**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.