

## RESEARCH COUNCIL GRIEVANCE POLICY

### Management Guidance

This document provides additional guidance for managers, employees and HR in the handling of grievance issues. It includes the Research Council's Grievance Policy and Procedure which is contractual. The additional guidance which is shaded is not intended to be legally binding and does not form part of the Grievance Policy and Procedure.

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## RESEARCH COUNCIL GRIEVANCE POLICY

### Policy statement

It is the Research Council's policy to encourage and maintain good employee relations in order to ensure a motivated workforce and to assist in the achievement of organisational objectives.

To this end, the Research Council operates a formal grievance procedure. The grievance procedure enables employees to raise concerns and the Research Council to clarify the nature of and reasons for grievances, which will ultimately create a more effective working environment.

The Research Council recognises that most routine complaints and grievances should be resolvable informally in discussions with either work colleagues or the employee's immediate manager. Any problem or concern that an employee may have should therefore, wherever possible, be dealt with quickly and effectively on an informal basis and as close as possible to the point of origin.

The Grievance Procedure is not intended to replace these informal discussions. However, situations may arise from time to time where an employee feels it necessary to formalise their concern in order to resolve it to their satisfaction and in these circumstances the formal grievance procedure should be used.

The Research Council also recognises that failure to address grievances can lead to general unrest and disputes in the workplace and will therefore seek to address issues in a fair, prompt and consistent manner.

The Grievance Policy and Procedure are agreed with the Trade Union Side and comply with legislation and the ACAS Code of Practice on grievance procedures.

The Grievance Policy and Procedure applies to all employees. This includes those employed on temporary or fixed term contracts but excludes Visiting Workers, students or those workers provided by a third party agency.

The UK Shared Business Services Ltd (SBS) provides HR Services across the Research Councils. However some employees are deployed at establishments/facilities/ships that do not access services from SBS. In these cases references to the SBS or the System will not apply and employees should refer to their Research Council HR team for assistance.

Whether a worker is deemed to be a worker or employee is not always clear under employment legislation. In cases where managers or individuals have any doubt as to whether the Grievance Policy and Procedure should apply, advice should be sought from the Research Council HR team.

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## 1. Principles

- 1.1 All new employees will be made aware of the Grievance Policy and Procedure upon commencing employment.
- 1.2 Through the Research Council's Grievance Policy and Procedure, individual employees will be advised of both informal and formal routes open to them to resolve issues of concern. This will include:
  - the person with whom they should raise a grievance (normally the employee's immediate manager)
  - sources of support
  - timescales within which the organisation will seek to deal with the complaint.
- 1.3 The Research Council is committed to ensuring that all grievances are fully investigated in a fair, prompt and consistent manner.
- 1.4 Where possible, the Research Council will always attempt to resolve an employee's concerns on an informal basis in the first instance and will, where appropriate, encourage the use of mediation to reach a resolution.
- 1.5 Employees will not suffer any detriment from exercising their right to raise a grievance.
- 1.6 At each stage of the formal grievance procedure, employees have the right to be accompanied by either a work colleague or represented by a recognised Trade Union Representative.
- 1.7 Insofar as is practicable, all grievances will be dealt with in confidence.
- 1.8 The Research Council will endeavour to accommodate any reasonable adjustments or other special requirements needed by employees: for example, assistance in attending meetings, providing documentation in an alternative format.

## 2. Application of policy

- 2.1 A grievance can relate to a wide range of workplace issues. A collective grievance is one raised by more than one person (see paragraph 6.1.9). However, it may not be appropriate to deal with all issues under the Grievance Procedure. Certain concerns are more appropriately dealt with under other Research Council policies. Generally, the following guide will apply:

<b>Grievance Relating to:</b>	<b>Research Council Procedure</b>
Disciplinary allegations/or offences	Disciplinary Policy and Procedure
Harassment and bullying	Harassment and Bullying Policy and Procedure
Treatment believed to be discriminatory (i.e. in relation to age, disability, gender reassignment, marriage & civil partnership, pregnancy, maternity, race, religion or belief, sex, sexual orientation, or trade union membership/activity).	Grievance policy

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Concerns about wrongdoing	Whistleblowing Policy
Complaint from non-Research Council employee	Research Council Complaints Procedure

### 3. Overview of grievance procedure

3.1 The Research Council's grievance procedure involves three defined stages for employees. These are:

- **Stage 1:** Informal grievance is raised.
- **Stage 2:** Formal grievance is raised when informal process not successful or the individual feels unable to raise the matter informally.
- **Stage 3:** Appeal against the outcome of a grievance decision when it is unsatisfactory. Appeals will normally be heard by a more senior manager than the person who made the original decision.

