sick leave, approved annual leave). Where such variation occurs

all parties will be informed in a timely manner.

- 2.13 Managers involved in hearing grievances should ensure any outcomes and/or recommendations are implemented. This may include feedback to individuals involved during the grievance investigation.
- 2.14 All incidents of formal grievances will be recorded and monitored for Equality and Diversity purposes.

### **3 Stage 1 - Informal Conflict Resolution**

- 3.1 The conflict resolution and grievance procedure encourages managers and staff to discuss and resolve issues at the lowest possible level and at the earliest opportunity. Good working relationships need to be sustained which at times may be challenging but the result of harmonious working relationships can contribute significantly to the well being of all staff.
- 3.2 Normally in the first instance, it is expected an employee would raise their grievance verbally with their immediate line manager to try to resolve it informally. Such matters can be raised through either routine or specific meetings with the manager. There is no right to formal representation at such meetings.
- 3.3 If the employee is not satisfied with the outcome of the informal discussions, they should then follow stage 2, formal grievance procedure (see section 4). But note section 2.4 relating to workload grievances from academic staff
- 3.4 The Director of Personnel has the authority, to invoke the formal grievance procedure where the informal process has become unreasonably delayed. The employee will be informed in writing of the transfer of their grievance from informal to formal status.

### **4 Stage 2 - Formal Grievance Procedure**

- 4.1 Prior to submitting their formal grievance, the employee must demonstrate that they have attempted to resolve their grievance informally in the first instance, or that it is not appropriate for informal resolution.
- 4.2 The employee must submit their grievance in **writing** to their immediate line manager, forwarding a copy to the Personnel department on the **G1A Form**. If the grievance concerns their immediate line manager, the grievance should be raised with the next line manager in seniority to their immediate line manager. The initial line manager would normally be the person who conducts the performance review of the employee.
- 4.3 If the grievance is, in the first instance, against the Vice Chancellor, it should be referred to the Chair of Council through the Director of Personnel.

- 4.4 If a member of USET raises a grievance that potentially requires a meeting or appeal stage beyond the Vice Chancellor the grievance/grievance appeal will be referred to the Chair of Council through the University Secretary.
- 4.5 The grievance should detail in writing the issue that is causing the employee to feel aggrieved and who (if applicable) the grievance is lodged against.
- 4.6 Personnel will acknowledge receipt of the formal grievance in writing, normally within five working days.
- 4.7 Normally a meeting will be convened within ten working days to enable the employee to discuss their grievance with an appropriate manager. This may be the employee's line manager or another suitable manager depending upon the circumstances of the grievance. The Personnel department will advise and guide the manager in convening the meeting ensuring the employee is informed of their right to be accompanied by a work colleague or trade union representative. All parties must make every reasonable effort to attend (this could include rearranged diarised meetings and appointments and organising teaching cover if appropriate).
- 4.8 If the employee or the employee's representative cannot attend on a proposed date, then a new date will be arranged. The new date will normally be no more than five working days after the date originally proposed by the University – this timescale may be varied with the agreement of all parties. If the employee does not attend the rearranged meeting, the hearing may proceed in his/her absence.
- 4.9 If the member of staff has a disability, it may be appropriate to allow him/her to be accompanied by a suitable person because of his/her disability, in addition to a work colleague or trade union representative.
- 4.10 If the member of staff's first language is not English, it may be appropriate to allow him/her to be accompanied by someone who can provide support with communication in English, in addition to a work colleague or trade union representative.
- 4.11 During the meeting the employee should be asked to explain their complaint in detail, what informal resolution has already been explored and what resolution they are seeking to resolve the grievance to their satisfaction. The manager will document an agreed summary of the details of the employee's grievance, the evidence that was produced and the outcome/resolution sought. Any other relevant facts may also be documented. If a resolution is agreed on completion of the step 2 process the **Form G1B** should be signed by both parties to confirm this and any subsequent agreed actions.
- 4.12 If the grievance was against another employee then the manager will meet with the employee who has been named providing them with a copy of the agreed summary and asking them for their response. The manager

will then summarise the details of this second meeting and the response of the employee against whom a grievance has been lodged.

