

## Grievance Policy

### Introduction

The Company believes it is important that employees have an effective method of bringing work-related issues to the attention of management and that such complaints be dealt with fairly, consistently, without unreasonable delay and without fear of recrimination.

The procedure does not replace the need for employees to raise day-to-day concerns with managers who are expected to resolve the majority of such issues without the need to use the formal procedure.

### Scope

All UK employees. It does not apply to casual or agency workers or self-employed contractors.

### Statement

The Grievance Procedure enables an employee to raise concerns and seek resolution with regards to their working relationships, career and development and working environment.

This Grievance Procedure should also not be used to complain about dismissal or disciplinary action. If an employee is dissatisfied with any disciplinary action, they should submit an appeal under the appropriate Disciplinary Procedure or Capability Procedure.

The Company operates a separate Whistleblowing Policy to enable employees to report allegations of illegal activities, wrongdoing or malpractice. However, where an employee is directly affected by the matter in question, or where they feel they have been victimised for an act of whistleblowing, they may raise the matter under this Grievance Policy.

The Company operates a separate Anti-harassment and Bullying Policy that may be useful if employees have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people.

This procedure does not form part of any employee's contract of employment and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.

### Roles and responsibilities

#### Employees

Employees are responsible for:

- Seeking to resolve matters informally as much as possible;
- Ensuring that they understand the policy and the consequences of vexatious complaints and abuse of this policy;
- Complying with the requirements of this policy when setting out a grievance, including the provision of evidence and compliance with timescales set out in this policy.

#### Line Managers

Line managers are responsible for:

- Ensuring employees know about this policy and know how to raise a grievance.
- Dealing with any complaints fairly, thoroughly, without unreasonable delay and confidentially (where possible), respecting the feelings of all concerned.
- Ensuring that there is no retaliation against the employee who made the complaint.
- Complying with the timescales set out in this policy.
- Notifying their local HR team when a grievance is received

## **Procedure**

### General Principles

Any steps taken under this procedure should be taken without unreasonable delay. There may be a good reason for delay in some cases.

At any stage in the procedure, the Line Manager dealing with the grievance may, at their discretion, defer consideration of the grievance if other activities relevant to the substance 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.

If on investigation, the grievance is found to be vexatious and/or brought in bad faith, the Line Manager may dismiss it without further consideration. Anyone bringing a false grievance or one that is subsequently found to be malicious may be subject to disciplinary action.

Line Managers and investigating officers involved in a formal grievance procedure should seek support and guidance from HR throughout the process as required.

This procedure cannot be used to challenge formal outcomes in other procedures which have an appeals process. Complaints about these matters should be considered during meetings held under these procedures.

Individuals should feel sufficiently confident to raise grievances and will not be victimised for bringing a complaint or acting as a witness. If anybody does victimise an employee or a witness, they will be subject to disciplinary action.

An employee, and anyone accompanying him/her (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

### Confidentiality

The Company's aim is to deal with grievances sensitively and with due respect for the privacy of the individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this Grievance Policy. It may, however, be necessary for outcomes/actions to be notified to certain members of staff.

### Timescales

Grievances will be acknowledged within 5 working days and an invitation to a grievance meeting sent within 14 working days. Whilst every endeavour will be made to comply with timescales, due to the complexity and or specific circumstances of a case, timescales may be extended. In such circumstances, the individuals concerned will be advised, in writing, of the reasons for any delay.

### Right to be accompanied

Employees have the right to be accompanied by a fellow employee or trade union representative at any formal grievance meeting or subsequent appeal meeting. No legal representation is permitted at grievance meeting or appeal meeting even if it is proposed that they attend as a colleague or trade union representative.

The accompanying person may address the meeting, to put and sum up the employee's case, confer with the employee during the meeting and ask questions for clarification. The companion may not, however, answer questions on the employees' behalf, address the meeting if the employee does not wish it, or prevent the hearing manager from explaining their case.

In good time before the meeting, the employee should confirm whether they wish to bring a companion and who that would be.

Individual employees are not obliged to agree to accompany the employee bringing the grievance. Companions will be given appropriate paid time off to allow them to accompany colleagues at a grievance hearing or appeal hearing.

Where the chosen companion is unavailable for a good reason on the day scheduled for the meeting or appeal, the meeting will be rescheduled for a date within five working days of the scheduled date, subject to availability of the hearing manager. The meeting will normally be rescheduled only once. If the employee's chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the employee may be asked to choose someone else.

#### Record Keeping

At all formal stages of the procedure, records will be kept detailing the nature of the grievance raised; the Line Manager's response; the action taken; the reasons for action taken; whether there was an appeal and, if so, the outcome. Responsibility for this lies with the Manager hearing the initial grievance or appeal.

Copies of the meeting records and letters will be placed on the employee's file. The employee will also receive a letter confirming the outcome to their grievance.

All records will be kept confidential and retained in accordance with the Data Protection Act 2018.

#### Accessibility

If any aspect of the grievance procedure causes the employee difficulty, for example, on account of any disability that they may have, they should raise this issue with HR, who will make appropriate arrangements.

If the employee needs assistance at formal meetings because English is not their first language, they should discuss it with HR.

#### Overlapping Grievance, Disciplinary and Capability Cases

Where an employee raises a grievance during a disciplinary, capability or other formal process, the other process may be temporarily suspended in order to deal with the grievance. However, where the issues appear to overlap it may be appropriate to deal with both issues concurrently, this decision will be made by the manager of the disciplinary, capability or other formal process, in consultation with HR.

