

People Management Policy

**Grievance Policy**

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## **1) Purpose**

We seek to create a culture of good relations among all of our employees in order to ensure a motivated, engaged and effective workforce.

However, we recognise that from time-to-time concerns or disputes may arise which require resolution.

The purpose this policy is to facilitate a quick, fair and effective resolution of individual or collective workplace concerns or disputes, in order to maintain effective working relationships.

## **2) Scope**

This policy applies to all employees regardless of length of service.

Whilst we will attempt to maintain confidentiality, wherever feasible, this may not always be possible or appropriate.

Whilst a grievance procedure is ongoing, the working arrangements or practices that were in place immediately before the event or grievance will usually remain in place until the grievance process has concluded, unless this would result in breach of statute or a health and safety risk.

Once a grievance has been submitted, the same grievance may not be submitted again after being subject to this procedure.

Where an employee raises a grievance in relation to themselves during another formal procedure such as disciplinary, capability or sickness absence, and where the grievance and other formal procedure are related, it may be appropriate to deal with the grievance as part of that other formal procedure, or to deal with these concurrently.

Where a grievance leads to another formal procedure such as disciplinary, capability or sickness absence being instigated against another employee, in this case, it may be appropriate to either: temporarily suspend the grievance, to deal with this concurrently or deal with the grievance as part of the other formal procedure.

If a grievance is proven to be knowingly false or malicious, this may be dealt with under our **Disciplinary Policy**.

If your grievance relates to an alleged wrongdoing or criminal offence by people within the organisation, you should follow the process outlined in the **Whistleblowing Policy**.

You might raise issues about matters not entirely within our control, such as third party or customer relationships. We have limited control over third parties but will investigate as far as possible.

Our **Dignity at Work Policy** has been developed to support and work in conjunction with this policy at an informal level. The process to handle formal grievances arising from alleged bullying and harassment are covered in this policy.

Issues that could cause grievances may include:

- Work relations
- New working practices
- Organisational change
- Terms and conditions of employment
- Health and safety
- Working environment
- Bullying and harassment
- Discrimination

The policy does not form part of employees' terms and conditions of employment and we may amend it at any time.

### **3) Roles and responsibilities**

#### **Line Managers:**

- Provide a fair and reasonable approach to dealing with your concerns/grievances
- Act as quickly as possible
- Promote and support an attempt at informal resolution wherever possible before the formal process
- Remain objective when/if investigating or chairing a hearing or appeal
- Maintain confidentiality
- Engage actively and openly in any mediation that may be provided.
- Ensure that any reasonable adjustments are made for staff throughout the process, where appropriate
- Seek advice from the People and Organisational Development (POD) team if appropriate/necessary
- Always act in a manner that is consistent with our culture and values

#### **People and Organisational Development (POD) Team:**

- Provide advice, guidance and coaching to line managers and to investigating and hearing officers in relation to the application of this procedure
- Provide training to build the confidence and capability of line managers to manage concerns or grievances raised by employees
- Help to support the implementation of recommendations made as a part of the resolution, where appropriate, such as training or mediation
- Maintain confidentiality
- Always act in a manner that is consistent with our culture and values

#### **Employees:**

- Attempt to resolve the concern informally with the individual(s) concerned, or through your line manager, before commencing the formal process (and provide evidence of these attempts) unless exceptionally agreed otherwise
- Make all reasonable attempts to attend meetings on the dates agreed as part of the informal and formal process (including any mediation)
- Engage actively and openly in any mediation that may be provided, where appropriate
- Help the process by outlining clearly the resolution you would like to see
- Maintain confidentiality
- Always act in a manner that is consistent with our culture and values

## **4) Informal Process and Procedure**

### **4.1. Informal Grievance**

Most concerns and disputes are best resolved informally in discussion with your line manager. This should be the first step in all but the most serious of workplace disputes, such as alleged Bullying and Harassment. Dealing with issues in this way can often lead to a speedy resolution of problems and can help maintain good relations, enabling your line manager to resolve the matter directly.

