



Swansea University
Prifysgol Abertawe

Ordinance 11.10 - Staff grievances

Part I - Application and scope

1. At any stage of the grievance ordinance, the person(s) or panel dealing with the grievance at that stage may, at his, her or its discretion, defer consideration of the grievance if other proceedings under Statute [6] concerning the member of staff raising the grievance, and which are relevant to the substance of the grievance, are pending or are in progress.
2. This ordinance will apply to grievances by members of staff concerning their appointment or employment in relation to matters affecting themselves as individuals or their personal dealings or relationships with other staff of the University (including, but not limited to, issues of harassment or unlawful discrimination). A grievance may be raised about matters concerning work or the conditions of employment except:
 - actions or decisions taken under the disciplinary, capability/performance, probation, redundancy, incapacity or retirement ordinances or other dismissal ordinances or the initiation of those ordinances. Complaints about these matters should be considered at hearings under these ordinances;
 - grading decisions, which will be managed through the appropriate grading appeal procedure;
 - collective disputes;
 - grievances raised by former employees: this ordinance shall not apply to any grievance raised by an employee after termination of his/her employment. This ordinance shall cease to apply if, during the course of the ordinance, the employment of the employee terminates. In such circumstances, the University shall notify the former employee of the appropriate procedure, if any, to be followed.

Part II - General Principles

3. The member of staff should, as far as is reasonably possible and appropriate, aim to resolve the grievance informally through discussions. These should normally involve the member of staff's immediate line manager, and, where appropriate, any person or persons to whose conduct the grievance relates. As an alternative, and if the grievance relates to his/her line manager, the member of staff can discuss the matter on an informal basis with a member of the Human Resources Directorate, a senior manager within their Faculty or Directorate. If the grievance cannot be resolved, normally after meaningful and thorough attempts, then the procedures below should be followed.

4. Where appropriate any member of staff against whom a grievance is raised will be advised as soon as reasonably practicable of the nature of the grievance raised against him/her and be given the opportunity during the investigation and/or at any formal meeting or hearing where appropriate to state his/her case. The member of staff may be accompanied at any such meeting or hearing by a work colleague or trade union representative. To facilitate the proper investigation of a complaint and to avoid the possibility of further exacerbation of the situation through continued contact, the University may require, without prejudice, one or more parties to work in or from a different location during the period of investigation, where this is practical. It may not be possible for all of the duties of the post to be performed.

Part III - The Procedures

5. The intention of the procedures detailed below is to investigate and seek to resolve the grievance and identify any actions that may need to be taken as a consequence.

Stage 1

6. If the member of staff's grievance remains unresolved, or if he/she is unable to raise the matter informally, he or she shall write to his/her immediate line manager, using the Notification of Grievance Form giving full details and indicating the remedy sought. If the grievance concerns the immediate line manager, the member of staff should write to their relevant Director or Pro Vice Chancellor. If the grievance concerns the relevant /Director or Pro Vice Chancellor the member of staff should write to the Provost (academic staff) or the Chief Operating Officer (professional services staff). If the grievance concerns, the Provost or the Chief Operating Officer, the member of staff should write to the Vice Chancellor. If the grievance concerns the Vice Chancellor, the member of staff should write to the Chair of Council.
7. The member of staff shall also provide clarification on any aspect of the grievance if requested to do so by the person they sent their Grievance to (the "Relevant Postholder"), who shall normally investigate the substance of the grievance and, unless he or she deems it to be inappropriate or the member of staff refuses his or her consent, discuss it with any person to whose conduct the grievance relates. It should be recognised by the person bringing the grievance however that refusal of consent may limit the scope and outcome of the investigation. Any such concerns should be raised at the earliest opportunity.
8. The Relevant Postholder may appoint another appropriate person to investigate the grievance on his/her behalf (the "Investigating Officer"). The Relevant Postholder or the Investigating Officer shall invite the member of staff to attend a meeting to discuss the grievance with a view to resolving it.
9. The Relevant Postholder or the Investigating Officer will gather any relevant evidence from witnesses and may interview such witnesses, unless the

Relevant Postholder deems it to be inappropriate or the member of staff refuses his or her consent. The written statement of grievance and any written evidence adduced shall be circulated to witnesses and the Relevant Postholder or the Investigating Officer shall allow proper time for consideration and response.

