



Ordinance 33 Grievance Procedure

Approving Body: Council

Date of Approval: 21 September 2018

Policy owner: University Secretary

Policy contact: Geraint Pugh, gop2@aber.ac.uk / 01970 62 2114

Policy status: Revised

Version: 2.0

Last review date: September 2018

Review date: September 2020

ORDINANCE 33

GRIEVANCE PROCEDURE

Introduction

- 1.1 This procedure applies to all employees of the University. It aims to comply with the Arbitration, Conciliation and Advisory Service (ACAS) Code of Practice, introduced in March 2015, which is designed to help employers, employees and their representatives to deal with grievance situations in the workplace.
- 1.2 Grievances are concerns, problems or complaints raised by employees with their employers. The University, through its normal day to day management arrangements, encourages and provides opportunities for employees to raise and resolve problems or concerns relating to their work, working environment or their working relationships. The aim is to resolve problems as early as possible before they escalate.
- 1.3 The Dignity and Respect at Work policy and procedure should be followed where an employee feels they are being harassed, discriminated against or subjected to bullying behaviour. Where multiple issues are raised which fall within the purview of both the grievance and Dignity and Respect at Work Policy and Procedures, the Grievance Procedure process will be followed having regard to the spirit of the Dignity and Respect at Work Policy. The purpose being to seek resolution of all the issues informally in the first instance.

2 Informal Resolution

- 2.1 It is always best to try and resolve concerns and problems quickly and informally. An employee who has a concern or problem which involves another member of staff is encouraged to speak to the person concerned before considering other avenues and if they need further advice, or, if they are unsure about the approach to take, may wish to approach their line manager for advice or their line manager's manager where the grievance is against their line manager. Employees need to be clear about the nature of a grievance and how they would want to see it resolved. Talking through the issue and how to resolve it should be the first step wherever possible.
- 2.2 Grievances can sometimes occur through a misunderstanding between two employees or through a disagreement e.g. about terms and conditions of employment. It is always best to check out the facts of a situation, and the employee's line manager and Human Resources (HR) can help with this. Where either party feels it may assist in reaching a positive outcome, a trade union representative or work colleague together with a HR representative can support the informal resolution. It is inevitable that differences of opinion occur in the workplace and as a result working relationships can on occasions become strained; however employees are expected to work with each other to resolve differences in a professional and respectful manner.
- 2.3 Particularly where the concern relates to a working relationship, an independent third party or mediator can sometimes help to resolve grievance issues. Mediation is a voluntary process which requires the agreement of the parties. The mediator helps two or more people in dispute to reach an agreement. An agreement comes from those in dispute not the mediator. The mediator is not there to judge or to tell those involved in the mediation what they should do. The mediator facilitates the process not the outcome. HR can advise on the mediation service available and when it is likely to be most useful and can facilitate discussions about alternative informal resolution techniques. Where mediation is not accepted by one or both parties, this will not compromise the process.
- 2.4 The University's Employee Assistance Programme (EAP) enables employees to access confidential support services provides the opportunity for employees to consider how they

can best approach a problem or concern with a view to reaching a resolution. HR can advise on the services available and information is also available on the HR web site.

3 Formal resolution

3.1 *Inform the employer of the nature of the grievance*

3.1.1 If it has not been possible to resolve a grievance informally, the employee should raise the matter formally and without unreasonable delay. This should normally be within three months of the concern first arising or, with multiple related concerns, within one month of the last incident. However it is accepted that this may not always be practical.

3.1.2 The grievance should be submitted in writing to the employee's line manager using the template shown in Appendix A. Assistance in completing the template may be requested by the employee from a work colleague or trade union representative. Care should be taken when completing the form not to use abusive or insulting language about another employee which is unacceptable and it should briefly set out the following:

- the nature of the grievance: who, what, where and when
- what attempts have been made to try to resolve the matter informally
- the resolution being sought.

This document will be used to inform a subsequent meeting at which a more detailed account may be given.

