

# Grievance Policy & Procedure

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## **Policy**

### **1. Purpose of the Policy and Procedure**

- 1.1 This document sets out the University's policy and procedure for dealing with employee grievances, including any concerns raised under the Dignity at Work policy.
- 1.2 The aim of this Policy and Procedure is to provide a confidential framework within which employees can raise grievances relating to their employment and have them resolved fairly and promptly and at as local a level as possible.
- 1.3 The ACAS Code of Practice on disciplinary and grievance procedures gives practical guidance for handling grievances in the workplace. Failure to follow the Code doesn't make a person or organisation liable to proceedings, however, an employment tribunal will take it into account when considering relevant cases.

### **2. Scope**

- 2.1 This Policy and Procedure applies to all employees. It does not apply to agency workers or self-employed contractors.
- 2.2 This policy does not form part of an employee's contract of employment and the University, under Governors' direction in line with Article 24, may make amendments to the policy including varying of procedures and time limits, where it considers it appropriate, and in accordance with appropriate consultation with recognised Trade Unions.
- 2.3 The term 'employee' should be taken to read either an individual employee or a group of employees.

### **3. General Principles**

- 3.1 In the interest of ensuring that grievances are resolved as quickly as possible, indicative time limits are given for appropriate stages of the grievance procedure.
- 3.2 Wherever possible, and appropriate, employees should try and resolve grievances informally in the first instance.
- 3.3 Grievances should be raised as soon as practical and at maximum no later than three months after any alleged event or incident/s. This is to

ensure that matters are dealt with promptly and whilst memories are still relatively fresh.

- 3.4 Timelines for Hearing a Grievance are for guidance only and, if it is not practicable to adhere to these time limits, extensions may be made and all parties informed of the reason for the delay.
- 3.5 An employee who makes a complaint in good faith will not suffer any detriment even if the grievance is not substantiated. If at any point during the grievance process the grievance is deemed unfounded, vexatious or trivial, or any person involved gives deliberately misleading statements it may be decided to reject the grievance and this will be communicated to the employee in writing. The employee may be subject to disciplinary action.
- 3.6 Where the issues are unrelated and have no significant impact, the initial procedures may continue. Where the grievance and disciplinary/capability cases are related it may be appropriate to deal with both issues concurrently and under a single process. Where an employee raises a grievance during a disciplinary or capability process, the disciplinary or capability process may be temporarily suspended in order to deal with the grievance, where there is reasonable concern that principles of natural justice and fairness may impact on the disciplinary or capability process.
- 3.7 Should an employee raise a formal grievance during their notice period, every effort will be made to hear their grievance before their employment ends. Where this is not possible, the University will investigate the issues raised and provide the employee with a written response.
- 3.8 The Human Resources Department is responsible for all associated correspondence and documentation relating to formal grievances for all employees.
- 3.9 The person raising the grievance will generally be entitled to copies of meeting records and summary notes that have been taken. However in some circumstances (for example to protect a witness) some records may be withheld or redacted.
- 3.10 All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this procedure. All written records will be treated as confidential and kept in accordance with the requirements of the Data Protection Act 2018.
- 3.11 Consideration will be given upon request to any adjustments required to support employees in resolving their grievance, especially where the person has a disability or for whom English is not their first language.

#### **4. Right to be Accompanied at Meetings**

- 4.1 Employees have the right to be accompanied by a St Mary's University fellow worker or recognised trade union representative at any formal stage under this procedure. There is no right to be represented at the informal stage, though this may be permitted, with discretion.
- 4.2 Employees should confirm the identity of their chosen companion, where possible, to the manager conducting the meeting in good time before the meeting date.
- 4.3 If an employee's companion is unavailable at the time a meeting is scheduled and they will not be available in the period of five working days thereafter, where reasonable and by mutual agreement, the University may request the employee seeks an alternative companion.