A brief summary of the Research Council's grievance procedure is attached in Annex 1.

### 4. Informal procedure

- 4.1 The Research Council encourages all employees to informally discuss any issues or concerns with their immediate manager in the first instance.
- 4.2 Where an employee feels unable to approach their manager directly, they should approach their Research Council HR team for assistance in dealing with the issue. Alternatively, local support and advice may be available from Trade Union representatives, harassment advisors and staff support groups.
- 4.3 Whilst there is no obligation for employees to instigate the informal process before proceeding to raise a formal grievance, it is recommended.
- 4.4 Informal discussions will not be formally documented, although a summary of the discussion(s) and outcome(s) may be noted.
- 4.5 Where informal attempts to resolve an employee's concern fail, it may be appropriate for the employee to raise a formal grievance under this procedure.

Managers should always try to discuss an employee's concerns on an informal basis first, with the aim of resolving any issues informally wherever possible.

While there is no requirement to formally document the grievance at the informal stage or to respond in writing, the manager should keep a note of discussions and/or conclusions.

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### 5. Mediation

- 5.1 Where appropriate the Research Council encourages mediation as an informal resolution to grievance issues.
- 5.2 Mediation is a structured process, facilitated by an independent person, during which both parties can discuss their concerns, both separately and together with the aim of working together towards a solution which is agreeable to both parties.
- 5.3 Mediation will only be used where all parties involved in the grievance process agree that they wish to use this method to resolve their concerns.
- 5.4 Any employees considering this as a route for resolution should contact their Research Council HR team.

### 6. Formal grievance procedure

#### 6.1 Raising a formal grievance

- 6.1.1 To raise a formal grievance an employee must put their complaint in writing and clearly set out the following:
  - the nature of the grievance and the basis for it
  - who the grievance is against, where relevant,
  - the outcome/resolution they seek
  - where relevant, it may also be useful for the employee to identify any individuals that they consider may have information relevant to the investigation.
- 6.1.2 Where the grievance can be supported by any documents or other records of evidence, the employee should enclose copies of these when submitting their written grievance.
- 6.1.3 The grievance should be clearly marked "Formal grievance" and sent to the employee's immediate manager. Where an employee feels unable to send a grievance directly to their manager, or their manager is the subject of the grievance, the grievance may be sent to the next senior manager or Research Council HR team.
- 6.1.4 Employees requiring assistance to put their grievance in writing should seek assistance from their Trade Union Representative or their Research Council HR team.
- 6.1.5 Where an employee raises a concern that is not necessarily in the above mentioned format, the Research Council will still investigate the concern in order to determine how the employee wishes it to be resolved.
- 6.1.6 Grievances should be lodged as soon as possible and in a timely manner.

Employees may not always raise a grievance in a formal grievance letter. A grievance may, for example, be raised within an email, resignation letter, or other alternative documentation. Managers should always investigate any concerns that an employee may raise.

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- 6.1.7 Upon receipt of a formal grievance, the manager will acknowledge in writing that a formal grievance has been raised by an employee. This will be sent without reasonable delay, and normally within five working days of the grievance being received.
- 6.1.8 Depending on the nature of the grievance, the manager may attempt (or make further attempts) to resolve the matter informally. This will normally involve an informal meeting between the manager and aggrieved employee. However, if the employee is not satisfied with the outcome, they may insist on the matter proceeding to a full grievance hearing.
- 6.1.9 Where a collective grievance is raised on behalf of two or more people, the matter must be discussed with the Research Council HR team and the appropriate TU representative to agree how the matter will be processed.

### **6.2 The grievance hearing**

- 6.2.1 The manager will arrange a meeting (“the grievance hearing”) to discuss the employee’s grievance.
- 6.2.2 The grievance hearing will be held without unreasonable delay and normally within 10 working days of the grievance being received, unless special circumstances mean that more time is required, for example, a complex investigation needs to be completed before the hearing can begin (see section 6.3). The details of the grievance hearing will be confirmed to the employee in writing prior to the meeting.
- 6.2.3 Where it is not practicable to hold the grievance hearing within 10 working days of the grievance being received (e.g. because a more detailed investigation is required), the manager conducting the hearing will write to the employee and advise them of the hearing date and the reason for the delay.
- 6.2.4 Employees have the right to be accompanied by a work colleague or represented by a recognised Trade Union representative at a grievance hearing. An employee should, where possible, confirm in advance of the grievance hearing either verbally or in writing whether they wish to be accompanied by a work colleague or represented by a recognised Trade Union representative and, if so, the identity of that individual. Confirmation should be provided to the manager conducting the grievance hearing.
- 6.2.5 Employees must take all reasonable steps to attend the grievance hearing.
- 6.2.6 Where an employee is unable to attend because of circumstances beyond their control, they should inform the manager as soon as possible. The grievance hearing should be postponed and rearranged for another more suitable date.
- 6.2.7 Should the individual the employee has chosen to accompany/represent them not be available on the proposed meeting date, the employee may suggest an alternative date and time for the grievance hearing to be held. The alternative meeting date must be within five working days of the original date proposed.
- 6.2.8 Alternatively, in exceptional circumstances and with agreement of both parties, the employee can give their consent for the chosen work colleague or Trade Union representative to attend the grievance hearing and present the employee’s case. The employee may also be allowed to make written submissions in such a situation.