Sometimes it may be beneficial to consider the use of mediation to facilitate a discussion leading to an agreement, which all parties can abide by. [\(see section 4.2 below\)](#)

Where the line manager is involved in any informal resolution, they will take responsibility for the following:

- Taking appropriate informal action such as informal discussion, mediation, training, improved communications, alteration to workload.
- Keep a record of any actions agreed
- Establish regular reviews to monitor progress, as appropriate

Where a satisfactory resolution or outcome is found at the informal stage, this will be confirmed in writing as soon as possible, depending on the circumstances.

If this does not resolve the issue, you should follow the formal process.

### **4.2. Mediation**

Mediation is an informal process where the mediator helps two or more people in dispute to air out their differences in a voluntary, safe, confidential meeting, in an attempt to reach an agreement.

Mediators may be our employees, trained and accredited by an external mediation service, who act as internal mediators in addition to their day jobs. Alternatively, they may be from an external mediation provider. They can work individually, or in pairs as co-mediators.

The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem, but not the outcome. A resolution and agreement comes from those in dispute, not from the mediator.

There are no hard and fast rules for when mediation is appropriate but it can be used:

- For conflict involving employees of a similar job or grade, or between a line manager and an employee(s)
- At any stage in the conflict as long as any ongoing formal procedures are put in abeyance, for the duration of the mediation intervention
- To rebuild relationships after a formal grievance has been resolved
- To address a range of issues, including relationship breakdown, personality clashes, communication problems, or allegations of bullying and harassment

Mediation will **NOT** be suitable if:

- Used as a first resort – because you and your colleague(s) should be encouraged to speak to each other, and talk to your line manager, or the next appropriate senior manager if the concern is with your line manager, before seeking a solution via mediation
- It is used by a line manager to avoid their managerial responsibilities
- The parties do not have the authority to settle the issue

Where mediation is considered an appropriate action, the relevant line manager should contact the POD team to discuss and to make arrangements to appoint a mediator.

Mediation can be used at any point during the procedure, such as where informal processes have been unsuccessful or as an alternative to the formal procedure. Whilst mediation is undertaken, the grievance process may be paused to allow for this.

If the issue is resolved informally or through mediation, the grievance will be closed. If the mediation process is not successful, the grievance should be escalated to the formal process below.

## **5) Formal Process and Procedure**

### **5.1. Representation**

You are entitled to bring a companion to all formal stages of the procedure. This can be a work employee, or a trade union representative. You are expected to notify the manager conducting the meeting or hearing who their chosen companion is, in advance of the meeting, a minimum of 48 hours before the meeting.

Your companion may make representations, ask questions, and sum up their case, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during the meeting.

You and your companion are not permitted to make any recordings of any meetings or hearings conducted under this procedure.

If you or your companion cannot attend the meeting or hearing, you should inform the People and Organisational Development Team as soon as possible and request a postponement (once) to a time that is convenient to all within a reasonable timescale, of at least 5 working days. This five-day time limit may be extended by mutual agreement.

You must make every effort to attend the meeting or hearing. If you fail to attend without good reason or postpone the meeting more than once, we would seek to understand if you would still like to proceed with your grievance.

### **5.2. Formal Grievance**

The formal process should only be initiated where an issue cannot be resolved through informal resolution, although it is recognised that in exceptional circumstances it may be appropriate to move straight to a formal process.

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At this stage, you should either complete our Grievance Form (**Appendix 1**) or state the grounds for your grievance in writing and keep this as concise as possible. This should be submitted to your line manager, or if the matter relates to your line manager, the next appropriate manager in your team. Your grievance should be submitted within **10 working days** of the incident taking place, where possible. Your line manager should refer to the POD team upon receipt of your grievance.

The written grievance should contain a brief description of the nature of your complaint including any relevant facts, dates and names of individuals involved, any attempts to resolve informally, where appropriate, including an indication of your desired or preferred resolution. In some situations, we may ask you to provide further information.

