Grievance Policy Guidance – Chair of Grievance Hearing

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Action	Supporting information
Confirm that you are **available** to be the Chair and that you have no **conflict of interest** in the case	You need to be available to chair the hearing, deal with the subsequent paperwork and potentially be available for an appeal. If you are scheduled to be away on leave or at events etc. for a block of time over the next 1-6 weeks discuss with the assigned HR Case Manager if you can manage the grievance process. This is to ensure that the policy timescales adhered to. Check that you do not have any conflicts of interest that would prevent you chairing the hearing and reaching a decision objectively. If you do have a conflict advise your HR Case Manager at the earliest opportunity. Check the Conflict of Interest Policy for guidance.
Familiarise yourself with the **investigation report** and the Grievance Policy	Make sure you are familiar with the grievance process by reading the Grievance Policy including appendices so that you are clear of the requirements for all parties. Your HR Case Manager will send you copies of relevant documentation. Read the **grievance form and investigation report** carefully so that you are familiar with the full case. You will need to send the investigation report to the complainant (and respondent if applicable) so check if there are any data protection concerns. If you think there may be sensitive personal information in the report that should not be shared with the employee (e.g. relating to a witness or third party) speak to your HR Case Manager to agree if any content should be redacted.
Agree a **date for the hearing**	You will be advised by your HR Case Manager who will be supporting you at the hearing, including the note taker. Another panel member will be appointed depending on the nature of the case. Agree a date with the other panel member (if applicable), HR Case Manager (if applicable) and note taker. The complainant will need at least one calendar week's notice of the hearing. Agree a suitable venue where you won't be interrupted and noise is minimal.
Invite the complainant to the Grievance hearing and **send them a copy of**	You must invite the employee **in writing** giving at least one calendar week's notice and **include a copy of the investigation report.**

the investigation report	Advise the complainant that they can be accompanied by a companion, normally a TU rep or workplace colleague. A companion may also be someone to support the employee if they have particular needs e.g. if the employee has a disability or if English is not their first language. This companion may be in addition to a TU rep or workplace colleague. The complainant must tell you in advance of the hearing if they are bringing a companion. The complainant will advise you if they need an **adjustment** for the hearing e.g. if they need a hearing loop. You must organise any adjustments requested or seek advice from your HR Case Manager. You must ensure there is a **note taker** at the hearing. It can be helpful to meet the note taker in advance to give them any useful information e.g. it might help them to be familiar with names, job titles, acronyms, technical terminology etc. that are likely to be discussed. Alternatively provide the note taker with a written summary of the key details of the case e.g. names, job titles, terminology etc. You are not required to have an HR representative at the hearing but if you feel you need support contact your HR Case Manager.
Invite the Investigating Officer (IO) to the hearing	Make sure you invite the IO to the hearing, giving one calendar week's notice.
Send a copy of the investigation report to the Respondent (if applicable)	If the grievance is about another person (respondent) you must **send them a copy of the investigation report** prior to the Hearing. Liaise with your HR Case Manager and **use the template letter** when sending the report which will confirm the next steps for the respondent.
Prepare for the Hearing	Think about what you want to find out at the hearing and prepare any questions you want to ask the IO or the employee. If the complainant requests to **rearrange the hearing** so that they or their companion can attend you must consider their proposed new date and make an effort to agree to the request. Alternatively seek another date that all parties can attend as long as it will not cause an undue delay. If the companion cannot attend on a rescheduled date and no suitable alternative time can be found you should advise the complainant to find someone else to act as their companion. **Please note**: If the employee does not attend the **rearranged hearing** liaise with your HR Case Manager.

	If the complainant has any **additional information,** they want you to be aware of they must submit it to you at least 3 working days prior to the hearing. If you receive any new information, make sure it is passed to the other panel member and your HR Case Manager if they will be attending the hearing. Arrange a **pre-meeting** with the other panel members to prepare how you will approach the hearing and agree what questions each of you will ask. This can be immediately before the hearing as long as you allow sufficient time.
The Hearing - process	Make introductions If the employee has a **companion** with them, they can take notes, set out the employee's case and speak to the employee during the hearing. **The companion should not answer questions on behalf of the employee.** Be prepared that the complainant may get upset or angry during the hearing and be sensitive to the situation. It can be helpful to have glasses of water and tissues available. You can also offer a short break during the hearing. Ask everyone to turn off any electronic devices and remind them that the hearing cannot be recorded (unless it has been agreed as an adjustment for a disability). Explain the **schedule** of the hearing and that the aim is to find an outcome to resolve the grievance. The hearing will normally follow this structure: • The IO will summarise their investigation findings • The panel ask the IO questions • The complainant responds and puts forward their point of view and can ask the IO questions about their report ***NB This is not an opportunity for the complainant to repeat everything already discussed at their investigation meeting. If detail is being repeated, the claimant can be asked to summarise their point of view, and move forward with their questioning.*** • The panel asks the complainant questions • Chair checks if anyone has anything to add • The hearing is closed and the complainant told when they will receive notes of the hearing. The complainant must also be

