



Grievance Policy and Procedure for Professional Services Staff

Introduction

a) The School is committed to creating an environment where staff feel able to raise workplace issues constructively with managers and to have confidence that these will be handled in an appropriate manner.

b) Grievances are concerns, problems or complaints at work that may relate to a wide range of workplace issues. The School is committed to dealing with grievances as speedily as possible, in the most appropriate way depending upon the nature of the grievance, as unresolved concerns and disputes between colleagues can damage working relations and/or cause low morale or ill health. No two grievances are alike; therefore, this policy sets out the principles that will always be applied to ensure a grievance is handled fairly, with the accompanying procedure setting out the framework that should be applied to resolve grievances proportionately and as swiftly as is practicable.

c) The grievance procedure is not a substitute for good day-to-day communication and employees are encouraged to discuss and resolve daily work place issues. Many problems can be resolved informally if channels of communication are kept open and work well. Where problems cannot be resolved informally, a grievance may be raised and will be investigated as quickly as possible so that it can be resolved within a reasonable timeframe.

d) This Policy and Procedure is applicable to Professional Services members of staff.

Policy Aims

e) The principle aim of the School's Grievance Policy and Procedure is to provide a fair process for individual employees to obtain a speedy resolution to problems relating to their employment. This includes problems or concerns about work, management, working conditions, working relationships with colleagues, health and safety, new working practices, organisational change and equal opportunities.

f) This procedure also applies to investigating cases of alleged bullying, i.e. where an individual feels that they has been subjected to offensive, intimidating, malicious or insulting behaviour, and/or harassment, i.e. unwanted contact that either violates an individual's dignity or creates a hostile or humiliating environment. The School's [Anti-Bullying and Anti-Harassment Policy](#) should also be referred to in cases where this may be applicable.

g) One of the key aims of the policy is to enable the School to provide a working environment in which all employees feel comfortable, able to be themselves, and in which everyone is treated with respect and dignity, regardless of gender, sexual orientation, transgender status, marital or family status, pregnancy, race, religion or belief, age, disability or any other personal factor or quality.

Scope of Policy

h) The main objective in raising a grievance is to resolve the issue that is the basis of the complaint. Employees will – at all stages – be encouraged to consider what successful resolution looks like. The manager handling the grievance will need to understand what an individual is hoping to achieve, e.g. the improvement of a dysfunctional relationship, a promotion decision explained, in order to try to reach a resolution of the complaint.

i) Informal resolution to workplace grievances will be strongly encouraged in the majority of instances, other than the most serious cases, or instances where informal attempts have failed to yield a satisfactory outcome. Informal resolution may involve formal mediation, or may simply involve a matter being raised with a manager who goes on to deal with the issue, or a manager and/or HR Partner assisting two or more colleagues to resolve a difficulty or misunderstanding. Formal procedures will always be available to staff covered by this policy, but it will be usual to be expected to explore informal means of resolving problems first.

j) Equally, early resolution normally leads to better success than allowing issues to fester. It is also difficult for managers to investigate issues that happened a long time ago. As such, staff are

expected to use informal and/or formal means in a timely manner that both allows issues to be 'nipped in the bud' where this is possible, but also allows managers to meaningfully tackle the issue being raised.

k) Grievances – whether at informal or formal stage – will normally be raised with an individual's line manager. Where the grievance is about the line manager, the next most senior manager should be approached.

l) Employees have the right to be accompanied at formal grievance meetings by a work colleague or a trade union representative.

m) The School requires employees responsible for carrying out investigations of formal complaints to be trained beforehand or to seek advice and support from a trained colleague (usually within HR).

n) Employees not satisfied with the outcome of the formal Grievance Procedure will have the right to appeal the decision under the separate [Appeals Procedure for Academic Support Staff](#).

o) The principles of the ACAS Code of Practice on Disciplinary and Grievance Procedures are embedded in this policy and procedure and will be followed in all cases to ensure that a fair process has been followed.

