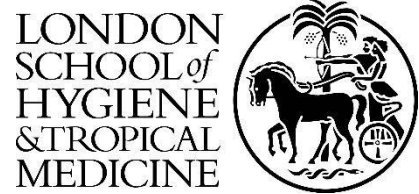


## HUMAN RESOURCES

### Grievance Policy and Procedure for Professional Services Staff



### Equality and Diversity

This Policy will be applied in a non-discriminatory way, in line with the London School of Hygiene and Tropical Medicine's Equality, Diversity and Inclusion policies.

## 1. Policy

- 1.1. The London School of Hygiene and Tropical Medicine (LSHTM) is committed to promoting effective working relationships and an environment in which employees feel able to raise work-related issues with their managers. It is recognised however that staff or groups of staff may at some time have problems or concerns with their work, working conditions or relationships with colleagues including their own manager, which they wish to raise with management.
- 1.2. Grievances can often be resolved quickly and informally through discussion and there is an expectation that every effort will be made to resolve matters in this way. Employees are therefore expected to raise any concerns or issues informally in the first instance with their immediate manager.
- 1.3. This procedure provides a fair and transparent framework to deal with concerns, problems or complaints raised by employees in the course of their employment in relation to:
  - matters affecting their work or them as individuals;
  - matters affecting their working conditions; or
  - matters affecting their working relationships with other employees.
- 1.4. Employees and managers have a responsibility to raise and deal with grievances as quickly as possible. Information disclosed during the grievance process should be treated in strict confidence as far as it is reasonably possible to do so.
- 1.5. LSHTM encourages mediation as a means of resolving differences at an early stage. Where appropriate, mediation should be used at the earliest possible opportunity to address a range of issues including relationship breakdown, personality clashes, communication problems, and/or bullying and harassment. Individuals involved in a grievance will be expected to demonstrate what attempts have been made to resolve matters through the use of mediation, before progressing to the formal stages of the Grievance procedures. This approach is in keeping with trying to resolve workplace conflict and grievances at the earliest possible opportunity. It is

acknowledged that this may not be appropriate in every scenario. HR colleagues will advise on mediation as required.

## **2. Scope of Policy**

- 2.1. The policy applies to all Professional Services Staff employed by LSHTM. The aim of this policy is to help achieve a fair and prompt resolution to individual grievances. Resolution of the grievance will remain the primary focus of all parties throughout.
- 2.2. The definition of a manager for the purposes of this policy is any member of LSHTM with line-management responsibility for staff.
- 2.3. The policy relates to all individual grievances concerning matters for which there are no separate agreed procedures. Where the matter relates to a disciplinary decision or where LSHTM has specific procedures (e.g. antibullying and harassment, public interest disclosure, promotion, allegations of research misconduct) the matter will be dealt with under the other relevant procedure.
- 2.4. This policy applies equally to LSHTM staff based overseas, although it may be necessary to adapt these procedures, for example, where participation in grievance meetings is not practicable, then these may be carried out via video link or another suitable alternative.

## **3. General Principles**

The following principles will apply to this procedure:

- 3.1 Wherever possible, attempts should be made to resolve complaints and concerns informally before making a formal complaint. It is expected that individuals will enter into the procedure in good faith, with the aim of resolving a particular issue or set of issues.
- 3.2 Mediation should therefore be considered as a means of resolving difference at an early stage.
- 3.3 The grievance procedure should not be used as a substitute for normal day-to-day discussions, or appropriate management support or intervention.
- 3.4 At any stage in the procedure, subject to the agreement of all parties concerned, there may be a suspension in proceedings to facilitate mediation, fact finding or other non-adversarial discussions with the aim of promoting resolution of the case.
- 3.5 It is recognised that there may be occasions when it is not possible for a grievance to be resolved informally. In such cases the formal procedure

should be followed. All parties should be clear whether any meeting is being held under the informal or formal stage of the procedure.

3.6 Any steps taken under this procedure should be taken promptly, unless there is a good reason for delay of which parties will be informed regularly.

