

# Grievance Policy and Procedure

<b>Policy:</b>	Grievance
<b>Version:</b>	8.0
<b>Synopsis:</b>	This policy defines Study Group principles regarding how a Grievance Policy is applied and the process to be followed
<b>Policy Owner:</b>	Study Group People Experience Team
<b>Relevant to:</b>	All UK staff and Rest of the World except ANZ and US. <b>For ANZ and US please contact your local People Experience Team</b>
<b>Publication:</b>	This policy will be made available to staff via myStudyGroup
<b>Date introduced:</b>	1 June 2016
<b>Date from which this version effective:</b>	1 September 2022
<b>Next review date:</b>	This policy will be reviewed annually, or in line with legislative or regulatory changes or guidance from Codes of Practice.
<b>Related Documents:</b>	Dignity at Work Policy Equality & Diversity Policy (UK Staff Only) Disciplinary Procedure Global Whistleblowing Policy

Version Control	Date Issued	Next Review
Policy implementation V 1.0	March 2015	
V 6.0	October 2020	September 2022
V7.0	March 2022	August 2022
V8.0	August 2022	August 2024

## **Introduction**

A grievance is an employment-related concern or complaint which we aim to deal with promptly and fairly and to make all reasonable efforts to achieve a satisfactory outcome.

We believe that everyone should be treated fairly and with respect. If you are unhappy about the treatment that you have received, or about any aspect of your work, you should in the first instance discuss your concerns with your manager who will attempt to resolve the concerns on an informal basis.

If you feel unable to approach your manager directly, you should approach your manager's manager, or your People Experience Business Partner, who will discuss ways of dealing with the matter with you. Issues which are the subject of collective negotiation or consultation with a Trade Union, or matters which are dictated by external regulations, will not be considered under the grievance procedure.

Where attempts to resolve the matter informally do not work, it may be appropriate for you to raise a 'formal grievance' under this procedure. A formal grievance should relate to concerns about how you feel you have been treated by the organisation or managers acting on its behalf. It may relate to aspects of your work including the allocation of work, your working environment or conditions, the opportunities that you have been given for career development or the way in which you have been managed.

If your complaint relates to harassment or discrimination based on a protected characteristic please refer to Respect in the Workplace Policy, available on Mystudygroup, before raising your grievance.

Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure. Should a grievance be raised while you are subject to disciplinary or capability proceedings, the Company will determine whether it is appropriate to halt such proceedings until the grievance is resolved. Insofar as a grievance has any bearing on the disciplinary or capability proceedings, it can be raised as a relevant issue during those proceedings.

You will not be penalised for raising a genuine grievance. Where a manager believes that grievances are raised either maliciously, shared inappropriately, occur one after another in a series of complaints, overlap with concurrent disciplinary process or involve multiple factors, then the People Experience Team must be informed so that they can advise on the best course of action, which may include initiating the disciplinary process.

We will follow local legal requirements where they differ to this procedure.

### **1.0 Making the complaint**

The first stage of the grievance procedure is to put your complaint in writing, headed "Formal Grievance".

This written statement will form the basis of the grievance meeting and any subsequent investigations, so it is important that you clearly outline the nature of the complaint and the outcome(s) you are seeking. If the nature of a formal grievance is unclear, we may request further clarification on the content/nature of the complaint before any grievance meeting takes place.

A formal grievance must provide facts/evidence of the situation to support the grievance. It should be a summary outlining the key issues that you have been unsuccessful in addressing informally, and clearly outline the resolution you are seeking. This should be sent to your manager along with any supporting evidence.

If the complaint relates to matters concerning your manager or if you would feel more comfortable doing so, it is recommended that the complaint is sent to your manager's manager or appropriate People Experience Business Partner.

After the formal grievance is submitted, the manager hearing the grievance may decide that further informal attempts may be made to resolve the matter, depending on the nature of the complaints raised and following discussions with you.

Where the matter is straightforward to consider or determine, then it is expected that your manager would be the most appropriate person to hear the grievance, gather information and reach a decision. For complex or serious cases, it may be more appropriate for someone other than your manager to deal with the meeting and gather information. If you disagree with the named manager who is scheduled to hold the meeting, then it is important that you raise this formally with your People Experience Business Partner *prior to the meeting taking place*, stating the reasons why.

## **2.0 Mediation**

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. In most scenarios this will be conducted by an appropriate manager or may involve the appointment of an independent third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree. This is not offered as a matter of course and Study Group has no obligation to offer or arrange mediation, rather it may be considered in exceptional circumstances.

## **3.0 Recording of Meetings**

You, or any person acting on your behalf, are not normally permitted to record electronically any meeting held by Study Group as part of the grievance procedure. This is to encourage openness and full participation by all parties during meetings. Any breach of this provision may lead to disciplinary action up to and including dismissal.

In certain limited circumstances, we may permit the meeting to be recorded electronically. For example, where the individual is disabled, it may be appropriate as a reasonable adjustment under the Equality Act 2010. Where the organisation does permit the meeting to be recorded electronically, it will take responsibility for making the recording.

