

# Grievance Policy

Effective from December 2022

**This policy applies to:** All UK Colleagues

At Newcastle University, we care deeply about doing the right thing and acting with integrity, building trust, creating strong relationships and taking the time to listen.

It means being an ethical organisation, making a positive impact on everything we do and respecting each other. It means we are committed to creating a positive work environment free from all forms of bullying and harassment, where all of our University community have the right to be treated with dignity and respect.

We will not tolerate any form of bullying or harassment, victimisation or any other act of unreasonable behaviour. Bullying or harassment can be in relation to, but not restricted to, a protected characteristic covered under the Equality Act 2010. We regard such behaviour as very serious and will respond promptly either using this policy when a colleague raises a grievance or via the Disciplinary policy. A grievance could also be a concern, problem or complaint in relation to terms and conditions, work or relationships with a colleague or manager. If this happens, we want you to tell us so that we can work together to find an agreeable solution.

The policy aims to ensure that when a grievance is raised, it is dealt with quickly, consistently and fairly.

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## **1.0 Informal resolution**

Most grievances can be resolved quickly and informally. Informal resolution is especially effective when used at an early stage of any disagreement. It is an effective way to resolve issues and prevents things from escalating further in the workplace whilst also helping to maintain positive working relationships. At Newcastle University we do our best to make sure that our people have no reason to complain. However, it is inevitable that problems will arise from time to time. We often find that a conversation with your line manager, a colleague in People Services or a Trade Union rep can help to resolve the issue in an amicable, quick and easy way. We would therefore encourage you to follow the steps outlined below but you can move straight to formal resolution should you wish too.

To resolve an issue informally, you should talk directly to the person involved or to your line manager. You should raise your issue with them and discuss a way to move forward. Where possible, this should be within 10 working days of the substantive issue, incident or action over which you feel aggrieved. We appreciate this can sometimes feel uncomfortable, but your line manager, People Services colleague or Trade Union rep can help you with how to handle this conversation. There may be times where the issue is with your line manager and if this is the case, we would encourage you to talk to their line manager so they can help to support you to resolve it informally.

Another option to resolve issues informally is to take part in a facilitated conversation or mediation. This involves a manager helping to facilitate the conversation between you and your colleague where you can both talk in a

safe environment to find a way to resolve your issues. This will be held within 15 working days of the grievance being raised.

### **Facilitated conversation – what to expect**

If your grievance concerns another colleague, and you agree that a facilitated conversation may be a good, informal way to resolve the situation we want to make sure you feel prepared with how this conversation will work. A facilitated conversation involves sitting down with a manager and the other colleague to talk through the issues and agree a way forward so that you can continue to work together. In many cases, this works well and means that things can be resolved quickly.

In a facilitated conversation, the role of the manager is to make sure that each person has a chance to talk about the situation and how they feel. Depending on the situation, the manager may choose to speak separately with both individuals involved to understand the situation better before meeting together to help everyone prepare to have the facilitated conversation. Please note that this will not always be required.

To arrange a facilitated conversation, please speak to your line manager. However, if your complaint is about your line manager, this option can still work as an impartial manager will facilitate the conversation. In this circumstance, you should speak to a more senior manager who you feel comfortable or your local People Services contact, and they can arrange for the facilitated conversation to take place.

A facilitated conversation can often resolve issues and agree a way forward more promptly for you than the formal grievance process, saving considerable time for everyone.

As the process is informal you do not have the right to be accompanied during facilitated conversations.

### **Mediation**

Mediation provides a safe, impartial space for two or more colleagues in dispute with each other to discuss their situation and exchange their concerns, with a view to identifying ideas to help to resolve their dispute. The process does not apportion blame, and everything discussed is confidential. In exceptional cases we will seek to appoint a trained mediator to facilitate a mediation meeting. They will ensure that the ground rules are clear and that the meeting is structured in a way that moves the issues forward. Please contact your local People Services Team for more information.

