

## Grievance Policy & Procedure

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## 1. Policy

- 1.1 The University is committed to promoting effective working relationships and providing an environment where staff feel able to raise work related issues.
- 1.2 The aim of this policy and procedure is to provide a confidential framework within which employees can raise concerns, problems or complaints relating to their employment and have them resolved fairly and promptly and at as local a level as possible.
- 1.3 This document sets out the University's policy and procedure for dealing with employee grievances, including any concerns raised under the Dignity at Work Statement.
- 1.4 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 of the Procedure

- 2.1 This Policy and Procedure applies to all employees of St Mary's University, except agency staff 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 the University Articles of Association, 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 a 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. However, if at any point during the grievance process the grievance is deemed unfounded, vexatious or malicious, or any person involved gives deliberately misleading statements it may be decided to reject the grievance and the employee concerned may be subject to disciplinary action.
- 3.6 Where a staff member raises a grievance during a formal process i.e. disciplinary, capability or sickness absence, which is related to the case, the grievance and the formal process will run in parallel. Alternatively, the panel conducting the formal process may believe it to be appropriate to pause the formal process pending the outcome of the grievance to ensure fairness. The University reserves the right to hear grievance matters and formal processes at the same meeting, where there is significant overlap of facts.

- 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 will support managers with all associated correspondence and documentation relating to formal grievances.
- 3.9 The person raising the grievance will generally be entitled to copies of meeting records and summary notes that have been taken during the grievance process. 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 University GDPR Policy. The handling of personal data is controlled by the General Data Protection Regulations (GDPR) and any associated legislation.
- 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 recognised trade union representative or work colleague at any formal stage under this procedure. There is no right to be represented at the informal stage, though this may be permitted, at the discretion of the manager.
- 4.2 Employees should confirm the identity of their chosen companion, to the manager conducting the meeting in advance of 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 for the period of five working days thereafter, where reasonable and by mutual agreement, the University may request the employee seeks an alternative companion.

#### 5. Informal Procedure

- 5.1 If an employee has a grievance they should aim to resolve it informally in the first instance 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 Statement, 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, this may include mediation. The purpose of the meeting would be to explore how the informal grievance may be resolved.
- 5.6 Where both parties agree to undertake mediation, the grievance process at the informal or formal stages will be suspended whilst mediation is completed.
- 5.7 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 1 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 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 25 August 2016) the manager hearing the grievance 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 to an alternative manager. Where it is necessary for the timescales to be extended, the individual who submitted the grievance will be informed.
- 6.7 When a grievance wholly or partly relates to another employee, this individual will be advised of this, and given the opportunity to provide comment and respond to the relevant parts of the grievance before an outcome is determined. The individual named in the grievance will be provided with detail of the sections of the written grievance relevant to them, and will not normally receive a copy of the whole grievance.

- 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. Only one postponement/rearrangement of the meeting will be permitted and the meeting will normally be held in the employee's absence at the second meeting. On occasion it may be appropriate to convene the meeting online, e.g. Zoom, Microsoft Teams 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 to 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 normally be conveyed to the employee in writing within ten 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 within five working days of receipt of the written outcome.
- 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.
- 7.5 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.

## Relevant Policy Headings

### Dignity at Work Statement

- **Date Written:** July 2019
- **Author:** HR
- **Version number:** 2
- **Person responsible:** Fiona Hnatow, Director of HR
- **Reviewed:** January 2022
- **Effective from:** January 2022
- **Review date:** January 2025
- **Impact Assessment date:** July 2019

- **History (where discussed / who circulated to / committees considered:** Trade Unions, UOB

## Appendix 1

### Formal Grievance Submission Template

This template submission form is for guidance purposes only and may be changed to reflect the individual circumstances/needs of the 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 10 working days of the outcome of your formal grievance, or as soon as possible after the incident if the informal stage of the procedure has not been used.**

<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/Parties Involved</b>	
Please state the names of any witnesses to incidents or concerns or any parties that your grievance relates to and what aspects of your grievance they can comment on:	
<b>Informal resolution</b>	
Please state what steps you have taken to resolve your grievance informally, and why the concern remains unresolved:	
<b>Resolution</b>	
Please state what remedy or resolution you are seeking:	
<b>Mediation</b>	
Would you be willing to engage in mediation as a resolution to your grievance: <b>Yes / No</b>	
<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:-

Email:

Phone:



## Appendix 2

### Grievance Procedure Flowchart