Notes of the meeting will be taken, which you will have sight of after the meeting and before any further action on the grievance is taken. This is to make sure that there is agreement by all parties around the points to address. Notes taken will not be verbatim.

## **4.0 Data Protection**

Study Group processes personal data collected during informal complaints and the formal grievance procedure in accordance with its Data Protection Policy and Employee Privacy Notice. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure.

All individuals who are involved in any part of the grievance process are required to keep all information disclosed or discussed in meetings in the strictest of confidence. A breach of this confidentiality requirement may result in disciplinary action being taken against the individual concerned.

Inappropriate access or disclosure of individual data constitutes a data breach and should be reported in accordance with the Data Protection Policy immediately. It may also constitute a disciplinary offence which will be dealt with in accordance with our Disciplinary Policy.

## **5.0 The right to be accompanied**

You have the right to be accompanied by a work colleague or Trade Union official (UK Based Employees only) at any grievance meeting or subsequent appeal hearings. The Trade Union officials do not need to be an employee of Study Group however, Study Group reserves the right to request proof that the Trade Union official is trained to accompany you at grievance hearings.

It is up to you to choose a companion. Please note that people are not obliged to agree to a request to be a companion for another member of staff. Companions will be given appropriate time off to support their colleagues at a grievance hearing or appeal hearing.

The companion can address the meeting/hearing, to put forward your case, sum up the case and respond on your behalf to any view expressed at the hearing. The companion may also confer with you during the hearing. However, there is no requirement for you to permit the companion to address the hearing where you indicate you do not wish this. The companion is not permitted to answer questions on your behalf or prevent the hearing manager from putting forward their views.

You should notify us whether you will be accompanied and who your companion is ahead of the grievance meeting.

Should the companion act in a way that Study Group reasonably feels obstructs the hearing process, we reserve the right to require that the companion leaves the hearing. The hearing would then be adjourned and would normally be reconvened within two working days. Should you wish to be accompanied to the reconvened hearing, you will need to arrange for a different companion to accompany you.

## **6.0 Accessibility**

If you find any aspect of the grievance procedure difficult on account of any disability you may have, or if you need help because English is not your first language, you should raise this with your People Experience representative, who will help you find additional support.

## **7.0 Conducting the grievance procedure**

We recognise 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, and we will do our best to support you if you are involved in any proceedings under this policy. We 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 our Disciplinary Policy.

## **8.0 The Grievance Hearing**

The hearing will be held as soon as is reasonably possible, usually within 10 working days of the receipt of a formal grievance. If it is not possible to conduct the hearing in this timeline, this will be explained to you and a revised timeline will be proposed. It will be conducted by an appropriate manager and may also be attended by a People Experience representative.

At the meeting, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter.

You should ensure you attend the meeting at the specified time. If this is not possible because of circumstances beyond your control, you should let your manager or your People Experience Partner know as soon as possible. If you don't attend, and can't explain why you aren't attending, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

While every opportunity is given to you to explain your case fully, the meeting will be confined to that which is directly relevant to the formal complaint. Focussing on irrelevant issues or incidents that took place a long time before the matters in hand is not helpful and can hinder the effective handling of complaints. The manager conducting the hearing will intervene if they think that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the formal complaint.

An investigation may be required before a response can be provided. If that is the case you will be notified.

Following the meeting and any investigation, you will be informed in writing of the outcome within a reasonable period (usually 10 working days after the meeting) and any action that we propose to take as a result of the formal complaint. There may be outcomes that the hearing manager is unable to disclose due to confidentiality and in those cases the outcome will be limited to action will be taken. In some instances, it may not be possible for your manager to provide a written response in this timeframe, and you will be advised of a revised timeline.

You may discuss the outcome from the formal complaint informally with either your manager or People Experience representative.

If you are unhappy with the outcome of a formal complaint, you can submit a formal appeal.

## **9.0 Appeal**

An appeal must be made in writing to the person who has been identified in the letter as Appeal Manager. It should clearly state the grounds of the appeal, i.e., the basis why you do not agree with the outcome. This should be done within 5 (five) working days of receiving written notification of the grievance outcome.

An appeal meeting will be arranged within a reasonable period (usually 10 working days after a formal appeal has been submitted). If it is not possible to conduct the hearing within these timescales, the hearing manager will explain this to you and propose a revised timeline.

You should attend the meeting at the specified time. If you are unable to attend, please inform the Appeal Manager or assigned People Experience representative as soon as possible. If you fail to attend without explanation, or you have not made sufficient attempts to attend, the hearing may take place in your absence.

The appeal hearing will be conducted by a different (and where available) more senior manager to the individual who held the first grievance meeting.

The Appeal Manager will normally have had no direct involvement in the grievance to date. Their role will be to consider the grounds that have been put forward, review the grievance documentation, conduct any further investigations and then decide whether to uphold, partially uphold or not uphold the decision reached at the original grievance hearing.

