



London Design & Engineering UTC

Staff Grievance Policy

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Staff Grievance Policy and Procedures

1. Introduction

1.1 The London Design & Engineering (LDE) UTC is committed to creating a positive working environment. It is recognised, however, that there may be occasions where an employee may wish to raise a concern, problem or complaint arising out of their employment. On many occasions the issue will be resolved quickly and informally but when this is not possible a formal procedure is available.

1.2 Issues that may cause grievances include:

- Pay, terms and conditions of employment
- Health and safety
- Work relations
- Bullying and harassment
- New working practices
- Working environment
- Organisational change
- Equal opportunities
- Discrimination

2. Purpose

2.1 This policy aims to:

- Enable any employee to have a legitimate grievance heard
- Resolve grievances quickly and equitably
- Resolve grievances as close to their source as possible
- Encourage a harmonious working environment

3. Scope

3.1 This procedure applies to all employees of the LDE UTC. It is not a substitute for good employment practices, and in the first instance every effort should be made by all parties to resolve grievances in a fair and just manner without invoking this procedure.

4. Equalities

4.1 The grievance procedure must always be applied fairly and in accordance with employment law and the LDE UTC Equalities Policy.

5. Responsibilities

5.1 The LDE UTC is responsible for maintaining fair, consistent and objective procedures for matters relating to staff discipline across the UTC's network.

- 5.2 The Principal has overall responsibility for the internal organisation, control and management of the policy across the UTC.
- 5.3 The members of the SLT (senior leadership team or designated senior manager) have responsibility for the internal organisation, control and management of the policy in their area of responsibility.
- 5.4 Management and employee representatives who may be involved in grievance matters should be competent for the task. They should be familiar with the provisions of the grievance procedure, and know how to conduct or represent at grievance hearings.

6. Timing

- 6.1 Grievance matters should normally be conducted within the timescales laid down in the procedure. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the employee should be given an explanation and informed when a response or meeting can be expected.
- 6.2 All efforts should be made by employees to attend meetings that constitute part of this procedure. When there are valid reasons to reschedule meetings then these should be rearranged within five working days.

7. Informal Stage

- 7.1 An employee should first raise a grievance (see **Appendix 1** for a flow chart of the informal stage) orally with their immediate manager. If the grievance relates to the employee's immediate manager, or member of the SLT, or Principal or if it is otherwise not appropriate to use the informal stage, the formal stage of the grievance procedure may be invoked immediately.
- 7.2 The manager will normally meet the employee to discuss the grievance within 5 working days of receipt of the complaint. A decision will be communicated to the employee within a further five working days of this meeting, normally orally. The manager should keep a written record of the matter.
- 7.3 An individual wishing to lodge a formal grievance letter should do so as soon as possible after the event and without unreasonable delay. This should normally be within 3 months of the event.

8. Formal stage

8.1 Step one – Notification of grievance

- 8.1.1 If the employee remains aggrieved, or the informal grievance procedure is inappropriate, or where the manager has failed to respond to the employee's concerns, the next step is for the employee to write to the appropriate member of the SLT (or to the Principal in relation to a member of the SLT or the Chair of the Board in cases involving the Principal), giving full details of the complaint and the resolution sought without unreasonable delay (see **Appendix 2** for a flow chart of the formal stage).
- 8.1.2 The Principal or member of the SLT will acknowledge the grievance and is responsible for appointing an investigating officer to cases which are considered to be particularly complex or sensitive. The investigating officer should be impartial and should have had no previous substantial involvement with the grievance. HR advice may be needed prior to the initiation of any investigation.

- 8.1.3 Care should be taken to ensure that the Investigating Officer will not be a disciplinary procedure decision-maker, in case the complaint is serious and becomes subject to the disciplinary procedure.
- 8.1.4 The Investigating Officer must investigate the complaint as soon as possible. If the Investigating Officer cannot investigate it personally within such a timescale, it should be assigned to another senior member of staff who is competent and able to do so. During their investigation the Investigating Officer should ensure that strict confidentiality protects the rights of all the parties involved.
- 8.1.5 The investigation process must be completed as quickly as possible, and should usually take no more than 10 days, ensuring that all sides have the opportunity to present their view.