#### **Procedures**

##### **5. Informal Procedure**

- 5.1 If an employee has a grievance they should aim to resolve it informally first unless it is deemed sufficiently serious or inappropriate to deal with informally.
- 5.2 An informal grievance does not have to be made in writing and will not normally be formally recorded.
- 5.3 Where the grievance relates to a matter that it is alleged contravenes the Dignity at Work policy, the employee may wish to have a confidential conversation with their HR Partner/Advisor. The purpose of this contact is to discuss confidentially, either by telephone or at a convenient time and place, what the staff member has experienced and to assist the staff member to consider various courses of action.
- 5.4 The following steps should be followed in order to find a resolution to an informal grievance:
  - The employee should request a meeting with their manager. If this is not appropriate because their manager is involved, with their manager's manager.
  - During this meeting the employee should explain the nature of their complaint to the manager and their desired outcome/s.
  - The manager and the employee should explore how the issue could be resolved informally.
  - Both parties will seek to reach agreement on how to take any actions forward and the timescales. These could involve arranging further meetings with relevant third parties.
  - An informal record should be kept of the steps taken and any agreement reached, e.g. an email or file note.

- 5.5 In some circumstances it may be appropriate for the line manager to hold an informal meeting with the relevant parties as an alternative means of early dispute resolution. The purpose of the meeting would be to explore how the grievance may be resolved.
- 5.6 If a grievance cannot be settled informally, or the matter is of sufficient seriousness that it would be inappropriate to deal with informally, then the employee may proceed to the formal stage of the procedure.

## **6. Formal Procedure**

- 6.1 If an employee wishes to raise a formal grievance they must set it out in writing and send it to their immediate line manager, or to that person's line manager if it is a complaint against their line manager (see appendix A for a template format). This should be submitted promptly either at the conclusion of any period of review, or mediation, for example, where informal mechanisms have not resolved the matter or within ten working days where the informal outcome is not deemed acceptable to the individual raising the grievance.
- 6.2 The written grievance should include a concise summary of the issue/s, specify the outcome the employee is seeking, and what, if any, actions have been taken to resolve the issue/s informally.
- 6.3 The formal grievance procedure will normally be heard by the line manager, or line manager's manager, with advice from a Human Resources Partner. Where it is not appropriate for the grievance to be heard through the line management structure, the HR Department will recommend an alternative person to hear the Grievance. For senior post holders (as identified in the University's Articles of Association of 23 January 2014) the manager hearing the appeal will normally be a Governor appointed by the Director of HR.
- 6.4 If the basis for the grievance is clear, the employee will be invited to attend a meeting as soon as possible to discuss the grievance and how it may be resolved.
- 6.5 The meeting will normally be held within ten working days of receipt of the written grievance.
- 6.6 Where the basis for the grievance is unclear or further investigation is required, the timescales may be extended to allow an investigation to happen. This may be undertaken by the manager, or delegated.
- 6.7 When a grievance wholly or partly relates to another employee, this individual will be advised of this by their manager and given the opportunity to provide comment and respond to the relevant parts of the grievance before an outcome is determined.

- 6.8 Employees must make every effort to attend meetings under this Procedure. If an employee or their chosen companion cannot attend a meeting they should inform the manager conducting the meeting as soon as possible. The manager will normally arrange an alternative time. On occasions it may be appropriate to convene the meeting using technology, e.g. Skype, teleconference, etc.
- 6.9 If the employee raising the grievance fails to attend a meeting without good reason, or they are persistently unable to do so, the manager conducting the meeting may have to take a decision in their absence based on the available evidence, including any written representations the employee has made.
- 6.10 The employee's companion (if applicable) may make representations, ask questions, and sum up the employee's case but may not answer questions on the employee's behalf. The employee may confer privately with their companion during the meeting.
- 6.11 Employees may submit documents related to the procedure for consideration at the meeting. All documents should be submitted via the HR Department as soon as possible and at least two working days before the meeting.
- 6.12 After the last investigation meeting, the decision in response to the grievance will be conveyed to the employee in writing within ten working days. The employee will be informed of their right to appeal against any decision.

## **7. Appeals**

- 7.1 If the employee wishes to appeal against any decision they should advise the Director of Human Resources in writing no later than five working days after the outcome is communicated.
- 7.2 The manager hearing the appeal will normally be appointed by the Director of HR. For senior postholders the appeal panel will normally comprise at least two Governors, not involved at the formal stage.
- 7.3 All records and notes of the original meeting should be made available to the appeals panel.
- 7.4 The employee will be invited to attend a meeting to discuss their appeal. The meeting must take place without unreasonable delay, at a reasonable time and place and will normally be held within ten working days of receipt of the appeal request.
- 7.6 Following the meeting the final decision in response to the appeal will be conveyed to the employee in writing within ten working days, including notification that this is the final stage of the appeals procedure.