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By way of an example, exceptional circumstances could be if an employee is expected to be bedridden for at least a month and therefore unable to attend the meeting. In this exceptional situation the manager may ask the employee to make written submissions or that their chosen representative presents their case. However, if an employee is signed off for 10 days and expected to return to work then, it would be reasonable for the meeting to be postponed.

- 6.2.9 Should the employee (or their work colleague/TU representative) be persistently unable or unwilling to attend the grievance hearing over a period of one month, and no written submissions are made in their absence, the Council has no further obligation to proceed with the meeting and the grievance may be found to be unsubstantiated.

Under the ACAS Code it is incumbent on the employer to arrange for a meeting to take place. The responsibility for taking the process forward after this switches over to the employee. If the employee does not attend and/or no written submissions are received, the decision maker may find the grievance to be unsubstantiated. However, this may not always be the case and will depend on the facts of the case.

- 6.2.10 The purpose of the grievance hearing is to fully understand the employee's grievance and ascertain how they think it should be resolved. An employee will always be given every opportunity to explain their complaint fully at this meeting. The manager may, where appropriate, decide to adjourn the hearing to allow further investigations to take place and re-convene the hearing when those investigations are complete.

At the grievance meeting the manager should:

- Introduce those present and explain their respective roles
- Explain the purpose of the meeting, which is to give the employee an opportunity to outline and explain their grievance in their own words
- Listen objectively to the employee's complaint, being careful not to dismiss the issues, even if they do not agree with what is being said
- Consider any documentation provided by the employee
- Seek clarification of the key issues and ask 'open' rather than 'closed' questions to elicit any missing information
- Seek specific details of issues. For example, if the employee says they have been discriminated against, the manager will need to find out specific details so that the allegations can be properly investigated. Ask questions such as who, when, why and ask for examples
- Be prepared to answer questions on current policies, practices etc
- Allow time for the employee to confer in private with their work colleague/TU representative at any point in the proceedings
- Ask the employee how they would like their grievance to be resolved
- Be prepared to adjourn the meeting at any time (e.g. if the employee becomes upset) or if further advice needs to be sought
- Close the meeting by summarising the grievance and explain what will happen next (e.g. speak to witnesses, review documentation etc)

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### 6.3 Investigation

- 6.3.1 Before deciding on an outcome of the grievance hearing, the manager should carry out an investigation into the allegation made.
- 6.3.2 Depending on the nature of the grievance, an investigation can be very straight-forward, for example checking wording of policies or procedures, or very complex where there is need to interview other employees and managers as witnesses. Upon receipt of the grievance, the manager, in consultation with Research Council HR, will determine what level of investigation is required.
- 6.3.3 Where it is deemed appropriate and always where a detailed and complex investigation is required, the manager will appoint an independent manager (“the investigating manager”) to carry out the investigation on their behalf. In some instances, where appropriate, the investigation may be conducted by an external investigator.
- 6.3.4 The role of the investigating manager is to remain impartial, determine all the facts regarding an allegation and present them objectively and without embellishment or assumption.
- 6.3.5 The investigating manager will prepare a report on their investigations which will include relevant documentation and any witness statements. A copy of this will be supplied to both the aggrieved employee and the manager, who will then hold/reconvene the grievance hearing (paragraph 6.2). In certain situations where it is necessary to maintain confidentiality of witnesses, a summary of the evidence gathered in the report will be provided. Advice on whether the report and/or witness statements should be summarised before being provided should be sought from Research Council HR.

### 6.4 Outcome of the grievance hearing

- 6.4.1 Having reached a decision on the basis of the information presented at the grievance hearing, the manager will confirm in writing the outcome of the meeting and of any action that has or will be taken as a result of the complaint. This should be done without reasonable delay and normally within five working days of the meeting being concluded. Should further time be required the employee will be informed of the proposed date upon which the decision is expected to be made.