- 4.13 Following both meetings if further investigation is required or, other employees need to be interviewed to corroborate evidence or, other facts need to be established, the manager will complete this process as quickly as possible informing both parties of the situation and likely time frame for completion. Allowing for mitigating circumstances such as staff absence or complexity of issues, grievances will normally be heard and the outcome provided within 25 working days of the grievance being formally lodged.
- 4.14 Upon completion of the meetings and any further investigation, the manager should notify the employee who originally lodged the grievance of the outcome of their decision in writing. The employee should also be informed of their right of appeal (Personnel can advise the manager accordingly). In cases where the complaint involves another person, this person will also be informed of the outcome of the grievance.
- 4.15 Upon receipt of the letter, the employee has the right to appeal if they are not satisfied with the outcome. If they wish to appeal they should inform the Director of Personnel, in writing, of their grounds for appeal within five working days of receipt of the letter on the **G2A Form**.
- 4.16 Should the employee appeal, an appeal hearing will be convened normally within ten working days with a more senior manager to the manager who heard the original grievance. The meeting should be convened as soon as practicable. The employee has the right to be accompanied by a colleague or trade union representative. All parties must take all reasonable steps to attend the meeting and the provisions set out in 4.7 and 4.8 above will apply for any Appeal Hearing. The manager who heard the original grievance will be required to write a report for consideration at the appeal hearing (copy to Personnel and the employee) or if appropriate be in attendance at the meeting.
- 4.17 Following the appeal hearing, the manager who heard the appeal should inform the employee in writing (normally within five working days) of the outcome of the grievance appeal meeting, copied to Personnel. The letter should also confirm that this stage constitutes the final stage of the grievance procedure. If a resolution is agreed on completion of the Appeal process the **Form G2B** should be signed by both parties to confirm this and any subsequent agreed actions.
- 4.18 There is **no** further right of appeal. This does not affect an individual employee's right to pursue matters under statutory procedures.

## **5 Exclusions**

- 5.1 The procedure cannot normally be used to resolve the following:
- Appeals against job evaluation outcomes, which should be dealt with

under the job evaluation appeals procedure;

- Appeals against disciplinary action being taken against an individual, which should be dealt with under the disciplinary procedure
- Any matter which seeks to change an agreement reached with a recognised trade union either nationally or locally
- An appeal against an actual or threatened dismissal which should be dealt with under the appropriate procedure (for example disciplinary, capability, redundancy, retirement);

5.2 The University has a separate policy relating to incidents of alleged harassment or bullying which can be utilised by an employee if they so desire.

5.3 The University has a separate policy relating to concerns that may be raised under the legal protection of the Public Interest Disclosure Act 1998.

## **6 Records**

6.1 Records should be kept in Personnel of any grievances and the outcomes for annual monitoring reviews against equality strands and be retained confidentially and within the statutory requirements of the Data Protection Act 2018.

## **7 Equality and Diversity Statement**

Liverpool Hope University is committed to the principles of equality and diversity as well as the elimination of discriminatory practices. These principles apply to the treatment of all staff.

This policy, together with any supporting procedures, will be implemented in a non-discriminatory manner. Members of the University administering the policy are responsible for ensuring that in its application, those to whom the policy applies, shall not receive less favourable treatment on grounds of sex, marital status, gender reassignment, racial group, disability, sexual orientation, religion or belief, age, socio-economic background, trade union membership, family circumstances, or any other irrelevant distinction.

## **8 Appendix**

### **The role of the companion under this policy**

The companion may be a trade union representative or work colleague, or an official employed by a trade union.

To exercise the right to be accompanied the employee must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However it would not normally be reasonable for the employee to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for an employee to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

The role of the companion is to assist and support the employee by acting as a friend and advisor. The companion is allowed to address the hearing to put and sum up the employee's case, respond on behalf of the worker to any views expressed at the meeting and confer with the employee during the hearing. The companion does not have however have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

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.

The companion may assist in the preparation and presentation of the employee's case.

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

Employees may not appoint a legal representative to act as a companion.

Where a companion is a witness (or is otherwise involved, or is potentially involved) in the grievance, the employee should be advised to select a different companion on the grounds that the presence of that individual may prejudice the hearing.