**Grievance Policy**

**Mae'r ddogfen hon hefyd ar gael yn Gymraeg** / This document is also available in Welsh

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**Grievance Policy**

# **Purpose**

## Cardiff Metropolitan University is a values driven University and expects all employees to champion its shared values of Creativity, Diversity, Freedom and Innovation, and its behaviours of Leadership, Trust, Courage and Accountability.

## The University recognises that on occasions, employees may experience concerns with their work, work environment or working relationships that they wish to raise and resolve. Ensuring that people are treated fairly and are able to resolve these issues are important factors in the creation of a productive working environment.

## Grievances are concerns raised by an employee. Issues that may cause grievances include terms and conditions of employment, health and safety, work relations, bullying and harassment, new working practices and discrimination.

## This policy is designed to help employees express their concerns in a professional manner. It also provides the University with an opportunity to address these concerns.

## This policy outlines its key principles, and the [Grievance Procedure](https://outlookuwicac.sharepoint.com/%3Aw%3A/r/sites/PeopleServices/_layouts/15/Doc.aspx?sourcedoc=%7B721A66E3-D95C-4DEF-9183-88E8A0B4C47B%7D&file=Grievance%20Procedure.docx&action=default&mobileredirect=true) sets out the procedure for how to deal with a grievance.

## This policy is non contractual.

# **Scope and Aim**

## The University’s aim is to ensure prompt, consistent and fair treatment and to be clear about the expectations of all parties.

## This policy applies to all employees of the University.

## The University’s Articles of Government define the specific arrangements that apply only to the holders of senior posts (as defined in the Articles of Government). These are set out in the [Procedure for Senior Post Holders](https://outlookuwicac.sharepoint.com/%3Aw%3A/r/sites/PeopleServices/_layouts/15/Doc.aspx?sourcedoc=%7BAE09A3B9-EEDD-4028-AF12-1CBBA77661FF%7D&file=Grievance%20Procedure%20Addendum%20for%20Senior%20Post%20Holders.docx&action=default&mobileredirect=true).

## The aim of the Grievance Policy is to ensure that where a concern cannot be resolved as part of the normal communication process, for example regular meetings between the employee and the manager, then a fair approach to address such grievances is followed in a consistent manner.

## This policy does not apply where there is a specific alternative in place. If there is any uncertainty about which procedure should apply, People Services will advise the most appropriate course of action.

## All grievances will be dealt with sensitively and in confidence.

## Matters that are excluded from being dealt with under this Policy and its associated procedures are:

### Grievances concerning two or more employees, raised by a recognised Trade Union Representative, otherwise known as a collective grievance. Collective grievances will be dealt with under the Collective Disputes Procedure.

### Matters that are subject to collective bargaining.

### Protected Disclosure Concerns (raised under the Public Interest Disclosure Act 1998). Protected Disclosure Concerns should be raised under the [University’s Whistleblowing Policy and Procedure.](https://www.cardiffmet.ac.uk/about/policyhub/Documents/whistleblowing-policy.docx)

### Concerns over which the University has no control, for example Inland Revenue rules and Health and Safety legislation.

### Where an employee is aggrieved following the outcome of a disciplinary or capability process, they should not use the grievance procedure. In these circumstances, the employee should make use of the relevant appeals procedure.

### A grievance that has been previously been exhausted through the formal stages of the procedure (including the appeal stage) unless significant new evidence has come to light which may have influenced the outcome of the original investigation had it been known at the time.

### Grievances raised by former employees will not be considered. Employees should submit their grievance before leaving the University in order to allow time for resolution.

### Where the grievance relates to harassment and bullying, the procedure may deviate slightly in that the complainant may want to report their concern to a People Services representative or their Dean of School or Director of Service.

### Where there is evidence that a grievance is deliberately vexatious, it will not be considered by this policy. The Commissioning Officer will make the decision as to whether a grievance is deliberately vexatious based on the available evidence. Examples of a deliberately vexatious grievance are grievances which:

* Make intentionally false or malicious allegations.
* Have the intention of causing unnecessary harm or as a form of bullying against a colleague or manager.
* Are frivolous in nature and are unmerited.
* Have the main aim of wasting time and resources or delaying the progress of other processes.