An Investigating Officer will be appointed by the POD team to investigate the grievance.

You will receive written confirmation acknowledging your formal grievance and confirming who has been appointed to investigate the matter. The respondent(s) (the individual(s)) about whom the grievance is raised will also be written to, where appropriate, setting out the allegations made against them.

The grounds for the grievance cannot usually be changed once a hearing has taken place.

### **5.3. Grievance Hearing**

The Chair of the Grievance Hearing will arrange a date for a Grievance Hearing as soon as reasonably practicable. Arrangements for this will normally be made within 10 working days after you have submitted your appeal.

The Chair of the Grievance Hearing will usually be the Investigating Officer.

All parties will be allowed the opportunity to put forward their case and concerns and will have the right to representation (**see section 5.1 on representation**)

The Chair of the Hearing will confirm the outcome in writing to all concerned parties, as soon as reasonably practicable, and usually within **five working days** of the Grievance Hearing, unless further investigation is required, in which case this may be delayed.

The Grievance Hearing may be adjourned if we need to gather further information and readjourned at a later date or followed up with an outcome in writing. However, you will be kept informed of progress.

Should you wish to withdraw your grievance part way through the process you will be required to discuss the reasons with the Investigating Officer and a member of the POD team. This is to ensure that you are truly comfortable with this decision and that there are no other influences affecting your decision for withdrawing your grievance. This will then be recorded on your file. It should be noted that this does not preclude us taking further action or progressing action under a different policy in exceptional circumstances.

### **5.4. Investigation**

The investigation should commence at the earliest possible opportunity after receipt of the formal grievance, and be concluded as quickly as possible, without risking thoroughness. The Investigating

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Officer is required to establish the facts surrounding the grievance. This may involve talking to those concerned and collating any written or electronic evidence.

As part of the process, the Investigating Officer may need to speak with you about your grievance and the respondent where appropriate, to clarify the issues that have been raised and to identify whether there are any witnesses who may have relevant information. You will have the right to representation at an investigation meeting (**see section 5.1 on representation**). You will be expected to cooperate fully and promptly in any investigation. This may include informing us of names of any relevant witnesses, disclosing any relevant documents to us and attending interviews as part of our investigation.

Where relevant, the Investigating Officer should arrange to meet with witnesses to gather any information they have in relation to the issues raised. If this is not possible, for example due to absence, it would be appropriate to obtain written statements in order to avoid a delay.

If, after an investigation, the decision is made to proceed to a Grievance Hearing or a reconvened Grievance Hearing, we will arrange a date for this as soon as reasonably practicable. Arrangements for this will normally be made within **10 working days** of the investigation being concluded.

In exceptional circumstances, the Investigating Officer may decide following advice from the POD team not to allow a grievance to proceed to a formal hearing if they believe it to be either 'frivolous' in nature, lacks merit, or has been instigated only to delay or obstruct.

### 5.5. Appeal

Any appeal should be made in writing, stating the full grounds of appeal, to the People Operations Team within **five working days** of the date on which you were informed in writing of the decision. You may appeal on the following grounds:

- New evidence has come to light
- Procedural errors
- Undue severity of the action
- Whether the decision is fair, equitable and reasonable

The Appeal Hearing will not be a complete re-hearing of the original matter, but to consider the grounds of appeal. The Chair of the Appeal Hearing will usually be a relevant manager at the same level or more senior than the Investigating Officer/ Chair of the Grievance Hearing and will have had no previous involvement in the case.

We will give you written notice of the date, time and place of the Appeal Hearing. We will arrange a date for an Appeal Hearing, as soon as reasonably practicable. Arrangements for this will normally be made within 10 working days after you have submitted your appeal.

A hearing may be adjourned if we need to gather any further information or consider matters discussed at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Following the Appeal Hearing we may:

- o confirm the original decision;
- o revoke the original decision and substitute a different outcome

You will be informed in writing of the final decision, as soon as reasonably practicable, and usually within **five working days** of the Appeal Hearing. Where possible, we will also explain this to you in person. There will be no further right of appeal.