3.1.3 The manager dealing with the grievance should be sufficiently senior to deal with the issue(s) raised. For example, if the employee's line manager is the subject of the grievance, the matter should be raised with the line manager's manager, or the Head of Department or Director of Institute who will consider the matter in conjunction with HR. If a grievance concerns an employee's Director of Institute, it may be raised with the Vice Chancellor (VC) who may appoint a nominee to take the matter forward.

3.2 *Meeting to discuss the grievance*

3.2.1 The line manager, or other manager who is considering the grievance, will arrange a meeting with the employee who may be accompanied by a trade union representative or a workplace colleague.

3.2.2 This meeting should be arranged without unreasonable delay and, unless there are exceptional circumstances, within 10 working days of the grievance being received. As with the informal stage there is more likelihood of reaching a resolution if the issues are discussed as early as possible. If the employee or their representative is unable to attend the arranged meeting, a new date will be identified within a further period of 5 working days. The employee should make all reasonable efforts to attend this meeting.

3.2.3 It may be necessary to adjourn the meeting to talk to other staff (or third parties) about the grievance. In the event that an employee who is the subject of the grievance is required to attend a meeting, reasonable notice of the meeting will be given. The employee will receive a copy of the grievance raised and reasonable time to consider the matter. Any employee interviewed under this process may be accompanied by a trade union representative or work colleague.

3.2.4 A member of the HR team will be present at any meetings to advise on procedure and to facilitate discussion to support resolution. A recording of the meeting will be taken and the

employee will be provided with the transcript of the meeting normally within 7 working days of the meeting. The notes should be annotated with any changes and signed as confirmation that they are a correct record of the meeting and a copy returned to HR within 7 working days of receipt.

3.3 Decide on appropriate action

3.3.1 Once all information has been gathered and all interviews conducted, the manager considering the grievance will compile their response to the issues raised in either letter or report format. The format will depend on the nature and complexity of the issues raised. The following determinations will be available to the manager:

Option	Outcome
1	The Grievance is upheld
2	The Grievance is partially upheld
3	The Grievance is not upheld
4	The Grievance is referred to another procedure, for example, the Disciplinary Procedure or training is recommended

3.3.2 The letter or report should be compiled without unreasonable delay, and be communicated in writing to the employee who is the subject of the Grievance and the employee who raised the Grievance. The decision will normally be communicated to the parties within 10 working days of the manager having received the last piece of information or signed transcript. Any outcomes or sanctions relating to another staff member will not be disclosed to the aggrieved in the letter or report.

3.3.3 Where the outcome of the grievance is not upheld, the line manager will confirm this decision by letter to the parties.

3.3.4 Where the initial meeting was adjourned to enable other meetings to take place it is likely that the manager will need longer to reach a decision. In these circumstances it is expected that the decision will be communicated in writing to the employee within 28 working days of the initial meeting with the employee.

3.3.5 There may be exceptional circumstances which mean that this timescale would need to be extended. In this case the manager will notify the Human Resources Director (HRD), or nominee, who will write to the employee to explain the reason for the delay and expected date for the conclusion of the consideration of the grievance.

3.3.6 The employee should be informed in the letter that advises the outcome of the grievance that they have the right of appeal.

3.4 Right of Appeal

3.4.1 Where the aggrieved is dissatisfied with the outcome of the grievance they have raised, they may submit an appeal to the Director of Human Resources. The employee should set out the grounds of their appeal in writing to the Director of Human Resources within 7 working days of the date of the letter from the manager who considered the grievance.

3.4.2 The HRD will appoint a member of the University Executive to hear and determine the appeal. This meeting will be arranged without unreasonable delay and, unless there are exceptional circumstances, within 10 working days of the appeal being received. A HR advisor will also be present at the hearing to advise on procedure. The meeting will be recorded and a copy of the transcription of the meeting will be provided to the employee normally within 7 working days of the meeting. The notes should be annotated with any changes and signed as

confirmation that they are a correct record of the meeting and a copy returned to HR within 7 working days of receipt.