## **2.0 Formal resolution**

If you have tried to resolve your grievance informally but feel as though the matter remains unresolved, you should put it in writing using the grievance template form and email it to [peopleservices.casework@newcastle.ac.uk](mailto:peopleservices.casework@newcastle.ac.uk). Please ensure that your email includes details of your grievance (including any relevant facts, dates, and names of individuals involved), what you have done so far to resolve it informally along with your desired outcome. A grievance should not be raised for retribution.

If your grievance letter is a repeat complaint of a grievance which has been raised before, and the circumstances haven't changed, we may decide not to hear it again and we would let you know the reason why. Also, if you raise a grievance and we believe that you've intentionally made untrue allegations or are deliberately attempting to frustrate the process of this policy, we may deal with this under the disciplinary policy.

We require all colleagues involved in formal procedures to maintain confidentiality, as appropriate, and not disclose information relating to the case to anyone outside of the process.

### **2.1 Grievance meeting**

A manager independent to the issues presented in the grievance will be appointed to hear your grievance by the local People Services team. Your grievance will be acknowledged within 5 working days of receipt by the manager appointed. A formal grievance meeting should be arranged with you promptly, usually within 15 days of the grievance being raised. If you wish, you can be accompanied by a colleague or trade union representative. In the event that one of the parties is unexpectedly unable to attend the grievance meeting, the meeting will be

rescheduled, normally within 5 working days or the original meeting. Please refer to the general principles and right to be accompanied guidelines for further information.

The meeting is your opportunity to state your case fully and explain the resolution you are looking for. If you are accompanied, your companion can address the meeting, ask questions and confer with you during the meeting if you so request, but they are not permitted to answer questions on your behalf.

At the end of the meeting the manager hearing your grievance will summarise the issues and confirm to you approximately how long it will take to investigate and conclude your grievance.

Following the meeting, the manager will fully investigate your claims with the relevant parties and any appropriate witnesses. There is an expectation that colleagues will participate fully, openly and honestly in this process when required. Witnesses who are required to participate in the process will be provided with reasonable time off from their normal duties with no loss of pay. They may need to meet with you again in order to complete the investigation. Summary notes will be taken during each meeting.

On conclusion of the investigation, the outcome of your grievance will be confirmed to you in writing, usually within 10 working days. There are a number of possible outcomes to your grievance. It could be the manager upholds your grievance, partially upholds your grievance or they may not uphold your grievance. They also may make recommendations that they feel will help you as an outcome of the grievance.

## **2.2 Appeal**

If you feel your grievance has not been satisfactorily resolved, you have the right to appeal against the outcome. The details of submitting an appeal will be written in your outcome letter.

You must submit the appeal in writing within 10 working days of the date the letter is received confirming the outcome. The appeal should be sent to Faculty/Service People Services Business Partner clearly stating your reasons for appeal. Appeals will only be heard if they satisfy one or more of the following criteria:

- That there was failure to follow the procedure, which had a material impact on the outcome
- That new information has come to light that should be considered that was not available at the time of the hearing
- That the action taken was unreasonable or disproportionate to the issue.

If there are not suitable grounds to appeal, then you will be informed in writing. The appeal is not a re-investigation and will only consider the grounds on which the appeal is based.

An independent manager will be appointed to hear the appeal. They will be a manager senior in authority to, or at the same level as, the manager who conducted the grievance, and will not have been previously involved in the case. In most cases, the manager will meet with you to discuss the appeal, but it may not always be necessary to meet to complete the appeal process. If an appeal hearing is arranged, it will usually be held within 15 working days of receiving the appeal and a people services colleagues will attend the appeal hearing in an advisory capacity. You have the right to be accompanied by a colleague or trade union representative.

In this hearing, you will have the opportunity to put your case for appeal to the manager and provide any additional or new information. The appeal hearing will be a review of the fairness of the original decision in light of your grounds of appeal. The decision may be given verbally at the end of the appeal hearing if appropriate, or it may require further investigation. Following the meeting or further investigation, the manager will confirm the outcome of appeal in writing. This is usually within 5 working days of the hearing or as soon as reasonably practicable. If longer time is needed the manager will communicate this to you.