8.2 Step Two – Grievance hearing

- 8.2.1 The member of the SLT will write to the employee giving details of the hearing, which will normally take place within 10 working days of receipt of the grievance letter or within 10 working days of completion of the investigation.
- 8.2.2 The letter should inform the employee of their right to be accompanied by a Trade Union representative or work colleague. If an employee's companion cannot attend on a proposed date, the employee can suggest another date which should usually be within five working days.
- 8.2.3 The member of the SLT will hear the grievance (see **Appendix 3** for structure of the grievance hearing). The person hearing the grievance may invite advisers (for example an HR representative) as appropriate. For all meetings a note taker will attend to take minutes of proceedings. It is their role to minute the significant points of the hearing and the decision of the panel but not to produce a verbatim record.
- 8.2.4 Where a grievance is against the Principal, a Director other than the Chair of the Board will conduct the grievance hearing. In such instances the employee's right of appeal will be to the Chair of the Board of Directors.
- 8.2.5 The person hearing the grievance may decide to adjourn the hearing (for up to 5 working days) if necessary, to undertake further investigations.
- 8.2.6 The employee should be allowed to explain their complaint and say how they think it should be settled. If the person conducting the hearing reaches a point in the meeting where they are not sure how to deal with the grievance or feel that further investigation is necessary the meeting should be adjourned for up to five working days to get advice or make further investigation.
- 8.2.7 The decision, and where appropriate, the action intended to resolve the grievance, will be communicated to the employee and representative, in writing, within five working days of the hearing. The employee must be notified, in writing, of their right to appeal and of their right to be represented by a work colleague or trade union representative at any appeal hearing.
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8.2.8 The decisions normally open to the person hearing the grievance, are as follows:

- (i) That the grievance is upheld, in which case, either:
 - the Disciplinary Procedure may be invoked or
 - the respondent may be advised that any recurrence of the unacceptable behaviour may result in disciplinary action being taken or
 - a mutually agreeable resolution may be identified for all parties
- (ii) That the grievance is partially upheld
- (iii) That the grievance is not upheld
- (iv) The Chair may recommend further mediation by an appropriate third party in order to facilitate working relationships

8.2.9 If, following this stage, the employee remains dissatisfied with the decision, they may register an appeal. This must be done by writing to the Principal (or Chair of the Board if the grievance was against the Principal), within 10 working days of receipt of the decision.

8.3 Step three - Appeal

8.3.1 Appeals against grievance decisions will usually be considered by the panel in relation to one or more of the following grounds:

- (i) The **Procedure** – the grounds of appeal should detail how procedural irregularities prejudiced the grievance decision.
- (ii) The **Facts** – the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered.
- (iii) The **Proposed Action** – the grounds of the appeal should detail how the proposed action is inappropriate given the circumstances of the case

8.3.2 The Principal will write to the employee, giving details of the appeal hearing, which will normally take place within 10 working days of receipt of the employee's appeal. The letter must inform the employee of their right to be accompanied at the appeal hearing by a Trade Union representative or work colleague.

8.3.3 The Principal or the Chair of the Board and a Director who has not previously been involved in the case will hear the appeal, which will focus on specific reasons for not accepting the previous decision and will not be a re-hearing. The Panel may invite advisers (for example an HR representative) as appropriate. For all meetings a note taker will attend to take minutes of proceedings.

8.3.4 The Principal will communicate the decision, which will be final, in writing to the employee within 5 working days of the appeal hearing.

9. Record keeping

9.1 Managers and Panels must keep written records of meetings and discussions relating to the grievance. These must be written during or as soon after the event as possible to ensure the accuracy of the record. Written records must be signed and dated by all parties. Copies of all final meeting records must be given to the employee. Written confirmation of the outcome of any meetings will be sent to the employee for their information and a copy kept on the employee's personnel file in accordance with the Data Protection Act 2018.

9.2 Records should include:

- The nature of the grievance
- What was decided and actions taken
- The reason for the actions
- Whether an appeal was lodged
- The outcome of the appeal
- Any subsequent developments

9.3 Employees may also wish to keep records of events to support their case.

10. Special Situations

10.1 Collective Grievances

10.1.1 In circumstances where a grievance is raised by or on behalf of more than one person, the details of the grievance must be set out in writing and signed by all who are party to the grievance. The employees may nominate one person to represent the group, in most cases this will be the trade union representative or trade union representatives where the employees involved are members of more than one trade union.

10.2 External sources of help

10.2.1 In certain circumstances it may, with mutual agreement, be helpful to seek external advice and assistance during the grievance procedure. For instance, where relationships have broken down, an external facilitator might be able to help resolve the problem. This intervention should be initiated in consultation with the UTC's HR Advisers.