## 8. Review and Document Control

8.1 This Policy and Procedure has been implemented following consultation with UNISON, and the University and College Union (“UCU”).

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## Appendices

### Formal Grievance Submission Template

### Appendix A

*This template submission form is for guidance purposes only and may be changed to reflect the individual circumstances/needs of a case.*

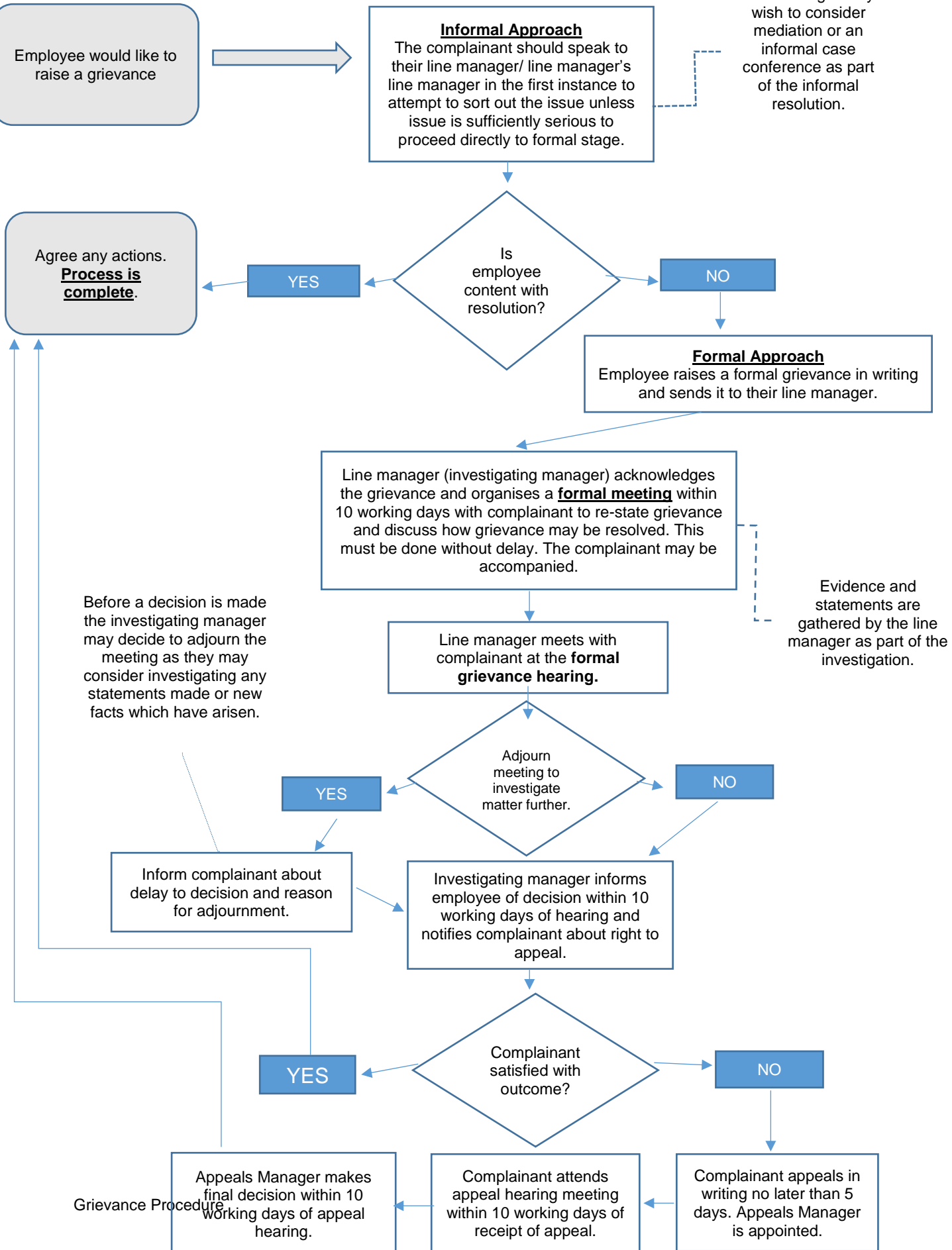
**Please submit this form to your line manager, or other senior manager if your line manager is the subject of your grievance. This should be submitted within 5 working days of the outcome of your informal grievance.**

