

## Grievance FAQs

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**1 Q What is a grievance?**

**A** Grievances are concerns, problems or complaints raised by a staff member with managers regarding working conditions or relationships with colleagues. It is clearly in the University's and employee's interests to resolve problems early before they escalate into major difficulties. Grievances may be straightforward or complex and unresolved grievances detract from an effective working environment.

**2 Q What is the difference between the Grievance Procedure and other procedures such as the Disciplinary Procedure?**

**A** The aim of the Grievance Procedure is to resolve workplace issues and concerns, whereas the Disciplinary Procedure exists to manage misconduct.

**3 Q What does the Grievance Procedure not cover?**

**A** The grievance procedure is not for raising issues which are outside the control of the University, such as changes in government policy or global events. Nor can it be used as a substitute for or in addition to appeals made under other procedures. The University has discretion in determining which procedure is applicable depending on the circumstances of the case.

**4 Q How is a grievance managed?**

**A** The guiding principles in the Grievance Procedure state that any concerns are considered seriously and as quickly as possible. The aim is to seek resolution at the informal stage. The principle of natural justice applies at all stages, i.e. the right to be heard and the application of a fair procedure. Anyone involved in a grievance is protected from harassment or bullying as a result of their involvement and all parties must maintain confidentiality.

**5 Q What may be the outcome of a grievance?**

**A** The resolution will depend on the concerns raised. If the grievance is upheld or not, it is likely that relationships may need to be re-built. The outcome may be a problem-solving or corrective approach, a facilitated meeting or mediation.

**6 Q What support is available to employees who have raised a grievance or employees who are impacted by the grievance process?**

**A** The Employee Assistance Programme is available 24 hours per day, 365 days per year for confidential advice and support. The telephone number is 0800 1116 387 or website [www.my-eap.com/autologin](http://www.my-eap.com/autologin). You can be referred to Occupational Health by your manager or through Human Resources. Support is available from the [HR Business Partner teams](#). If you are a member of a Trade Union, advice is available from [UNISON](#) or [UCU](#).

**7 Q How do I raise a concern?**

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**A** It is good practice to speak to your line manager informally regarding your concern as soon as possible and your desired outcome to resolve it. Informal discussions with your manager or HR are helpful, so that you are clear about options. Wherever possible, attempts should be made to resolve the grievance informally and as early as possible. There will be occasions where an informal approach has not resolved the matter and more formal steps will need to be followed.

**8 Q How do I submit a formal grievance?**

**A** The person bringing the grievance submits a written grievance to their immediate manager (or to the manager above if the grievance is about the immediate manager). Appendix 4 of the Grievance Procedure sets out the content required.

**9 Q How long does a formal grievance take to resolve?**

**A** The process and timescales for formal grievance processes are detailed in the procedure. Occasionally some stages may take longer than the timescales given due to availability of witnesses, in such cases timescales may have to be extended and meetings rearranged. In such cases the investigating manager will notify those involved in the process.

**10 Q Can I withdraw a formal grievance?**

**A** A formal grievance may be withdrawn by the member of staff, provided this is confirmed in writing.

**11 Q Do I have the right to be accompanied?**

**A** In the formal stages of the Grievance Procedure the person bringing the grievance and the person against whom the grievance is brought, and any witnesses, are entitled to representation by a trade union representative or work colleague (University of Portsmouth employee) at any stage of the procedure. If the representative/colleague is not available then a postponement may be requested which is not normally later than five working days from the original date.

**12 Q What happens during a grievance meeting?**

**A** On receipt of a grievance the manager sends written acknowledgement. The investigating manager will arrange a meeting within 10 working days unless extended by mutual agreement. At the meeting, the person raising the grievance will set out their grievance to include key matters and resolution sought. The investigating manager will discuss whether it would be appropriate to consider mediation to resolve the grievance. If mediation is not appropriate, the investigating manager will summarise the meeting and the investigation to be carried out, in writing within 5 working days.

**13 Q How is a grievance investigation (Stage 2 of the Grievance Procedure) carried out?**

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Where further investigation is required, it is carried out according to the University Investigation Guidelines. The investigation manager will meet with the person against whom the grievance is raised and any other relevant witnesses as soon as possible. On completion of the investigation, the investigating manager will write a report to include findings, conclusions and recommendations.

The report is sent to the person raising the grievance within 10 working days of the conclusion of the investigation as well as the person against whom the grievance was raised. The person bringing the grievance has the right to appeal within 10 working days of receipt of the written report.

All relevant parties to the grievance investigation will be informed of any recommendations that affect or impact them.