	advised when they will know the outcome of the grievance. This must be within one calendar week of the hearing.
The Hearing – considerations	You and the other panel member (if applicable) must review all the information you have received and consider this along with the information gathered at the Hearing. You must decide: • how to **resolve** the grievance if you are satisfied that there is a legitimate concern and • **any actions** that should be taken to address concerns or problems identified through the investigation. You must consider the specified **outcome/resolution** the complainant is looking for and whether this is reasonable and achievable. • Does action of some kind need to be taken? • Is there a valid issue to resolve? If the complainant's desired outcome/resolution is not reasonable or possible, can you offer alternative solutions? If you believe the **respondent's** behaviour has been unacceptable and there is a case for that person to answer liaise with your HR Case Manager about how to progress this to the **Disciplinary process**. Agree with the HR Case Manager how to advise the complainant if the case moves to disciplinary. If you do not believe that the grievance has merit and that the desired outcome is unrealistic or inappropriate decide if there are other issues that need to be addressed. E.g. has there been a breakdown in communication, is there a training issue? ***NB You are not asked to uphold or not uphold the grievance but to decide the outcome and any actions.***
Harassment Cases	Harassment can occur even if the respondent did not intend to cause offense or upset. This is due to the definition of harassment, which is "unwanted conduct relating to one of the relevant protected characteristics which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them". Please refer to the Staff Dignity and Respect Policy for further information. When considering a grievance, you might encounter situations where the respondent claims no intention to cause harm, but the complainant genuinely felt harassed by their behaviour. The Staff Dignity and Respect Policy employs a "reasonableness test" to determine whether it was reasonable for the conduct in question to

	affect the complainant in the way that it did. This means evaluating the specific circumstances to determine if the behaviour reasonably led to the reported effect. In such cases, you must consider: • **The complainant's perception of the incident.** This is the subjective experience of the person who complained about the behaviour. Awareness of the unwanted conduct is essential for harassment to have occurred. • **The other circumstances of the case.** This includes the overall context of the work environment and the relationships involved. Consideration can be given to the complainant's health, mental health, their previous experiences of harassment, and whether the respondent holds a position of trust, power and authority over them. The race or cultural background of those involved may also be relevant. For example, a particular term may be offensive to people of one race because historically it has been used as a derogatory term in relation to that race, whereas people of other races may not generally understand it to be offensive. Finally, whether the respondent was exercising their rights in relation to freedom of expression or academic freedom of expression may be relevant. • **Whether the impact of the conduct was reasonable under the circumstances.** This means an objective assessment can be made on whether it was reasonable for the conduct to have had the adverse effect. It can be helpful to question whether the behaviour complained about is standard practice or acceptable workplace culture (e.g., high fiving other employees, exchanging Christmas gifts, or holding a door open for someone). Assessing this could also include whether the behaviour is a one-off or part of a pattern, and the presence of any immediate or sincere apology and/or rectification.
Agree the notes of the hearing	The note taker will send you a draft copy of the notes of the hearing, normally within two calendar days of the hearing. You may amend them if there are any details that have not been recorded accurately e.g. spellings, terminology. You cannot change the substance of what a person said during the hearing, including your own comments. Agree who will be sending the notes to the complainant. If possible, you should send them with the letter confirming the outcome of the hearing. Alternatively agree with your HR Case Manager if they are to be sent separately.

Write to the complainant confirming the outcome of the hearing	You must write to the complainant within **one calendar week** of the hearing **confirming the outcome**. Use the template letter and send a copy to your HR Case Manager. The letter should **include any actions or recommendations** e.g. mediation.
Write to the respondent (if applicable) to update them of proceedings	You must write to the respondent within **one calendar week** of the hearing **confirming the outcome**. Use the template letter and send a copy to your HR Case Manager. The letter should include any **actions or recommendations** that relate specifically to the respondent e.g. mediation. If you have concluded that the respondent has a **case to answer** this must be specified in the letter and details given of next steps.
Attend the appeal hearing if applicable	The complainant may appeal within two weeks of receiving your outcome letter if they believe the **outcome is wrong or unfair** or the action or measures taken to resolve the grievance are inappropriate. Their appeal will be sent to the Head of HR – Advisory and Case Management. If the complainant appeals you will need to attend the appeal hearing. Make sure you have relevant documentation and notes with you. The hearing will normally take place within four weeks of them submitting their appeal. The appeal is **not a rehearing** of the grievance. The complainant must explain why they think the outcome was wrong/unfair. You will need to explain how you/the panel reached your decision about the outcome and you will be asked questions by the Convenor of the appeal hearing and the complainant.
Be aware of **Data protection** and **Subject Access Request** requirements	Information relating to a grievance case should be held in line with the University's Retention Schedule. This includes any email correspondence and not just letters about the outcome of the grievance. Remember that an employee may make a **subject access request** to see data about their case which will include any emails between you and HR and any other role holders you correspond with in the course of the case e.g. other panel members. Therefore, you must be prepared that any of your correspondence may be seen by the employee.

Letters:
(The following templates are available from your HR Case Manager)

6. Notice of grievance hearing
7. Letter to respondent with investigation report
8. Outcome of grievance hearing – complainant
9. Outcome of grievance hearing – complainant – disciplinary case to answer
10. Outcome of grievance hearing – respondent
16. Letter issuing notes of hearing