The manager hearing the appeal may uphold, overturn, or vary the decision made at the original grievance. The appeal decision is final and there will be no further right of appeal.

### **3.0 Other issues at work**

This grievance policy should not be used to complain about other policy decisions, for example the outcome of a disciplinary hearing or improving performance meeting. If you are dissatisfied with any formal action, you should submit an appeal within the relevant time period. Concerns relating to the handling or outcome of any other policy or process, and in particular where such a process provides a right of appeal, should be dealt with in accordance with the relevant procedure and will not be considered separately as part of this policy.

If you have already appealed the outcome of a formal warning, there is no further right to appeal. Raising a grievance related to an appeal outcome you are dissatisfied with would normally not be grounds to raise a grievance.

### **4.0 Academic Freedom**

Where an academic colleague, as defined in the University statutes, raises a grievance concerning academic freedom, it will be heard by a panel comprising a senior member of academic staff nominated by Senate and a lay member of Council, neither of whom will have any connection with the colleague concerned. The panel will only hear the grievance if it is considered that every effort has been made to resolve the colleague's concerns by the head of academic unit or faculty. The decision of the panel will be final.

### **5.0 Collective grievance**

A Collective Grievance is a concern, problem or complaint raised by more than one colleague.

If you and other colleague(s) wish to raise a formal grievance, you should nominate a representative to raise the grievance on everyone's behalf. The representative will need to confirm the names of the colleagues raising the grievance and gain their agreement to have the grievance raised in this way – they can do this by asking each colleague to sign the letter which raises the grievance. The nominated representative then follows the normal grievance process on behalf of everyone.

A manager will be appointed to investigate and hear the grievance. A letter will be sent to the representative by the manager confirming the outcome. The representative is responsible for sharing the content of the grievance outcome letter with their colleagues who have raised the grievance.

### **6.0 Post employment grievance**

Grievances will not be heard if they are raised after employment has ended.

### **7.0 Information sharing**

The strictest of confidentiality will always be maintained.

Due to reasons of confidentiality, it is unlikely that any outcome for a responding colleague (the alleged perpetrator) would be shared with the party making the complaint. Therefore, the expectations of the reporter should be managed in terms of the information they will receive as part of their outcome.

All personal data relating to any party involved in any investigation, will be stored, handled and processed in accordance with the General Data Protection Regulations.

### **8.0 Colleague support**

If you would like additional confidential support and advice, colleagues can contact the [University Just Ask volunteer service](#) or the [Employee Assistance Programme](#).

### **9.0 Associated documents**

[Grievance Form](#)

[Manager Guidance: How to hear a grievance](#)

[Bullying & Harassment Policy](#)

[General Policy Principles](#)

## 10.0 Policy Agreement

This policy has been approved following consultation with all campus trade unions. It is not part of the formal terms and conditions of employment and we may review and amend the policy from time to time.

<b>Document Control Information</b>		
Does this replace another policy? Yes it replaces the Grievance Procedure, Dignity & Respect Procedure and Dignity & Respect Managers Code of Practice		
<b>Approval</b>		
Approved by: People Matters Group	Date: October 2022	
Effective from: 1 December 2022		
Review date: January 2025		
<b>Responsibilities</b>		
Executive Sponsor: Jackie Scott, Executive Director of People Services		
Policy Owner: Kate Smith, Head of People Relations and Policy		
Person(s) responsible for compliance:		
<b>Consultation</b>		
Version	Body consulted	Date
1	Trade Union JNC	June 2022
2	Trade Union JNC	September 2022
3	Trade Union JNC	September 2022
<b>Equality, Diversity and Inclusion Analysis:</b>		
Does the policy have the potential to impact on people in a different way because of their protected characteristics?		
Initial assessment by: Sean Bayley and Kate Smith		Date: 13/7/21 and 22/3/22
Key changes as a result of Equality, Diversity and Inclusion Analysis		
<b>Document location</b>		
<a href="https://newcastle.sharepoint.com/docs/HR%20Policies/Forms/Policies.aspx">https://newcastle.sharepoint.com/docs/HR%20Policies/Forms/Policies.aspx</a>		