**14 Q Can I record the meeting?**

**A** A note-taker will normally take comprehensive and contemporaneous notes of formal meetings. It has been agreed by the Director of HR that exceptionally, an electronic recording can be taken at the meeting. Please see also Section 4.9 of the University's Investigation Guidelines.

**15 Q What if a disciplinary, performance or other issue is raised during the investigation?**

**A** An independent manager will be nominated by the Director of HR to carry out an investigation in accordance with the appropriate procedure i.e. Disciplinary, Management of Under-Performance, or Managing Sickness Absence. The other procedure will run concurrently to the Grievance Procedure.

**16 Q What is a facilitated meeting?**

**A** A facilitated meeting tends to be used 'pre-dispute'. It is a meeting with an independent person, often from Human Resources. Both parties need to agree to participate and during the meeting each participant's opinion is heard in order to reach understanding and a joint consensus.

**17 Q What is mediation?**

**A** Mediation is an informal, structured and voluntary process used to resolve workplace conflict. It is about looking forward, does not apportion blame or accuse, it is all about resolving a dispute and looking to the future. It is normally carried out with an external mediator and can be used at any stage of the grievance procedure.

**18 Q How can I appeal the outcome of my grievance?**

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**A** The person bringing the grievance can appeal against the outcome of the stage 2 investigation under stage 3 of the Grievance Procedure. The appeal is submitted to the Director of Corporate Governance in writing who will convene an appeal panel consisting of two governors and one member of University Executive Board (UEB). You will present your case to the appeal panel who will consider your appeal and provide a written response within 5 working days. The decision of the appeal panel is final and there is no further right of appeal.

**19 Q Someone has raised a grievance against me. What should I do?**

**A** The University has a duty to listen to grievances but in line with natural justice, you will be given a full opportunity to state your version of events. As in the answer to question 4, the principles of natural justice apply at all stages, i.e. the right to be heard and the application of a fair procedure.

The grievance process can sometimes be stressful for the parties involved. You will be informed of the complaint against you and are advised to collate any information that you may wish to rely on in advance of the investigation meeting, to enable you to be able to respond to the grievance. This will help you to focus on relevant matters. You are encouraged to engage in informal resolution (e.g. facilitated meeting, mediation) if possible. If the grievance moves to the formal stage 2, you have the right to be accompanied and will also receive a copy of the notes of the meeting. You will be informed of the outcome and specifically where it relates to you.

Please refer to question 6 regarding available additional support.

**20 Q I feel that the complaint has no grounds and is malicious?**

**A** All grievances are treated seriously by the University. Those seeking resolution of a grievance brought in good faith are not treated less favourably for having done so. If anyone is found to be making a malicious or vexatious complaint, appropriate action will be taken against them and may include disciplinary action.

If a grievance is not upheld, that in itself is not evidence of a malicious complaint.

**21 Q What records are kept and how long for?**

**A** Confidential records of any grievances raised are kept on the personal file, including a record of:

- The initial grievance;
- Any letters sent in relation to the grievance
- Interviews conducted in relation to the grievance;
- The investigating manager's response to the grievance;
- Details of any appeal and its outcome.

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Records are retained for as long as is necessary to ensure that the grievance has been resolved, and in accordance with the Data Protection Act and the [University Retention Schedule](#).

**22 Q I have received a grievance from a former member of staff, how do I deal with it?**

**A** The Grievance Procedure focuses on resolving workplace concerns raised by current staff. If the grievance is received before the end of employment (during someone's notice period), the University will commence an investigation and provide a written outcome, however there will be no right to appeal. If the employment has ended prior to the grievance being received, there is no duty to undertake a grievance investigation nor provide a right of appeal. In such circumstances the University shall first ensure the complaint does not fall under the auspices of the University's Whistleblowing Policy.

**23 Q Are there any further sources of Information?**

- A**
- **Grievance Procedure**  
<http://www.port.ac.uk/accesstoinformation/policies/humanresources/filetodownload,12778,en.pdf>
  - **Dignity & Respect Policy**  
<http://www.port.ac.uk/intranet/humanresources/conditionsofemployment/policiesandprocedures/filetodownload,195356,en.pdf>
  - **Investigation Guidelines**  
<http://www.port.ac.uk/intranet/humanresources/conditionsofemployment/policiesandprocedures/filetodownload,105445,en.pdf>
  - **Whistleblowing Policy**  
<http://policies.docstore.port.ac.uk/policy-067.pdf>
  - [ACAS Disputes and problems at work](#)
  - [ACAS Code of Practice on Discipline & Grievance](#)
  - **Gov.uk – solving a workplace dispute**  
<https://www.gov.uk/solve-workplace-dispute/formal-procedures>

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