After the conclusion of the grievance the manager should monitor the situation by, for example, maintaining informal contact with the employee or arranging a more formal review meeting if appropriate.

The success of otherwise of actions that have been taken as a result of the grievance being raised should be evaluated.

In the interests of good employee relations, but bearing in mind Data Protection provisions, the manager may deem it appropriate to notify the resultant changes to a wider community within the organisation.

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### 7. Appeals

#### 7.1 Lodging an appeal

- 7.1.1 If an employee is not satisfied with the outcome of the grievance hearing and/or considers the grievance still to be unresolved, they have the right to appeal. The person to whom they should send their appeal (the named manager) will be set out in the letter confirming the outcome of the grievance hearing.
- 7.1.2 Any such appeal should be made in writing to the named manager (copied to Research Council HR) within seven working days of receipt of the outcome letter.
- 7.1.3 The appeal should indicate the full grounds upon which the appeal is made i.e. the basis on which they feel that the outcome of the grievance was wrong or that the action(s) taken as a result of the outcome was inappropriate.
- 7.1.4 An employee can submit new evidence or information that they consider relevant to the grievance or the appeal and should enclose copies of any documentation when lodging their appeal.
- 7.1.5 Employees requiring assistance to put their appeal in writing should seek assistance from their Trade Union Representative or Research Council HR.
- 7.1.6 Upon receiving the appeal, the named manager will, in consultation with Research Council HR, decide on the appropriate person to hear the appeal. The named manager will acknowledge in writing that a formal appeal has been lodged and advise the employee of the person(s) who will hear it. This will be sent without unreasonable delay and normally within five working days of the appeal being first received.

#### 7.2 Appeal hearing

- 7.2.1 The appeal hearing will normally be heard by a more senior manager from within the Research Council, who has had no previous involvement in the case. The person hearing the appeal will normally be accompanied by a member of Research Council HR.
- 7.2.2 The manager and/or HR professional may be from another Research Council or external to the Research Councils and will be appropriately skilled and/or experienced.
- 7.2.3 The manager should act as Chairperson and decision-maker.
- 7.2.4 The manager conducting the appeal hearing will arrange a meeting with the aggrieved employee to discuss the grounds of the appeal.
- 7.2.5 The appeal hearing will be held without unreasonable delay and normally within 10 working days of the appeal being received. The details of the meeting will be confirmed to the employee in writing prior to the meeting.
- 7.2.6 Employees have the right to be accompanied by a work colleague or represented by a recognised Trade Union representative at an appeal hearing. An employee should, where possible, confirm in advance of the meeting either verbally or in writing whether they wish to be accompanied by a work colleague or represented by a recognised

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Trade Union representative and, if so, the identity of that individual. Confirmation should be provided to the responsible manager.

At the appeal hearing the manager should:

- Introduce those present at the meeting and explain their roles.
- Explain the purpose and format of the appeal hearing, including the possible outcomes
- Invite the employee to explain the basis on which they are appealing, referring to documents or evidence previously submitted or any new evidence which has come to light where they believe this may support their grounds for appeal.
- Ask all necessary questions and summarise the facts.
- Decide on whether any further investigation is required including speaking with witnesses. This may require an adjournment. There should always be an adjournment to enable the manager to consider everything stated in the evidence and where necessary to investigate matters or seek appropriate advice before deciding on the outcome.
- Whenever possible, verbally inform the employee of the decision reached and the reasons for it.

- 7.2.7 Employees must take all reasonable steps to attend the appeal hearing.
- 7.2.8 Where an employee is unable to attend because of circumstances beyond their control, they should inform the manager as soon as possible. The hearing should be postponed and rearranged for another more suitable date.
- 7.2.9 Should the individual the employee has chosen to accompany/represent them not be available on the proposed meeting date, the employee may suggest an alternative date and time for the meeting to be held. The alternative meeting date must be held within five working days of the original date proposed.
- 7.2.10 Alternatively, in exceptional circumstances and with agreement of both parties, the employee can give their consent for the chosen Research Council colleague or Trade Union representative to attend the hearing and present the employee's case. The employee may also be allowed to make written submissions in such a situation.
- 7.2.11 Should the employee (or their companion/representative) be persistently unable or unwilling to attend the appeal hearing over a period of one month, and no written submissions are made in their absence, the Research Council will have no further obligation to proceed with the appeal and the appeal may be found to be unsubstantiated.
- 7.2.12 The purpose of an appeal hearing is to consider the grounds of the appeal and assess whether or not the original grievance decision was appropriate. It is not a rehearing of the

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original grievance and therefore discussion may be confined to any new evidence submitted by the employee.