10. After such meeting the Relevant Postholder or the Investigating Officer shall inform the member of staff, in writing, of his or her response to the grievance. In the event of further investigation being necessary, the member of staff will be notified of any delay. The Relevant Postholder's or the Investigating Officer's response shall indicate the procedure for the member of staff to proceed to Stage 2 if he or she is not satisfied with such response.

Stage 2 - Appeal

11. If the member of staff is not satisfied with the Relevant Postholder or the Investigating Officer response, he or she should write to the Vice-Chancellor's office, within 14 days of the Relevant Postholder's or the Investigating Officer's notification, setting out his/her Grounds of Appeal, including:
 - (i) full details of the grievance and indicating the remedy sought;
 - (ii) details of the steps he or she has taken in attempting to resolve the grievance thus far, enclosing copies of all relevant correspondence;
 - (iii) the reasons why he or she is dissatisfied with the outcome of Stage 1 of the ordinance.
12. The Vice-Chancellor or an appropriate senior officer nominated by the Vice-Chancellor will pass a copy of the Grounds of Appeal to a person (the "Chair of the Grievance Appeals Panel") who may be a member of staff, a Council member or an external member appointed by the Vice-Chancellor (academic staff) or by the Chief Operating Officer (professional services staff) or the Chair of Council (in cases where the grievance lies against the Vice-Chancellor) to hear the appeal. The Chair at his or her discretion may nominate up to two other members, who may be members of staff, officers, members of Council or external members.
13. The Vice-Chancellor or an appropriate senior officer nominated by the Vice-Chancellor will invite the member of staff to attend an appeal hearing to discuss the grievance normally within 25 working days of receiving the member of staff's Grounds of Appeal.
14. The conduct of the grievance appeal shall be at the discretion of the Chair of the Grievance Appeals Panel. The Chair of the panel will decide whether the appeal is to be conducted by way of a hearing or by correspondence having due regard to any statutory requirement that a meeting should be held in any particular circumstances.
15. Where the Chair has nominated up to two other members, normally a unanimous decision will be expected but if the members of the Grievance Appeals Panel cannot agree, the decision of the Grievance Appeals Panel shall be that of the majority of its members.

Mediation

16. At any stage in this ordinance the University (via the Director of Human Resources or a member of the HR Senior Leadership Team) or the member of staff may request that this matter be dealt with via referral to the University's mediation policy. Mediation is voluntary and will take place only if all parties agree. However, the University hopes that staff will be amenable to any suggestion made by the University to refer grievances to mediation and hope that staff will co-operate with all efforts to resolve a complaint. Mediation may involve external or internal mediators but external mediation will only be available with the express permission of the Chief Operating Officer or Director of Human Resources.
17. If both parties agree to mediation, the grievance ordinance will be put on hold whilst the mediation takes place. If the grievance is resolved through mediation, the mediator will assist the parties to draft a written agreement that will be signed by both parties as acceptance of its terms. This should include an express confirmation that the grievance has been satisfactorily resolved.
18. In the event that no mutually acceptable solution is reached through the mediation process, with the permission of the complainant, the grievance ordinance will be reconvened.
19. If a member of staff leaves the University when a Grievance has been lodged the Relevant Postholder may continue to investigate the substance of the grievance if he or she deems it appropriate. In these circumstances the relevant post holder may set out his/her response in writing. This response shall be sent to the former member of staff normally within 25 days of receipt of his or her grievance.
20. If a member of staff wishes to raise a grievance after the termination of his/her employment the University may follow the above procedure where appropriate. Complaints from former members of staff will not be considered as grievances if they are lodged more than 3 months after the end of their employment with the University.