The Appeal Manager reserves the right not to consider matters that were not raised in the original grievance.

Following the appeal meeting, you will be informed of the outcome within a reasonable period (usually 10 working days after the appeal hearing, wherever possible). If it is not possible to provide a written outcome within these timescales, we will let you know this and propose a revised timeline. The outcome of this meeting will be final and there is no further right of appeal.

## Grievance Process – Roles & Responsibilities for each step of the process

Steps		When action should be taken	No of Days	Employee	Manager	Human Resources
1	Informal Discussion	At the earliest opportunity	0	Responsible for informing the manager of the concerns and be prepared to discuss in more detail	Responsible for meeting with the individual to work out how the matter can be easily resolved	No involvement required, unless asked by the employee to provide alternative individual to the manager
2	Raise a Formal Grievance	Without unreasonable delay if the grievance has not been resolved informally	0	Responsible for setting out the nature of the grievance in writing to the manager (or the individual advised by People Experience team). Subject heading must read "Formal Grievance"	Upon receipt of a formal grievance, acknowledge its receipt and set up a meeting with the individual within a reasonable period (aiming for 10 (ten) working days following receipt of the formal grievance) to understand and where possible resolve the concerns raised	Arrange an appropriate manager to hear the grievance. Provide advice and support as requested by employee or manager.
3	Grievance Meeting	Usually within 10 working days of grievance being received	10	Invited to a formal grievance meeting. Can be accompanied by a Trade Union representative or work colleague. Must inform the manager hearing the grievance who their companion is in advance of its scheduled start time,	Needs to familiarise themselves with all the documentation including the grievance procedure. Ensure that the meeting is conducted fairly, with the employee being given sufficient time to explain their grievance and how they think it should be resolved	Provide advice and support to the manager and employee with regards to the process.  Ensure fairness and consistency around the process
4	Investigation	If required and following the Grievance Meeting	Could range from 10-30+ depending on complexity of the case and availability of colleagues to speak to	Will be kept informed of the overall timescales being worked to and of any extension to this.  It will not be necessary to provide the employee with details of who has been spoken to, when and what was said	The investigation should focus on establishing the facts relating to the grievance concerns.  Keep individual informed especially if outcome cannot be provided within timescale	Responsible for ensuring that the process is run correctly, namely:- <ul style="list-style-type: none"> <li>• appropriate person conducting investigation</li> <li>• timescales being adhered to</li> </ul>
5	Decision made and communicated in writing	Usually within 10 working days of the meeting or decision being made	Subject to investigation usually within 10 days	Will receive written confirmation of the decision together with any right of appeal	Manager's responsible for deciding the outcome of the Grievance, determine actions to be taken and write to the individual confirming outcome	Support the Manager in the decision-making process, provide guidance around the actions and the communication of the outcome to the employee (in writing)

Steps		When action should be taken	No of Days	Employee	Manager	Human Resources
6	Opportunity to Appeal	Within 5 working days of the decision letter	5	If the individual disagrees with the decision, they have the right to appeal. The appeal should be made in writing to the manager named within the letter, stating precisely why it is believed the decision reached was incorrect with evidence to support this.  Appeal must relate to the matters raised in the grievance and the outcome.	The designated Appeal Manager needs to arrange an appeal meeting within a reasonable period (aiming for 10 (ten) working days following receipt of the appeal).	Arrange an appropriate Manager to hear the appeal  Provide advice and support to the appeal manager and employee
7	Appeal	Usually within 10 working days of the appeal being received	10	Will be invited to a formal appeal meeting. May be accompanied by a Trade Union representative or Study Group colleague. They must inform the manager hearing the appeal who their companion is in advance of its scheduled start time, Appeal must relate to the matters raised in the grievance and the outcome. The appeal manager reserves the right not to consider new matters as part of the appeal	Needs to familiarise themselves with all the documentation including the grievance procedure. Ensure that the meeting is conducted fairly, with the employee being given sufficient time to explain the reason for their appeal	Provide advice and support to the manager and employee with regards to the process.  Ensure fairness and consistency around the process
8	Any additional Investigation required	Immediately following the appeal meeting.	10-20 days	Will be kept informed of the overall timescales being worked to and of any extension to this.  It will not be necessary to provide the employee with details of who has been spoken to, when and what was said	Review evidence undertake any further investigation	Responsible for ensuring that the process is run correctly, namely:-  <ul style="list-style-type: none"> <li>• appropriate person conducting investigation timescales being adhered to</li> </ul>
9	Communicate decision on outcome of the Appeal in writing	Usually within 10 working days of the meeting or decision being made	Usually within 10 days	Will receive written confirmation of the decision. There will be no further right of appeal.	Decide whether to uphold, partially uphold or overturn the decision based on the information received  Write to the individual confirming the outcome and there is no further right of appeal.	Ensure that the outcome of the Appeal Hearing is communicated in writing and such letters stored on the employee's HR file in case of future reference.

**This policy is non-contractual and may be amended at any time. It reflects the law that applies at the effective date of issue.**