10.3 Grievances raised during the course of the disciplinary procedure

10.3.1 Sometimes an employee may raise a grievance related to the case during the course of a disciplinary case. Where this happens and depending on the circumstances, it may be appropriate, to suspend the disciplinary procedure for a short period until the grievance can be considered. The employee should raise the grievance in accordance with this procedure.

10.3.2 Depending on the nature of the grievance, the LDE UTC may need to consider bringing in another manager to continue to hear the disciplinary case.

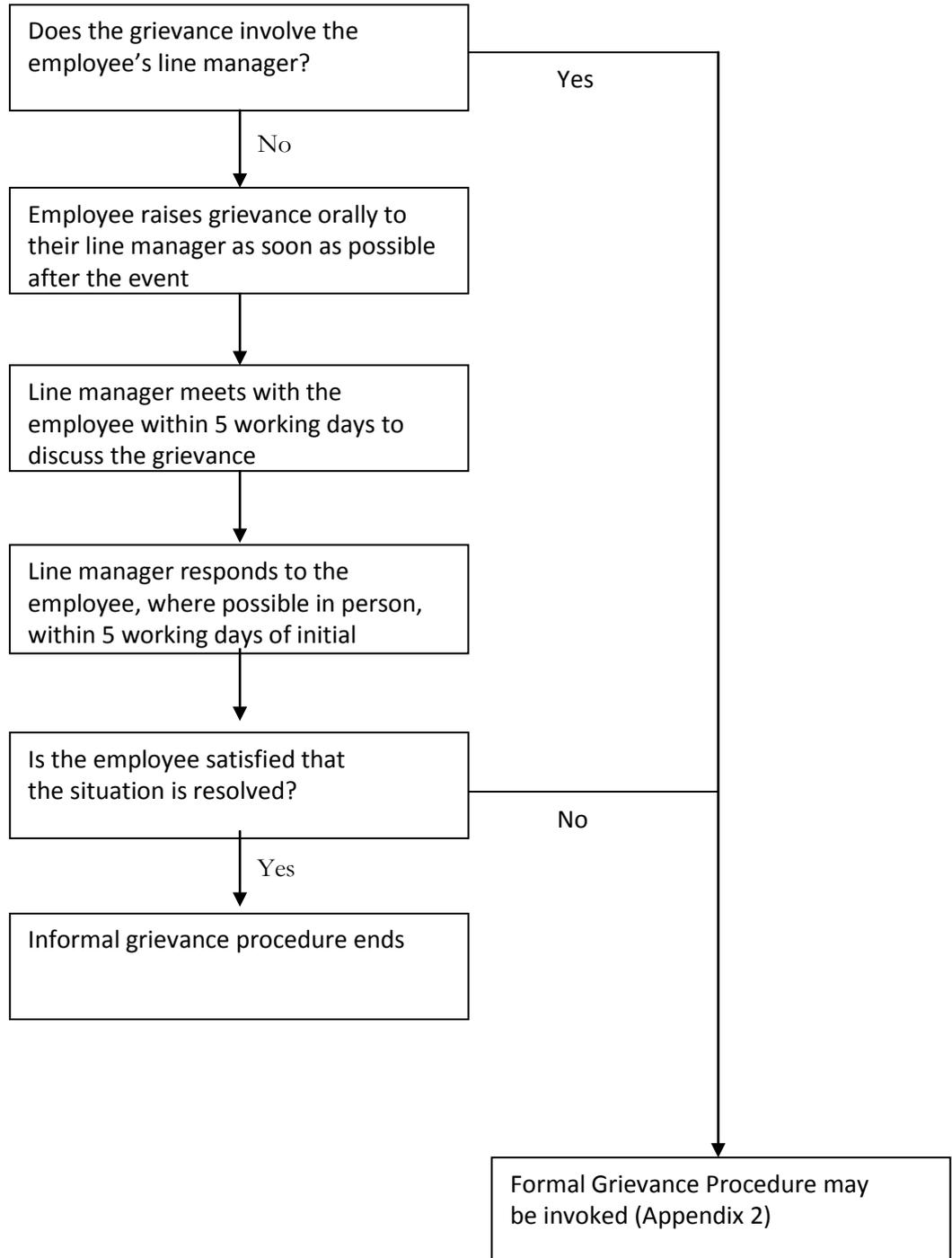
10.4 When the Grievance Procedure should not be used

10.4.1 Where the academy has taken (or has indicated that it is considering taking) disciplinary/capability action against the complainant. If the complainant is unhappy about any disciplinary/capability action, the disciplinary/capability appeal process should be used (however, if the complainant has an unrelated grievance, the disciplinary/capability procedure and grievance procedure can run concurrently).