3.7 At any stage in the procedure, the line-manager or Grievance Manager (see section 9.2) dealing with the grievance may, at their discretion, defer consideration of the grievance if other activities which are relevant to the substances of the grievance are pending or in progress. In such cases, the parties to the grievance will be advised of the reason for deferring consideration.

3.8 If on investigation, the grievance is found to be minor then the manager may determine that it should be dealt with in line with the normal management process. The employee will be advised accordingly.

#### **4. Mediation**

4.1. At any stage in this procedure, the parties to the grievance may request that the matter be referred for mediation. Mediation is likely to be appropriate in cases involving interpersonal relationships and can also be used to rebuild relationships after a dispute has been resolved.

4.2. Mediation is a completely voluntary and confidential form of resolving disputes between people and will take place only if all parties agree. As such it does not form part of any formal process, and discussions which take place during a mediation are not taken into account in a formal, internal process. It is hoped that employees will recognise the benefits of seeking to resolve issues via mediation and will be amenable to and cooperate with this approach.

4.3. Mediation involves an independent, impartial person helping two or more individuals or groups reach a solution to a workplace dispute that is acceptable to everyone.

4.4. Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues, and help them to clarify the options for resolving their differences or dispute.

4.5. The overriding aim of workplace mediation is to restore and maintain the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

- 4.6. Many kinds of dispute can be mediated if those involved want to find a way forward. It can be used at any stage in a dispute but is most effective before positions become entrenched.
- 4.7. It is recognised that not all circumstances are appropriate for mediation, for example where a decision about right or wrong is needed, e.g. where there is possible criminal activity (see Whistleblowing procedure), the individual bringing a discrimination or harassment case wants it investigated, someone has learning difficulties that would impair their ability to make an informed choice, an individual is particularly vulnerable, the parties do not have the authority to settle the issue etc.

## **5. Representation**

- 5.1. At each stage of the formal grievance procedure, the employee has the right to be accompanied by a trade union representative/official or workplace colleague ("the companion"). When arrangements for meetings are confirmed, employees are responsible for notifying their companion of the arrangements and notifying the Grievance Manager or the relevant HR Partner of the name of the person accompanying them.
- 5.2. Grievance investigations are internal procedures. Therefore, attendance as a companion is restricted to officials of recognised trade unions or employees of LSHTM. Solicitors, family members and all other nonemployees are not permitted to attend grievance meetings.
- 5.3. There is no requirement for a work colleague to accept a request to accompany an employee.
- 5.4. In cases where LSHTM feels that the choice of companion may affect the integrity of the process, this will be discussed with the employee, and the employee may be requested to consider nominating an alternative companion.
- 5.5. Employees should take all reasonable steps to attend any grievance meeting. Should their chosen companion be unavailable on the given date, the employee shall immediately request an alternative date and time, which should be within five working days of the given date. If the Grievance Manager cannot accommodate this date then they will offer an alternative date. Where the employee's companion cannot attend on the alternative date, the employee shall be required to either choose an alternative person to accompany them to the meeting or attend the meeting without a companion.
- 5.6. If the reason for the employee or companion being unable to attend the meeting is for reasons that were unforeseeable at the time of arranging the meeting, the employee will be notified of a new date, time and location by the Grievance Manager.

- 5.7. The companion will be able to confer with the employee during the meeting and will be allowed to address the meeting in order to put forward and sum up the employee's case. The companion will not be able to answer questions on the employee's behalf.

## **6. Timescales**

- 6.1. Grievances must be raised at the earliest possible opportunity and no later than three months after the date of the incident/event giving rise to the grievance (or after the last occurrence of the incident/event giving rise to the grievance, where there have been a series of associated incidents/events). Grievances submitted outside of this three-month timescale will not be considered unless in exceptional circumstances.
- 6.2. Whilst every endeavour will be made to comply with the timescales set out in this document, due to the complexity and/or specific circumstances of a case, timescales may be extended. In such circumstances the individuals concerned will be advised of the reasons for any delay.