- 7.2.13 At the appeal hearing the employee will have the opportunity to:
- submit any new evidence
  - comment on any new evidence,
  - raise any procedural issues, or comment on those matters they believe have been ignored and/or received insufficient consideration.
- 7.2.14 Depending on the nature of any new evidence submitted by the aggrieved employee, the manager may deem it necessary to adjourn the hearing to conduct further investigation.

If the manager hearing the appeal feels there are sufficient reasons to question the initial process followed, a more detailed approach should be taken at the appeal stage. In certain circumstances it may be found that the only way to remedy defective initial steps is to have a total rehearing of the case. However, this should not be the norm.

### 7.3 Appeal Outcomes

- 7.3.1 Following the appeal hearing, the manager will confirm in writing the outcome of the appeal hearing and any action that has or will be taken. This should be done without unreasonable delay and normally within five working days of the hearing being held. Should further time be required the employee should be informed of the proposed date upon which the decision is expected to be made.
- 7.3.2 The decision made at the appeal hearing is final, with no further right of appeal.

### 8. Employee's right to be accompanied

- 8.1 All employees have the right to be accompanied by a work colleague or represented by a recognised Trade Union representative at any formal grievance hearing or subsequent appeal hearing.
- 8.2 At any grievance or appeal hearing, the chosen work colleague or Trade Union representative may:
- outline the employee's grievance
  - make statements on their behalf
  - sum up the employees case
  - confer with the employee
- 8.3 They may not however answer any questions on behalf of the employee.
- 8.4 The individual the employee chooses to accompany/represent them must be reasonable. The Research Council reserves the right to challenge an employee's chosen work colleague or Trade Union representative in situations where the Research Council feels that the choice is unreasonable. For example, it would not be reasonable for an employee to insist on being accompanied / represented by someone who would prejudice the meeting or who might have a conflict of interest. Nor would it be reasonable for the employee to insist on being accompanied / represented by someone

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from a geographically remote location when someone suitably qualified was available at the establishment.

### 9. Employee Support

- 9.1 The Research Council recognises that involvement in a grievance situation can be stressful and upsetting for all parties involved. Employees may seek support through the Employee Assistance Programme (as applicable).

### 10. Accessibility

- 10.1 The Research Council will endeavour to accommodate any reasonable adjustments or other special requirements needed by employees, for example, assistance in attending meetings, or providing documentation in an alternative format.

### 11. Notes of hearing/meetings

- 11.1 The manager conducting the grievance hearing/meeting should always arrange for a colleague (normally from the Research Council HR team) to attend in order to advise on procedure (where necessary) and to take notes.
- 11.2 Written notes will be made of the hearing/all meetings; these are not meant to be verbatim but should be an accurate reflection of the points discussed and will form the official record of the hearing/meeting. Each individual will have an opportunity to comment on the notes of their hearing/meeting but this may not delay a decision. Any disagreements will be noted. Copies of their notes will be given to the employee.

### 12. Time limits

- 12.1 In order for grievances to be resolved quickly, it is important that employees and managers aim to keep to the timescales laid down in the Grievance Procedure.
- 12.2 Unless extended timescales are agreed between the employee and manager, if the grievance is not dealt with by the manager within the specified time, the employee should bring this to the attention of the Research Council HR team.
- 12.3 If an employee fails to comply with the stated timescales, the employee must provide the manager with reasons why the timescales have not been adhered to and the employee should respond to all reasonable requests of the manager related to the grievance. Ultimately a failure to comply with the timescales may be a factor to be taken into account when the manager reaches their conclusions.

### 13. Records

- 13.1 Records will be kept, in line with the Research Council's Data Protection and Security policy, detailing:
- the nature of the grievance raised;
  - the employer's response and summary of discussions with the employee; and
  - any action taken and the reasons for it.

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- 13.2 Records will be kept confidential and retained on the employee's personal file. In accordance with the Data Protection Act (1998), employees may request the release of certain personal data. In some circumstances it may be necessary to redact parts of the data in order to protect the identity of witnesses.

### 14. Policy review

- 14.1 This policy will be regularly reviewed to incorporate any legislation changes. The TU may request that a policy is reviewed.

### 15. Amendment history

Version	Date	Comments/Changes

# RESEARCH COUNCIL GRIEVANCE POLICY

## Appendix A Flowchart of the Research Council's Grievance Procedure