# **Principles**

## This policy and its associated procedures are designed to deal with concerns fairly. There are a number of elements to this:

### The University will always seek to resolve concerns informally and as quickly as possible.

### Employees must let the University know the nature of the concerns promptly.

### The University will address concerns promptly and must not unreasonably delay meetings, decisions or confirmation of those decisions.

### The University and its employees will act reasonably and consistently.

### Employees are entitled to be accompanied at all formal grievance meetings by a fellow worker or Trade Union Representative.

### The Grievance Procedure will be conducted in line with the University’s commitment to equality and fairness for all. The procedure will be conducted objectively, transparently, will be free from bias and discrimination and fairly applied.

### The University will clearly set out the responsibilities and entitlements of all employees.

### The University will clearly set out the responsibilities of all managers.

### The University will ensure that managers receive appropriate training in relation to the policy and procedure, their duties and responsibilities.

### The University requires all employees to cooperate fully in all stages of the grievance procedure.

### Employees will not be penalised, victimised or harassed in any way for raising a grievance in good faith, or for supporting a colleague through the grievance process.

# **Key Roles and Responsibilities**

## Managers are responsible for implementing the policy and procedure consistently and in line with current legislation and best practice.

## Employees will notify the appropriate person of the nature of their grievance promptly.

## Employees are expected to engage with informal resolution before invoking the formal stages of the Grievance procedure.

## People Services will provide accurate and timely advice to managers and employees on the application of this policy and associated procedures and ensure that it is consistently applied across the University.

## People Services will coordinate the formal grievance procedure, ensuring that timescales are monitored and reasonable.

# **Confidentiality**

## The University's aim is to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved.

## All those involved must treat as confidential any information communicated to them in connection with an investigation or grievance matter.

## Where employees break confidentiality, they may be subject to disciplinary proceedings.

# **Welsh Language Standards**

## The University is fully committed to meeting the Welsh Language Standards and to ensuring that the Welsh language has equal status in its working practices in Wales and it welcomes correspondence in Welsh.

## More information in relation to raising a grievance through the medium of Welsh Lanugage can be found in the [Grievance Management](https://outlookuwicac.sharepoint.com/sites/PeopleServices/Policies%20and%20Procedures/Forms/AllItems.aspx?id=%2Fsites%2FPeopleServices%2FPolicies%20and%20Procedures%2F10%20Resolving%20Problems%20at%20Work%2FGrievance%20Toolkit%2FGrievance%20Procedure%20%2D%20Guidance%20for%20Managers%20%2Epdf&parent=%2Fsites%2FPeopleServices%2FPolicies%20and%20Procedures%2F10%20Resolving%20Problems%20at%20Work%2FGrievance%20Toolkit) and [Staff Guidance.](https://outlookuwicac.sharepoint.com/sites/PeopleServices/Policies%20and%20Procedures/Forms/AllItems.aspx?id=%2Fsites%2FPeopleServices%2FPolicies%20and%20Procedures%2F10%20Resolving%20Problems%20at%20Work%2FGrievance%20Toolkit%2FGrievance%20Procedure%20%2D%20Guidance%20for%20Colleagues%20%2Epdf&parent=%2Fsites%2FPeopleServices%2FPolicies%20and%20Procedures%2F10%20Resolving%20Problems%20at%20Work%2FGrievance%20Toolkit)

# **Data Protection**

## All records in relation to the University’s Grievance Policy and Procedure will be held confidentially and in accordance with the principles of the General Data Protection Regulation 2018, Data Protection Act 2018 and the University’s Data Protection Policy.

# **Policy Revision**

## The People Services Department will proactively advise, support, and monitor the application of this policy and procedure.

## To ensure it is relevant and effective, this policy will be reviewed every three years or where there is a change in the University’s requirements, good practice, employment legislation or case law.