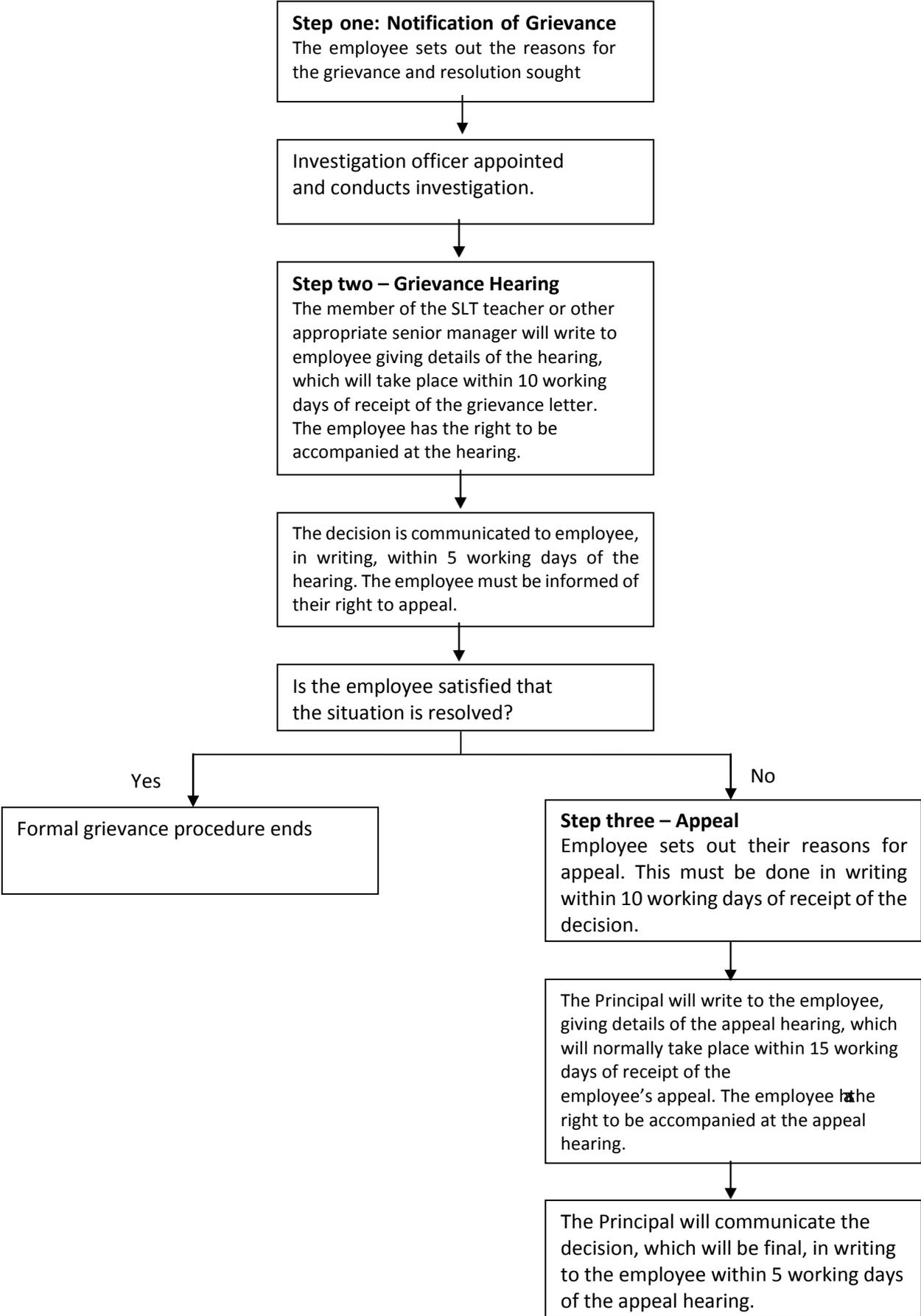
11. Review

11.1 This policy will be reviewed every three years.

Appendix 1- Informal Grievance Procedure Process



Appendix 2 - Formal Grievance Procedure Process



Appendix 3 - Grievance Hearing Structure

