

Grievance Policy Guidance – Chair of Grievance Hearing

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Action	Supporting information
<p>Confirm that you are available to be the Chair and that you have no conflict of interest in the case</p>	<p>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 Partner if you can manage the grievance process. This is to ensure that the policy timescales adhered to.</p> <p>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 the Head of HR at the earliest opportunity. Check the Conflict of Interest Policy for guidance.</p>
<p>Familiarise yourself with the investigation report and the Grievance Policy</p>	<p>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.</p> <p>The assigned HR Partner will send you copies of relevant documentation.</p> <p>Read the grievance form and investigation report carefully so that you are familiar with the full case.</p> <p>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 the assigned HR Partner to agree if any content should be redacted.</p>
<p>Agree a date for the hearing</p>	<p>You will be advised by the assigned HR Partner/Head of HR 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.</p> <p>Agree a date with the other panel member (if applicable), HR representative (if applicable) and note taker. The complainant will need at least one calendar week's notice of the hearing.</p> <p>Agree a suitable venue where you won't be interrupted and noise is minimal.</p>
<p>Invite the complainant to the Grievance hearing and</p>	<p>You must invite the employee in writing giving at least one calendar week's notice and include a copy of the investigation report.</p>

<p>send them a copy of the investigation report</p>	<p>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.</p> <p>The complainant must tell you in advance of the hearing if they are bringing a companion.</p> <p>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 the assigned HR Partner.</p> <p>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.</p> <p>You are not required to have an HR representative at the hearing but if you feel you need support contact the relevant HR Partner.</p>
<p>Invite the Investigating Officer (IO) to the hearing</p>	<p>Make sure you invite the IO to the hearing, giving one calendar week's notice.</p>
<p>Send a copy of the investigation report to the Respondent (if applicable)</p>	<p>If the grievance is about another person (respondent) you must send them a copy of the investigation report prior to the Hearing.</p> <p>Liaise with the assigned HR Partner and use the template letter when sending the report which will confirm the next steps for the respondent.</p>
<p>Prepare for the Hearing</p>	<p>Think about what you want to find out at the hearing and prepare any questions you want to ask the IO or the employee.</p> <p>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.</p> <p>Please note: If the employee does not attend the rearranged hearing liaise with the assigned HR Partner.</p>

	<p>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 representative if they will be attending the hearing.</p> <p>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.</p>
<p>The Hearing - process</p>	<p>Make introductions</p> <p>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.</p> <p>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.</p> <p>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).</p> <p>Explain the schedule of the hearing and that the aim is to find an outcome to resolve the grievance.</p> <p>The hearing will normally follow this structure:</p> <ul style="list-style-type: none"> • 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 • 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.
<p>The Hearing – considerations</p>	<p>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.</p>

	<p>You must decide:</p> <ul style="list-style-type: none"> • 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. <p>You must consider the specified outcome/resolution the complainant is looking for and whether this is reasonable and achievable.</p> <ul style="list-style-type: none"> • Does action of some kind need to be taken? • Is there a valid issue to resolve? <p>If the complainant's desired outcome/resolution is not reasonable or possible can you offer alternative solutions?</p> <p>If you believe the respondent's behaviour has been unacceptable and there is a case for that person to answer liaise with the assigned HR Partner about how to progress this to the Disciplinary process. Agree with the HR Partner how to advise the complainant if the case moves to disciplinary.</p> <p>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?</p> <p><i>NB You are not asked to uphold or not uphold the grievance but to decide the outcome and any actions.</i></p>
<p>Agree the notes of the hearing</p>	<p>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.</p> <p>You cannot change the substance of what a person said during the hearing, including your own comments.</p> <p>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 the assigned HR Partner if they are to be sent separately.</p>
<p>Write to the complainant confirming the outcome of the hearing</p>	<p>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 the assigned HR Partner. The letter should include any actions or recommendations e.g. mediation.</p>

<p>Write to the respondent (if applicable) to update them of proceedings</p>	<p>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 the assigned HR Partner. The letter should include any actions or recommendations that relate specifically to the respondent e.g. mediation.</p> <p>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.</p>
<p>Attend the appeal hearing if applicable</p>	<p>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.</p> <p>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.</p> <p>The appeal is not a rehearing of the grievance. The complainant must explain why they think the outcome was wrong/unfair.</p> <p>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.</p>
<p>Be aware of Data protection and Subject Access Request requirements</p>	<p>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.</p> <p>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.</p>

Letters:

(The following templates are available from your HR Partner)

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

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| <ol style="list-style-type: none">10. Outcome of grievance hearing – respondent16. Letter issuing notes of hearing |
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