- 3.4.3 The employee bringing the appeal is entitled to be accompanied by a trade union representative or work colleague. The appellant will be given the opportunity to call witnesses and the appellant should provide, in advance no later than 3 working days prior to the hearing, the names and rationale for calling each witness to the member of the University Executive hearing the appeal.
- 3.4.4 The member of the University Executive may allow or dismiss the appeal in whole or in part.
- 3.4.5 The outcome of the appeal should be communicated to the employee normally no later than 7 working days following the hearing. This decision will be final and will exhaust the University's Grievance Appeal Procedure.
- 3.4.6 Where the person against whom the grievance has been raised is dissatisfied with the outcome of the grievance, alternative arrangements will be made to consider their concerns depending on the procedure used to notify them of the outcome e.g. disciplinary appeals procedure.

4. Overlapping grievance and disciplinary cases

- 4.1 Where an employee raises a grievance when a disciplinary procedure is in progress, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the disciplinary and grievance cases are related it may be appropriate to deal with both issues concurrently and this will be considered by the Director of Human Resources.
- 4.2 If, as a result of the consideration of the grievance, the person managing the grievance reaches the conclusion that the behaviour or conduct of any party was inappropriate, the matter will be transferred to the University's Disciplinary Procedure. The information and documentation collected as part of the grievance procedure will form the basis of the investigation under the disciplinary procedure. Other evidence may be gathered if it is felt to be in the interests of natural justice.

5 Support for Employees

- 5.1 It can be extremely distressing for employees to be involved in a formal grievance process, which is why the University emphasises the importance of employees trying to deal with the matter informally and offers alternative dispute resolution processes through mediation and the Employee Assistance Programme. Attempting to reach a resolution through constructive dialogue and discussion is always the best way forward.
- 5.2 Employees who bring a grievance or who find themselves the subject of a grievance will be offered support by the University during the process. This support may be provided by a member of HR, the employee's line manager or a trained mediator providing they are not directly involved in the grievance. Counselling is available through the Employee Assistance Programme and the employee has direct access this service. At the conclusion of the grievance procedure, and upon request by one or more of the parties, a member of the HR Department will work with the employee to implement a planned programme of support in conjunction with the appropriate line manager.

6 Collective Grievances

- 6.1 Where the grievance is of a collective nature, that is, more than one person brings a grievance, this will be addressed through the University's Collective Grievance Procedure.

7 Status Quo

- 7.1 Until the stages of the grievance have been exhausted the status quo will normally be maintained; that is the working arrangements that exist before the grievance was submitted.
- 7.2 In exceptional circumstances, where it is not possible for the status quo to be maintained, the Director of Human Resources or Pro-Vice-Chancellor and Chief Operating Officer, would be required to approve the non-adherence to the status quo.

8 Equality Impact Assessment

The University is committed to embedding the Strategic Equality Plan into its policies, procedures and practices. The Redundancy Avoidance Policy has been equality impact assessed in accordance with this framework.

9 Policy Review

This policy will be reviewed every 2 years in conjunction with the trade unions. Employees are invited to comment on this policy and suggest ways in which it might be improved by contacting the Human Resources Department or their local Trade Union representative.

10. Welsh Language – Employee Rights

In accordance with the Welsh Language Standards that came into effect on 1 April 2018 employees have the right to use the Welsh language to

- (a) make a complaint
- (b) respond to a complaint or allegation

and employees also have the right to use the Welsh language in meetings where they are the subject of

- (c) complaints and allegations (or have made the complaint)
- (d) disciplinary proceedings
- (e) effective contribution scheme discussions
- (f) individual consultation meetings

A simultaneous translation service from Welsh to English will be provided at the meeting when the meeting cannot be conducted solely in Welsh.

The university has, in conjunction with its recognised trade unions, incorporated the above requirements into all relevant HR policy and procedural documents.