Grievance Procedure

1. Roles and Responsibilities

a) This procedure applies to Professional Services staff only.

b) The investigator may be the line manager, or a person nominated by the line manager to carry out the investigation. If the line manager is the subject of the grievance then the investigator may be the line manager's manager, or another manager who they choose to nominate. Where the investigator is a nominee outside of the line management chain, advice will be sought from the HR Division on the selection of an appropriate alternative.

c) 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 would be a satisfactory outcome to their grievance;
- Attend meetings held under the grievance procedure and participate constructively in the grievance process.

Failure to comply with these responsibilities could prevent the School from offering support it might otherwise be able to provide.

d) Managers have a responsibility to:

- Deal with grievances promptly, fairly and consistently in accordance with the relevant policy and procedure;
- Seek advice from a trained member of the HR Division, e.g. an HR Partner;
- Clearly explain the reasons behind any decision made in respect of a grievance;

e) Grievances are normally raised by an individual but may, on occasion, be raised by a group of individuals. This procedure is constructed with individual grievances in mind, but may be modified as appropriate where group concerns are raised. Where this is the case, the manager with whom the grievance is raised will seek advice from an HR Partner and discuss with the aggrieved group the best way of handling the complaint.

2. Exclusions

a) This procedure relates to all individual grievances concerning matters for which there are no separate agreed procedures. As such, it does not apply to:

- collective disputes, i.e. matters raised by the Trade Unions affecting two or more employees that that should be dealt with under the School's recognition and procedural agreement;
- matters which fall within the remit of the Public Interest Disclosure Procedure.

b) The grievance procedure cannot be used to challenge formal outcomes in other procedures which have an identified appeals process, i.e.:

- [Disciplinary and Dismissals Policy and Procedure for Academic Support Staff](#),
- [Capability – Performance Policy and Procedure for Academic Support Staff](#),
- [Capability - Health Policy and Procedure for Academic Support Staff](#),
- [Redundancy Procedure for Academic Support Staff](#),
- [Review Period Procedures](#),
- Cases that fall under the School's [Professional Services Regrading Policy](#)

c) Where paragraph 2(b) above does not apply, a grievance raised by an employee subject to one or more of the above procedures will be dealt with in the normal way and in parallel with the other procedure. The School may also choose to suspend an associated procedure for a short period, while the grievance is considered.

d) This procedure does not apply to grievances initiated after the end of employment and the procedure may be modified for grievances submitted during an employee's notice period.

3. Informal Resolution

a) In the majority of instances, staff are expected to raise grievances informally before proceeding to a formal grievance. Handling a grievance informally does not mean that the responsibility to resolving the concern rests with the individual; rather, the expectation is that they will raise the concern with an appropriate manager and will be open to a discussion about trying to resolve the grievance informally. In some circumstances an individual may feel able to resolve a problem themselves, e.g. giving feedback to a colleague about an action that caused the individual distress, but on other occasions a manager or an HR Partner may be able to help facilitate a solution. In many instances, grievances arise from misunderstandings or poor communication that can be easily remedied.

b) Where grievances are resolved at the informal stage, it is advisable for managers to confirm in writing (e.g. by email) with the employee the informal action taken and to double check that the matter is in fact concluded. This allows both the individual and manager to have confidence that the matter is dealt with and that actions agreed to will be followed through. It is not always possible to recognise an informal grievance when one is raised (managers should be dealing with staff concerns as they arise as a matter of routine), in which case, it is likely that the matter is simply dealt through normal supervisory channels.

Mediation

c) In many cases, mediation can help to resolve workplaces difficulties involving two or more people. Mediation is a voluntary process that involves the appointment of a third-party mediator, who will discuss the issues raised by the employee's grievance with all those involved and seek to facilitate a resolution for agreement by the parties. Mediation should be discussed as an option during the informal stage of grievance resolution, but can also be suggested at any point of a formal grievance process, in addition to being a reasonable recommendation following a formal grievance decision.

d) For mediation to be successful, both parties need to be happy to participate in the process. Mediation referrals can be made via the HR Partners, who can also explain to any involved party what a mediation process would entail before they commit to proceeding with mediation.

e) Agreement to mediation does not preclude the employee from either withdrawing from the process at a later stage, or submitting a formal grievance either in parallel or subsequently if the mediation is unsuccessful (bearing in mind the responsibility to raise the grievance within a reasonable amount of time).

f) Where mediation is not necessary, or is not the right option in the circumstances, managers should consider broadly and creatively what may help to resolve the situation at hand. In some cases, an apology or acknowledgement from one party to the other is enough to resolve a grievance. Advice may always be sought from an HR Partner in bringing an informal grievance to a successful conclusion.