## **6) Collective Grievances**

Where a grievance is raised by more than one employee, the details of the grievance must be in writing and signed by all parties to the grievance. The employees may nominate an individual to represent the group, which in most cases is likely to be a trade union or employee representative. The nominated trade union or employee representative may be accompanied by a jointly nominated trade union or employee representative.

The grievance must be identical and only one grievance hearing and one appeal hearing will be held, although all employees party to the grievance will be informed of the outcome. The employees must agree voluntarily for their grievance to be dealt with in this way. If employees do not agree to their grievance to be dealt in this way, the individual grievance procedure will be followed.

## **7) Grievances from ex-employees**

We are not obliged to follow the grievance procedure where issues or complaints are raised by ex-employees or to complete the procedure if an employee leaves during the process. However, all feedback will be considered and action may be taken internally, depending on the nature of the complaint.



**8) Glossary**

Please see below for a summary of our definitions and abbreviations:

**LLDC/Our/Us/We** - refers to London Legacy Development Corporation

**You or Employee** – people who work for an employer under a contract of employment and are entitled to statutory rights relevant to that employment

**9) Document Control**

**Document Control**

<b>Title</b>	Grievance Policy
<b>Organisation</b>	London Legacy Development Corporation
<b>Author(s)</b>	People and Organisational Development Team
<b>Date</b>	August 2023
<b>Distribution</b>	All LLDC employees
<b>Protective Marking</b>	Not protectively marked
<b>Review Date</b>	December 2025

**Version Control**

Version	Date	Amendments	Author
v.1	1 <sup>st</sup> July 2010		Human Resources Department
v.2	1 <sup>st</sup> July 2014	Amended to reflect changes in legislation & House Style. Full staff consultation was undertaken.	Human Resources Department
v.3	25 <sup>th</sup> January 2017	Removal of duplication and re-order of process to make more user friendly	Human Resources Department
v.4	December 2022	Amended to reflect process changes, in line with best practice	People and Organisational Development Team

**Approvals**

Job title	Name	Signature	Date
Legal			<b>April 2023</b>
EMT			<b>August 2023</b>

**10) Appendices**

**Appendix 1 – Grievance Form**

<b>Employee grievance</b>	
<p>This form is intended for use by any employee of LLDC who wants to make a formal complaint about the behaviour of a colleague, their manager or a third party, or any other workplace issue. Employees should bear in mind before using this form that they can request that a matter be dealt with in an informal manner by a manager. Where it is requested that the complaint be dealt with informally, the appropriate person (as determined by the POD department) will discuss the matter with them, with a view to resolving the matter without recourse to a formal procedure.</p> <p>Where the employee requests that the complaint be dealt with formally, this form should be completed and the organisation's grievance procedure will be invoked.</p> <p>In certain circumstances, you can request that your complaint be kept anonymous. Where possible, the organisation will respect your request for anonymity, but cannot guarantee that it will be able to do so.</p> <p>In all circumstances, this form should be completed and delivered to the POD team in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.</p>	
<b>Formal grievance</b>	
<b>Your name:</b>	
<b>Your job title:</b>	
<b>Your department:</b>	
<b>Date:</b>	
<b>Does your grievance relate to your line manager?</b>	Yes/No
<b>Summary of complaint:</b>	
<p>Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved).</p>	

<b>Individuals involved in the alleged incident/complaint:</b>	
Please provide the names and contact details of any people involved in your complaint, including witnesses.	
<b>Outcome/resolution requested:</b>	
Please set out how you would like to see your complaint dealt with, and why and how you believe that this will resolve the issue.	
<b>Declaration:</b>	
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)	
<b>Form completed by:</b>	
<b>Signature:</b>	
<b>For completion by the organisation:</b>	
Date form received by the POD team:	
Name of recipient and job role:	
Signature:	