



PRIFYSGOL CYMRU
Y Drindod Dewi Sant
UNIVERSITY OF WALES
Trinity Saint David

GRIEVANCE POLICY

1. PURPOSE AND PRINCIPLES

- 1.1. The aim of this policy is to enable an employee of Trinity Saint David (including staff holding a contract of employment under Trinity University College) who has a grievance, directly related to their employment at the University, to pursue the matter in a systematic manner. Grievances could be concerns, problems or complaints that arise within the context of an individual's employment with the University.
- 1.2. It is a principle of this Grievance Policy that the University and the aggrieved employee will settle or redress individual grievances promptly, and so far as may be, within the Faculty/ School/ Unit/ other relevant area by methods acceptable to all parties. The University will aim to settle or redress these grievances at the earliest possible stage and as near to their source as possible.
- 1.3. A week within this Policy is deemed as five working days.
- 1.4. The Director of Human Resources may be called upon to attend any meeting held under this Procedure as required.
- 1.5. This Grievance Policy has been designed to incorporate the Employment Act 2008 which abolishes the statutory dispute resolution procedures and associated regulations with effect from 6 April 2009. Employees will no longer be required to lodge a formal grievance before initiating a tribunal complaint. This Grievance Policy has been agreed with the recognised trades unions and with the Council of the University.
- 1.6. It is recognised that grievances may focus on allegations directed against another person as distinct from a grievance against University policy or against a decision made by a University representative acting in a supervisory or managerial capacity. The same principles will apply and any individual against whom the grievance lies will have similar rights to the aggrieved person at all stages of the procedure, including the right to be accompanied.
- 1.7. The University recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. The University will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

2. SCOPE

- 2.1. This Grievance Policy applies to:
 - all staff employed under a Trinity Saint David contract of employment;
 - all staff employed under a Trinity University College contract of employment.
- 2.2. A grievance may be raised about any matter concerning appointments or employment, work or conditions of employment except:
 - Disciplinary and Dismissal appeals. *Issues of this nature are dealt with under the Disciplinary Policy or the Change Management Policy.*
 - Grading Appeals.
 - Collective disputes.
 - Statutory deductions from pay.

3. THE RIGHT TO BE ACCOMPANIED

- 3.1. An employee invoking the Grievance Procedure will have the right to be accompanied at all stages of the procedure by a 'Companion' i.e. a recognised Trade Union representative or a work colleague. The 'Companion' will be permitted to address the meeting in order to state the case, to sum up the case, to confer with the individual or to respond on their behalf to any view expressed at the meeting. The 'Companion' will not have the right to answer questions on behalf of the employee.
- 3.2. An employee will have the right to ask for meetings arranged as part of this Grievance Procedure to be postponed for up to one week if the 'Companion' cannot attend on the date given. The request for a postponement should be made in writing and a response will be confirmed by the University, in writing.

4. PROCEDURE

4.1. Informal Grievance Procedure

Most grievances can be resolved quite simply and swiftly in an informal manner, at local level, by discussing the issue or concern with line management. Employees are encouraged, wherever possible to follow this informal route so that a speedy resolution can be achieved. If a grievance is raised in an informal manner with a supervisor or line manager, a response should be provided verbally as soon as possible and in any case within 5 working days.

4.2. Formal Grievance Procedure

If the grievance cannot be settled informally, at local level, then it may be raised formally with the Management of the University. The University's formal procedure complies with the terms of the ACAS Code of Practice for handling grievances in the workplace.

4.2.1. Statement of Grievance / Written Complaint

The employee must set out their particular grievance in writing and submit it to the University without unreasonable delay. The written grievance should be submitted to the line manager with a copy to the Director of Human Resources indicating if possible how they would like the University to resolve the grievance. If the grievance is against the employee's immediate supervisor/manager the issue should be raised at the next level of management and the procedure will commence at the appropriate level.

4.2.2. Preparation for the Grievance Meeting

The Director of Human Resources will acknowledge receipt of the formal grievance. The Management of the University will make investigations about the grievance raised by the employee prior to inviting them to attend a meeting to discuss the matter. The purpose of the investigation will be to establish the facts, both those that support the grievance and those that do not. The HR Department will provide relevant support.

The Director of Human Resources in conjunction with a Pro Vice Chancellor will determine who will hear the grievance. The grievance will normally be heard by a senior manager. The range or type of grievance can be quite broad. In some cases, and at some levels, it will be deemed that an independent Committee should be established to hear the grievance and in such cases the HR Director or a PVC will undertake the necessary arrangements to select appropriate Committee members. As a measure of best practice the University will aim to

establish a mixed gender Grievance Committee. Issues related to confidentiality and speed of response may at times frustrate this aim.