#### Collective Grievance

In cases where two or more employees raise a grievance on the same issue, this will be known as a 'Collective Grievance'. This procedure does not apply to Collective Grievances which will be dealt with as appropriate to the facts of the case.

#### Informal Grievance

Employees should initially discuss any complaints or grievances with their immediate manager with the aim of resolving the problem informally wherever possible.

Line managers will discuss an employee's concerns in confidence with them, undertake discreet investigations (as appropriate) and attempt to address their concerns fairly and promptly. It is the Line Manager's responsibility to seek to resolve the grievance informally and to notify the individual of the outcome. This would normally take the form of a summary note of the discussion and its outcome.

If the grievance is against the employee's Line Manager it should be raised with that person's Line Manager or HR, who will seek to resolve the matter informally as appropriate.

If the employee's complaint is serious and/or it is not possible to resolve it informally, the employee should follow the formal grievance procedure as set out below.

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

### Formal Grievance

Where it has not been possible to resolve a grievance by informal discussion, the formal procedure should be entered into without unreasonable delay by the employee raising the grievance in writing to their line manager. The written statement will form the basis of any subsequent hearing and investigations, so it is important to set out clearly the nature of the grievance and indicate the outcome that they are seeking. The formal grievance should contain:

- Any relevant facts
- Any relevant dates
- The names of individuals involved or who witnessed the incidents.
- The resolution being sought

The grievance should be sent to their immediate line manager (and copied to HR). If the grievance is against the employee's line manager, it should be raised with the manager's manager.

Receipt of the formal written grievance is normally acknowledged in writing within 5 working days.

The employee will be invited to attend a formal meeting to discuss the matter without unreasonable delay. The meeting will normally take place within 14 calendar days of the written acknowledgement.

The employee and their accompanying person should make every effort to attend the meeting. If the employee is unable to attend the meeting because of circumstances beyond their control, they should inform the person conducting the meeting as soon as possible. If the employee persistently fails to attend without good cause, or if it appears that they have not made sufficient attempts to attend, the meeting may take place in their absence or not at all.

At the meeting, the hearing manager will provide the employee with every opportunity to explain their case and the resolution they are seeking. However, the employee should aim to confine this to matters that are directly relevant to the complaint. The hearing manager will intervene if he/she thinks that the discussion is deviating too far from the key issues.

### Investigation

It may be necessary for the Company to carry out an investigation into the grievance. Depending on the level of investigation required, and the content of the grievance, such investigation may be carried out before holding a grievance meeting, or after it, or both.

The extent of the investigation will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from the employee raising the grievance, the individuals who is the subject of the complaint, and any witnesses, and/or reviewing relevant documents. Employees are required to cooperate fully and promptly in any investigation.

### Outcome

After investigations have been completed, the hearing manager will determine the outcome of the grievance and any steps that should or have been taken to address it. Possible outcomes include:

- upholding the grievance in full,
- Partly upholding the grievance
- Rejecting the grievance.

The hearing manager will inform the individual of their decision in writing, normally within 7 working days of receiving the investigation report or holding the grievance meeting, whichever is later. The outcome letter will state the right to appeal and the name of the manager to whom the appeal is to be presented.

Any employee(s) named in or spoken to as part of the grievance may also be advised of the outcome if appropriate.

## **Appeal Procedure**

### Right of appeal

Where the employee is dissatisfied with the outcome of the formal grievance hearing, they may appeal in writing within 7 working days of receiving the grievance outcome letter. The appeal letter should specify the grounds for the appeal and be made to the next level of management as stated in the grievance outcome letter.

The employee should set out their grounds for appeal, which may include:

- The original grievance outcome decision is unfair, setting out why they believe this is the case; and/or
- Incorrect procedures were used; and/or
- New information has become available.

Unless notified otherwise, the appeal is not intended to be a rehearing of the original grievance, but rather a consideration of the specific areas with which the employee is dissatisfied in relation to the original grievance outcome. The manager conducting the appeal may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.

The appeal will be heard by a manager not previously involved in the original grievance. Where possible this will be more senior manager, or the appropriate Chief Executive Officer/director or his/her nominated deputy.

The decision made at the appeal stage is final.

### Appeal Hearing

Receipt of the appeal is normally acknowledged in writing within 5 working days.

Normally an appeal hearing will be held within 14 calendar days of the written acknowledgement. If there is any reason for a delay in the hearing, the employee will be informed of the delay and the reasons for it.

The employee should ensure that they attend the hearing at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform the person conducting the appeal hearing as soon as possible. If the employee persistently fails to attend without good cause, or if it appears that they have not made sufficient attempts to attend, the meeting may take place in their absence or not at all.

The right to be accompanied to an Appeal Hearing is set out above.

The appeal hearing manager will consider the grounds that the employee has put forward and assess whether or not the conclusion reached in the original grievance hearing was appropriate.

### Outcome of the Appeal Hearing

A decision will be communicated to the employee, normally within 7 working days of the Appeal Hearing. Any recommendations for further action will be clearly stated in the letter.

Any employee(s) named in or spoken to as part of the grievance appeal may also be advised of the outcome if appropriate.

The decision following the appeal is final and there will be no further right of appeal.

## **Procedure for Employees who have left the Company**

The Grievance Procedure does not apply where an employee has left the employment of the Company. Complaints from former employees, or employees who leave before formal grievance proceedings have been concluded, will be dealt with on a case by case basis.