## **7. Confidentiality and Data Protection**

- 7.1. All those involved in these procedures must ensure that all aspects of the grievance process remain confidential, as appropriate. Employees are permitted to discuss the grievance with their trade union representative or nominated companion.
- 7.2. Audio or visual recording of any meetings is not permitted. This is to encourage openness and full participation by all parties during meetings. Any breach of this provision may lead to disciplinary action against the employee, up to and including dismissal.

## **8. Informal Procedure**

- 8.1. Grievances can often be resolved quickly and informally through discussion and there is an expectation that every effort will be made to resolve matters in this way. Employees are therefore expected to raise any concerns or issues informally in the first instance with their immediate line-manager. If the grievance is against the employee's line-manager it should be raised with that person's manager who will seek to resolve the matter informally as appropriate.
- 8.2. Managers will discuss an employee's concerns in confidence with them, make discreet investigations, as appropriate, and attempt to address the concerns fairly and promptly.

- 8.3. It is the manager's responsibility to seek to resolve the grievance informally and to notify the individual of the outcome. If the grievance is resolved informally, a summary note of the discussion and its outcome should be recorded and shared with the employee.

## 9. Formal Procedure

### 9.1 Context

#### 9.1.1 If:

- informal attempts undertaken by all in good faith (including mediation where applicable) to resolve the issue to the satisfaction of the employee fail; or,
- exceptionally if the employee feels that the matter is sufficiently serious to address formally, then the employee can progress to the formal stages of the grievance procedure.

9.1.2 For the purposes of this procedure, the person dealing with the formal grievance will be referred to as the '**Grievance Manager**'.

9.1.3 The role of the Grievance Manager is to seek to resolve the grievance, in a transparent and impartial manner. They meet with the employee to understand the basis for the grievance and the resolution sought. They will conduct any investigation required, including meeting with relevant others named in the grievance.

9.1.4 The formal stages of the grievance procedure are designed to allow a case to progress through the normal management chain and therefore the Grievance Manager would normally be the employee's line-manager or the next level of management where the line manager is the subject of the employee's concerns.

9.1.5 The HR Director may at their discretion appoint as Grievance Manager an alternative manager of appropriate seniority, outside of the line-management relationship and who has not been involved in any informal attempts to resolve the grievance.

9.1.6 The investigation will normally be undertaken by the Grievance Manager considering the grievance, but the Director of HR may, at their discretion, appoint an alternative investigator who will submit a report to the Grievance Manager for consideration.

9.1.7 Following the investigation, the Grievance Manager will reach a conclusion on the outcome and make appropriate recommendations to resolve the grievance.

9.1.8 The Grievance Manager will be advised by a member of the HR team who will provide them with advice and guidance on policy and procedural matters, and support and advise the Grievance Manager

in the process of them making an informed, fair and reasonable decision.

## **9.2 Dealing with the Grievance**

- 9.2.1 The employee should set out their grievance in writing using the Statement of Grievance Form. The employee must include in the statement the reasonable outcome/resolution that they are seeking to resolve the situation, and provide as much detail as possible about the grounds for their grievance. The employee is also entitled to submit any supporting documentation/evidence at this stage.
- 9.2.2 The statement should be submitted to the employee's line-manager or where the line-manager is the subject of their concerns to a more senior manager or to their HR Partner directly.
- 9.2.3 Managers should consult their HR Partner before proceeding with a formal grievance.
- 9.2.4 If the matter appears suitable for mediation by an independent third party, and this avenue was not explored prior to the submission of the formal grievance, the HR Partner will consider offering this option to the aggrieved employee.
- 9.2.5 If mediation by an independent third party is not offered, or if mediation has not resolved the employee's concerns, the HR Partner will refer the matter back to the manager in receipt of the grievance for investigation and consideration.
- 9.2.6 On receipt of the grievance statement, the Grievance Manager will be confirmed in consultation with the HR Partner and the next steps will be agreed.
- 9.2.7 The Grievance Manager will write to the employee acknowledging receipt of the grievance, normally within seven working days.
- 9.2.8 The Grievance Manager will invite the employee to attend a formal grievance meeting in order to discuss the grievance. This meeting will normally take place within ten working days of the written acknowledgment or as soon as practically possible thereafter.
- 9.2.9 Further particulars may be requested of the employee where the specifics of the case are unclear.
- 9.2.10 Where the grievance relates to other employees, those individuals involved will be informed of the complaint and either requested to attend a formal grievance meeting or given the opportunity to respond to the grievance in writing.