4.2.3 The Grievance Meeting

The University will organise the grievance meeting as swiftly as is reasonably possible and the employee should take all reasonable steps to attend. Employees have the right to be accompanied at that meeting by a 'Companion' as explained in section 3 of this policy.

The Grievance Meeting Protocol is detailed in Appendix 1 of this document.

4.2.4 Notification of decisions

Following the Grievance Meeting the employee will be notified of the decision as soon as reasonably possible and this decision will be confirmed in writing within five working days after the meeting. This notification will advise of the **right to appeal** against the decision should the employee be dissatisfied with the outcome. The notification will indicate the person to whom the appeal is to be addressed and the time frame for submission. The employee will be advised that they must state their grounds for appeal in writing.

4.2.5 The Appeal Meeting

If an employee has exercised their right to appeal against the decision of the Grievance Meeting within the set timescales laid down, the University will then invite the employee to attend a further meeting. All reasonable steps must be taken to attend this meeting. The Appeal Meeting will be conducted by managers who were not involved in the informal or formal stages of the Grievance Procedure. Although it might not always be the case, these managers would normally be of a more senior level than the managers involved in the Grievance Meeting. Most appeal meetings will take the form of a review of the decision of the Grievance Meeting. The employee will be notified of the decision within five working days of the Appeal Meeting.

The decision will be final and there will be no further right of appeal.

N.B Where the grievance is against the Vice Chancellor, a Pro Vice-Chancellor or any member of staff who has been appointed by the University Council then both the Meeting and the Appeal will be heard by a sub-committee of the University Council.

5. NOTES AND RECORDS

Notes and records compiled during any part of the Grievance process will be filed in accordance with Data Protection legislation.

6. MEASURES AIMED AT REDUCING DISCIPLINARY AND GRIEVANCE ISSUES IN THE WORKPLACE

The Governors and Management of University of Wales Trinity Saint David recognise that 'prevention is better than cure'. Whilst they recognise the importance of dealing with discipline and grievance issues fairly and effectively they also realise that it is more important to prevent problems arising in the first place, and will seek to establish sound working practices in partnership with the trade unions.

APPENDIX 1 - FORMAL GRIEVANCE MEETING PROTOCOL

1.1. In advance of the Formal Grievance Meeting

The Director of Human Resources will:

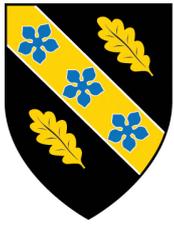
- a) acknowledge the receipt of the Grievance, in writing within five working days;
- b) determine a date, time and place for the hearing of the Grievance;
- c) give written notice to the Employee raising the grievance, the person against whom the grievance is being raised (the Respondent *), the Grievance Committee (or the Manager hearing the grievance);
- d) advise all parties of the processes to be followed at the meeting;
- e) advise individuals about the right to be accompanied and the related protocols;
- f) establish the names of probable witnesses for either party and advise those witnesses of the date and place of the hearing and, wherever possible, the time at which they are likely to be called; and
- g) ensure receipt by the Grievance Committee of all statements and the names of witnesses, not less than five working days prior to the Meeting.

1.2. During the Grievance Meeting

- a) The Grievance Committee or Manager hearing the grievance will refer to any written evidence that has been gathered in the course of any investigation that has taken place.
- b) The Employee raising the grievance (or his/her 'Companion') shall present the case and may call witnesses in succession. The witness(es) can then be questioned, firstly by the Employee raising the grievance (or his/her 'Companion'), then by the Respondent *(or his/her 'Companion') and then the Grievance Committee or Manager hearing the grievance.
- c) The Respondent (or his/her 'Companion') can then exercise their right to reply and may call witnesses, in succession, who may be questioned firstly by the Respondent (or his/her 'Companion'), the Employee raising the grievance (or his/her 'Companion') and then by the Grievance Committee or Manager hearing the grievance.
- d) The Respondent (or his/her 'Companion') will have the right to present a summary of their case.
- e) The Employee raising the grievance (or his/her 'Companion') will then conclude by summarising his/her case.
- f) At any point during the meeting, the Chair or Manager may adjourn the proceedings if it appears necessary or desirable to do so, including for the purpose of gathering further information or investigating any allegations made.
- g) The Chair or Manager will close the meeting in order to deliberate and to reach a decision.

**it is acknowledged that there will not be a respondent as such in each case.*

The Chair/Manager has discretion, in exceptional circumstances, to amend the normal format of the meeting, for example, but not limited to allowing the questioning of witnesses through the Chair only rather than directly. The reason for any amendment will be made known to the Respondent, the Employee and his/her Companion. No amendments will be made without first consulting the Director of Human Resources.



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Related documents

Disciplinary Policy
Sickness Absence Management Policy
Anti Bullying and Anti Harassment Policy
Whistleblowing Policy