# Addendum – Senior Post Holders

**Grievance Procedure Addendum for the Management of Grievances raised by or about Senior Post Holders**

**Mae'r ffurflen hon hefyd ar gael yn Gymraeg** / This form is also available in Welsh

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**Grievance Procedure**

**Procedural Addendum for the management of grievances raised by or about the holders of Senior Posts**

1. The University’s grievance policy and procedure is designed to help employees express their concerns in a professional manner. It also provides the University with an opportunity to address such concerns. The University’s aim is to ensure prompt, consistent and fair treatment and to be clear about the expectations of all parties. The University’s Articles of Government define the specific arrangements that apply only to holders of senior posts (as defined in the Articles of Government 1 (Interpretation) and Article 3 (1) (d) (i). This Addendum describes these arrangements.
2. As far as possible, the provisions of the main grievance procedure will apply to the consideration of grievances raised by or about holders of senior posts and the detailed procedural steps are not reproduced here.
3. For the purposes of this procedure, the Chair, or in the absence of the Chair, the Vice-Chair, of the Board of Governors has responsibility for the Vice-Chancellor and of the Clerk to the Board of Governors. The Vice-Chancellor is the manager of the University Secretary and other senior staff, which normally include members of the Vice-Chancellor’s Executive Group but is subject to Board approval.

**Raising a grievance**

1. If an employee wishes to raise a grievance about the holder of a senior post, they should contact the University Secretary and Clerk to the Governors in the first instance (or the Director of People Services if the grievance relates to the Clerk). The University Secretary and Clerk to the Board of Governors or Director of People Services will arrange for the grievance (set out in accordance with paragraph 4.5 and 4.6 of the main grievance procedure) to be submitted to the Vice-Chancellor, who will act as the Commissioning Officer for grievances raised against other senior staff, or to the Chair, or in the absence of the Chair, the Vice-Chair of the Board of Governors who may select another lay Governor to act as Commissioning Officer for grievances raised against the Vice-Chancellor or the Clerk to the Board of Governors.
2. The University Secretary and Clerk to the Governors will provide logistical and other support to the Commissioning Officer. If the grievance has been raised by or is about the University Secretary and Clerk to the Governors, the Director of People Services will normally support the Commissioning Officer.

**Informal procedure**

1. Whilst resolving differences between employees informally is generally preferred, greater care will be required for holders of senior posts to give all parties confidence in the process. In making arrangements for mediation or a facilitated meeting, consideration could be given to commissioning an external facilitator or mediator. It could be appropriate to call on a lay governor with no prior involvement to act as a facilitator of an informal procedure.

**Formal procedure**

1. If the informal process has not resolved the differences between employees, the formal process may be invoked. The formal procedure should proceed as in Section 4 of the main grievance procedure. The Commissioning Officer may appoint an independent external investigator to conduct a detailed investigation.

**Suspension**

1. Paragraph 4.14 of the main grievance procedure allows for the removal of any employees from the situation by means of a temporary arrangement or suspension. In accordance with Article 10 (1) the Chair or Vice Chair of the Governors may suspend the holder of a senior post for misconduct or other good or urgent cause. The Chair or Vice-Chair shall report such suspension in writing to the Board of Governors within two working days, or as soon thereafter as practicable. The University Secretary and Clerk to the Board of Governors along with the Investigating Officer should consider whether it is appropriate to remove any employees from the situation by means of a temporary arrangement or suspension and, if necessary, make a recommendation to the Chair or Vice Chair of the Board of Governors. Further provisions in relation to suspension of holders of senior posts, including the right of appeal may be found in paragraph 10 of the Articles of Government.

 **Right to be accompanied**

1. The main grievance procedure stipulates that the parties to a grievance may be accompanied at meetings with the Investigating Officer or Commissioning Officer by a work colleague or trade union representative. This may not be appropriate for the holder of a senior post who raises a grievance or who has had a grievance raised against them and they may be accompanied by a friend from outside the institution, with the proviso that the companion should not be a legal practitioner.

**Appeals**

1. The employee who raised a grievance dealt with in accordance with this addendum has the right to appeal the outcome, subject to the provisions of section 6 of the main grievance procedure. Appeals in relation to grievances dealt with in accordance with this addendum should be submitted to the University Secretary and Clerk to the Board of Governors, or to the Director of People Services if the grievance relates to the University Secretary and Clerk to the Board of Governors who will decide whether the appeal should proceed.
2. The Chair will appoint either a lay member of the Board of Governors or an external expert to act as the Appeal Officer in relation to any appeals submitted at stages one or two (provided they have had no prior involvement with the matters under consideration) and their decision will be final.