### **9.3 The Grievance Meeting**

- 9.3.1 At the grievance meeting the employee will be given the opportunity to explain their grievance and how they would like the issue(s) to be resolved. The Grievance Manager may ask the employee questions to ensure they fully understand the grievance and the issues being raised.
- 9.3.2 At the end of the meeting, the Grievance Manager will sum up their understanding of the grievance, explain the proposed next steps, and provide an estimate of the timescales if it is considered that further investigation/meetings with other parties is required to establish the facts. (It shall be for the Grievance Manager to determine the extent of the investigation they consider necessary to respond to the grievance, including the need to interview any other employees.)
- 9.3.3 The Grievance Manager shall usually provide the employee with notes of any investigatory meetings and invite comments on these before the investigation is concluded.
- 9.3.4 Upon completion of the investigation, the Grievance Manager will make a final decision based on the evidence presented and prepare an investigation summary report. The Grievance Manager will then report/confirm their decision to the employee who lodged the grievance in writing and provide a copy of the investigation report.
- 9.3.5 The Grievance Manager will record any relevant issues arising from the outcome of the grievance that may need addressing in order to ensure effective management of the issues in the future, and may include recommendations in their investigation report to this effect.
- 9.3.6 In the interests of transparency and fair process, other employees who not are the subject of the grievance but are asked to contribute to the grievance process will be informed of the grievance decision/outcome. They will not normally receive a copy of the full written statement of the outcome sent to the employee who lodged the grievance.

### **9.4 Possible Outcomes of Grievance Meetings**

#### **9.4.1 If the Grievance is upheld, or elements of the Grievance upheld:**

- 9.4.1.1 The Grievance Manager should decide what steps and related timescales should be taken to resolve the grievance or underlying issues, and either implement the steps themselves as soon as practicable or liaise with other relevant managers to ensure the steps are implemented.



- 9.4.1.2 If the Grievance Manager concludes that the grievance is substantiated or partially substantiated, and recommends that a disciplinary hearing is necessary in order to consider the actions of one or more members of staff, they should consult with HR.
- 9.4.1.3 Any disciplinary investigation and subsequent disciplinary hearing will be undertaken in accordance with LSHTM's Disciplinary and Dismissals Policy and Procedure for Professional Services Staff or the Policy and Procedures on Discipline and Performance for Academic Staff. Should any concerns regarding the conduct of the employee raising the grievance come to light then their conduct may be subject to disciplinary action.

**9.4.2 If the Grievance is not upheld:**

- 9.4.2.1 The Grievance Manager should consider steps that need to be taken, if any, to address any underlying issues that may have been disclosed as part of the grievance.

If, on investigation, the grievance is found to be vexatious or malicious, the employee may be subject to a separate investigation under the Disciplinary and Dismissals Policy and Procedure for Professional Services Staff.

**10. Monitoring**

10.1 The HR representative responsible for advising on the grievance shall monitor the progress of the grievance. The HR Director will be informed of any grievance not resolved within four weeks after the submission of the grievance. If the HR Director believes there to have been undue delay they shall raise the issue with the relevant Head of Department/Service to promote a speedy conclusion.

**11. Appeals**

11.1 Employees who have raised a grievance are entitled to appeal against any decision taken under the formal stages of this policy in line with the provisions of the Appeals for Professional Services Staff: Policy and Procedure Document.

**Accessibility**

If you require any document in an alternative format, for example, in larger print, please contact Human Resources.