4. Formal Grievance Procedure

i) Setting out the grievance

a) If informal attempts to resolve the grievance do not adequately resolve the matter, or are considered inappropriate in the circumstances, the employee should progress to a formal grievance

by setting out their concerns in writing using the Statement of Grievance Form (Appendix 1) and submitting it to the relevant HR Partner with any relevant documentation. Further particulars may be requested of the employee where the specifics of the complaint are not clear. HR Partners may also suggest that appropriate informal attempts to resolve the grievance are made, where it is not evident that this has already happened.

b) Reports of bullying and harassment received by the HR Partner Team via the online reporting tool will not be assumed to be formal grievances until an HR Partner has contacted the individual and discussed the nature of their complaint and/or concerns. Should the individual wish to try an informal route to resolution first, the HR Partner will provide appropriate advice in line with this procedure. This would not preclude the individual from subsequently utilising the formal grievance procedure. However, should the individual wish to pursue this as a formal grievance, the HR Partner will liaise with the individual to gather any additional necessary information normally available through the Statement of Grievance Form.

ii) Investigating the Grievance

a) On receiving a Statement of Grievance Form, the HR Partner shall contact either the line manager or the line manager's manager, depending upon the subject of the grievance. The manager will determine whether they will handle the grievance themselves, or whether it is appropriate to nominate another manager to investigate the grievance.

b) The decision to nominate an alternative investigator may be based on a number of factors – some practical, e.g. availability, and some depending upon the nature of the grievance, e.g. where professional expertise from elsewhere in the School may be of additional value (e.g. if financial regulations are a factor in the case). Awareness of the circumstances of the case or familiarity with the individual raising the grievance shall not preclude an investigator from dealing with the grievance, unless the grievance specifically implicates the proposed investigator. It is incumbent upon those asked to investigate that they declare any potential conflict of interest and/or personal involvement with the case in order for the manager to determine whether another investigator should be approached.

c) The individual shall normally be notified of the name of the investigator and the date for the initial meeting within five working days of the submission of the Statement of Grievance Form. Wherever possible, the meeting will be held within ten working days of the submission of the grievance. Where this is not possible, the individual will be informed of the reason for the delay. Where the individual raising the grievance believes there is a conflict of interest with the chosen investigator, they should

raise this with their manager or line manager's manager, as appropriate. The manager will give due consideration to the concern raised, though may ultimately conclude that there is no conflict of interest and instruct the investigation to proceed as planned.

d) At the grievance meeting, the individual shall be given the opportunity of explaining their grievance, submitting any witness statements if appropriate, and invited to explore ways in which the issue(s) may be resolved. The investigator will ask any necessary questions in order to fully understand the grievance.

e) A member of HR will normally be present with the investigator to provide procedural advice, and they may also ask questions for clarification. A second member of the HR Division may also be present to prepare a written record of the meeting.

f) At the end of the meeting, the investigator should provide an estimate of the timescale of the remainder of the investigation, taking into consideration whether it is likely that many other people will need to be interviewed. The investigator should agree to keep the individual informed on a regular basis if the investigation takes longer than initially envisaged.

g) In the case of an allegation of bullying or harassment, where the investigator has good cause to believe that there is a risk of further bullying or harassment they will inform the relevant Head of Department or Service (or their manager if they are the perpetrator) and require them to take interim steps, without prejudice to the eventual findings, to prevent any recurrence. Where the grievance arises from a change of work role or substantive workplace practices, the way things were before shall prevail until the investigator has determined the outcome of the grievance.