<b>Complainant's name</b>	
<b>Complainant's department</b>	
<b>Complainant's job title</b>	
<b>Subject(s) of your grievance</b>	
<b>Is this your line manager?</b>	<b>Yes / No</b>
<b>Detail of the concern or complaint</b>	
This should include: <ul style="list-style-type: none"><li>• The facts of the case, with references (where possible) to dates, times and places and brief evidence to support</li><li>• You should keep your information succinct as this lends clarity to the matters to be addressed (max two sides of A4). Further relevant information can be sought as part of any investigation</li><li>• Evidence to support your grievance.</li></ul>	
<b>Witnesses</b>	
<ul style="list-style-type: none"><li>• Please state the names of any witnesses to incidents or concerns and what aspects of your grievance they can comment on</li></ul>	
<b>Informal resolution</b>	
<ul style="list-style-type: none"><li>• Please state what steps you have taken to resolve your grievance informally, and why the concern remains unresolved.</li></ul>	
<b>Resolution</b>	
<ul style="list-style-type: none"><li>• Please state what remedy or resolution you are seeking</li></ul>	
<b>Declaration:</b> I confirm the above statements are true to the best of my knowledge, belief and information	
Signed:	Date:
Print name:	
Contact details: <ul style="list-style-type: none"><li>• email:</li><li>• phone:</li></ul>	

## Grievance Procedure Flowchart (indicative only)

### Appendix B

Line manager may wish to consider mediation or an informal case conference as part of the informal resolution.



## Appendix C – values and behaviours

Inclusiveness	Generosity of Spirit	Respect	Excellence
We celebrate differences, recognising that everyone is born with a unique identity. St Mary's is a place where students and staff can reach their full potential and make a positive contribution to society.	Our generosity of spirit sets us apart. It can be seen in the encouragement, collegiality, empathy, helpfulness and service to be found across the University.	We respect everybody. We treat everyone as we ourselves would want to be treated.	We strive to be the best at everything we do. We seek professionalism through setting high standards and continuous improvement in all our practices and work.
<b>Corresponding behaviours</b>			
<p>Living our value of Inclusiveness means we strive to:</p> <ol style="list-style-type: none"> <li>1. Acknowledge difference without judgement.</li> <li>2. Welcome all to our community with warmth, kindness and understanding.</li> <li>3. Better ourselves through our contribution to society.</li> <li>4. Nurture the talent of those within our community.</li> <li>5. Embrace individual uniqueness which strengthens our community.</li> </ol>	<p>Living our value of Generosity of Spirit means we strive to:</p> <ol style="list-style-type: none"> <li>1. Go the extra mile to serve with a smile, encourage friendships and acts of kindness.</li> <li>2. Build supportive relationships with our colleagues.</li> <li>3. Positively create a culture of support and empowerment.</li> <li>4. Be compassionate to those in need.</li> <li>5. Be the first to offer a helping hand.</li> </ol>	<p>Living our value of Respect means we strive to:</p> <ol style="list-style-type: none"> <li>1. Communicate openly, honestly and with care.</li> <li>2. Treat everyone with fairness.</li> <li>3. Move away from criticism and toward understanding.</li> <li>4. Listen openly, accepting that others may have different opinions.</li> <li>5. Cultivate an environment of empathy and understanding.</li> </ol>	<p>Living our value of Excellence means we strive to:</p> <ol style="list-style-type: none"> <li>1. Be determined in our pursuit of excellence.</li> <li>2. Be unwavering in aspiring to the highest standards.</li> <li>3. Lead, encourage and inspire others for the benefit of our community and society.</li> <li>4. Celebrate our accomplishments and learn from our mistakes.</li> <li>5. Work hard towards our shared goals recognising that we achieve more together.</li> </ol>