<b>Document Type</b>	Policy and Procedure
<b>Document owner</b>	Kessar Kalim (Director of HR)
<b>Approved by</b>	Management Board and Joint Negotiation and Consultative Committee.
<b>Approval date</b>	5 June 2019 (Management Board)
<b>Review date</b>	June 2021
<b>Version</b>	1.0
<b>Amendments</b>	N/A
<b>Related Policies &amp; Procedures</b>	Dignity and Respect Anti Bullying Harassment Policy Disciplinary and Dismissals Policy and Procedure for Professional Services Staff Appeals for Professional Services Staff: Policy and Procedure Document

## **APPENDIX A - Roles and Responsibilities**

1. Employees have a responsibility to:
  - raise a grievance with their manager within a reasonable amount of time;
  - clearly state the basis of their grievance and provide the manager with all relevant details;
  - where possible, attempt to deal with the grievance informally before resorting to the formal stages of the procedure;
  - indicate what they believe would be a satisfactory outcome to their complaint and why;
  - attend meetings held under the grievance procedure and provide the relevant details in relation to the grievance.
  
2. Managers have a responsibility to:
  - deal with grievances promptly, fairly and consistently in accordance with the relevant procedure and with advice from HR;
  - conducting or initiating any investigation or activity to establish the facts of a case and notifying the employee of any investigation outcome;
  - deciding whether to seek to pursue informal/formal action;
  - involvement in formal proceedings (for example presenting the management case or being a panel member at a formal hearing);
  - providing support and coaching to affected employees;

- seeking appropriate support and advice on procedural and policy matters from the relevant [HR Partner](#);
  - clearly explain their reasons for a decision in respect of a grievance and provide any necessary details if a hearing is held.
3. Human Resources have a responsibility to:
- provide advice in respect of the application of this procedure
  - support and advise the manager in the process of making an informed, fair and reasonable decision;
  - ensuring that this policy and procedure is updated in line with employment legislation and human resources best practice.

## **Appendix B - Guidance for those accused of Harassment, Bullying or Victimization**

If you are approached informally by a member of staff about your behaviour, do not dismiss the complaint. Remember that people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended them without intending to and a simple apology may resolve the matter.

- If accused of harassment or bullying, you may wish to contact the HR Partner team for advice. Alternatively, or in addition, you may wish to contact (or review) the trade unions and/or the sources of help listed in Section 8 of the LSHTM Anti-Bullying and Harassment Policy.
- LSHTM provides free and confidential counselling to all members of staff through the University of Westminster's 'Only Connect' counselling service. Further information is available at: <https://lshtm.sharepoint.com/Services/Human-Resources/Pages/Counsellingfor-Staff.aspx>
- Staff who are the subject of a complaint will be treated with respect. Confidence will be maintained but there are limits to confidentiality in that the complaint, any witness statements and the investigator's report will be seen by those who have to be involved.
- If you believe the accusation to be unfounded, you should say so and participate willingly in the proceedings, so that the situation can be resolved informally or formally. You should also be prepared to participate in mediation if this is identified as an appropriate solution.
- If the evidence suggests that the complaint was made vexatiously or maliciously, disciplinary action may be taken against the complainant (up to and including dismissal).  
During the formal procedure both you and the complainant may wish to be accompanied at meetings by a work colleague or a Trade Union representative.

- Wherever possible LSHTM will try to ensure that, during investigations, the relevant parties are not required to work together. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and until the disciplinary proceedings have been concluded. In these circumstances, the suspension is deemed a neutral act and does not in itself constitute disciplinary action.
- If a complaint is not upheld, you should expect your line-manager to take action to restore reasonable working relationships between you and the complainant. You must not victimise a member of staff who has made a complaint in good faith against you or anyone who has supported him or her in making the complaint or given evidence in relation to such a complaint.
- If a complaint is upheld, a disciplinary sanction may be imposed up to and including dismissal without notice. If the complaint is upheld, but you are not dismissed, LSHTM could decide to transfer you to another role.
- In addition, or as an alternative to a disciplinary sanction, guidance or counselling may be offered to support you to understand how your behaviour affected the complainant.
- Both you and LSHTM can also be subject to prosecution under criminal as well as civil law, and you could be personally liable and have to pay compensation yourself.

**HR Department June 2019**