h) Where there is an individual 'subject' of the grievance, the investigator will forward a copy of the completed Statement of Grievance Form and any relevant supporting documentation to the subject of a grievance and invite the person to a meeting. Where the grievance has multiple strands that may involve different people, the investigator may choose to only send extracts of the Statement of Grievance Form to relevant staff to be interviewed; this judgement lies with the investigator and will be made by balancing what best serves the aim of resolving the grievance against the right of individuals to defend themselves against accusations that have been made.

i) A work colleague or trade union representative may accompany the individual who has submitted the grievance as well as any subject(s) of the grievance at meetings. See Section 7 of this procedure for more information about the role of the companion.

j) It will be usual for a note-taker to be present at investigatory meetings (usually from HR) and records

of all meetings shall be prepared and sent to each individual, normally within five working days. Employees will be asked to confirm that the written notes are a true and accurate of the meeting.

k) Follow up meetings, e.g. where new information comes to light from a subsequent witness which requires a renewed conversation with either the individual, the subject of the grievance or another witness, are permissible and the same principles regarding the right to be accompanied will apply (see Section 7). Alternatively, the investigator may choose to ask any follow up clarifications by email.

l) Should the individual wish to request that the outcome of the grievance investigation, including a summary of the findings, be confirmed in a meeting, they can request this either at their initial investigation meeting or as soon as is reasonably practicable during the investigation. However, requests for such a meeting will not be met once the outcome of the grievance has been provided to the individual.

m) The HR Partner responsible for the grievance shall monitor the progress of the grievance. The partner shall inform the HR Director of any grievance not resolved within 90 days of 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.

iii) Concluding the Grievance

a) Once the investigator has gathered and considered relevant evidence, they should compile an investigatory report. The scale of the investigation report is likely to be directly proportionate to the scope and seriousness of the grievance. The report should summarise the key issues, document the evidence received, evaluate the key evidence considered and clearly outline the conclusions drawn. This should include a decision whether to uphold or reject all or part of the individual's grievance.

b) The outcome of the grievance will be confirmed to the individual in writing in good time following conclusion of the investigation. The letter will provide a summary of the investigation, the investigator's key conclusions and decisions on whether the grievance is upheld or rejected in full or in part.

c) Where the investigator is not the line manager of the individual, they shall inform the line manager (or the line manager's manager dependent on who instructed the investigation) of any relevant issues arising from the outcome of the grievance that need addressing in order to ensure effective management of the issues in the future, including a copy of the full investigation report.

d) The subject of a grievance shall be informed of the outcome and may request that this is confirmed in writing. They will not receive a copy of the full written outcome sent to the individual.

iv) Possible Outcomes of Grievance Investigations

Grievance Upheld

a) The investigator should decide what steps and related timescales should be taken to resolve the grievance and/or associated underlying issues. They should either implement the steps themselves or report the necessary actions to the relevant manager with authority to implement the steps.

b) If the investigator concludes that there has been bullying or harassment they shall report this to the offender's line manager with a view to instigating appropriate disciplinary proceedings. In the case of bullying and harassment there will be no presumption that the issue will be resolved by moving the person bullied or harassed. If the investigator uncovers other matters that they feel ought to also be subject of disciplinary proceedings, these should also be referred to the relevant manager.

Grievance Not Upheld

c) The investigator should report the outcome to the manager responsible for taking action and include in the report any steps that need to be taken to address any underlying issues that have been disclosed as part of the grievance. In many cases, even when a grievance is not upheld the investigation unveils problems or issues that should be resolved in order to improve the working environment, e.g. coaching or training needs.

Grievance Partially Upheld

d) The investigator should be clear with both the individual and the relevant manager (if they are not the manager themselves) which elements of the grievance are upheld and which are not, alongside any relevant remedies or recommendation actions that are suggested.

6. Appeals

a) Individuals should refer to the separate Appeals Procedure for Academic Support Staff for information about the right to appeal against decisions made in accordance with this procedure.

7. Right of Accompaniment

a) The individual and the subject(s) of a grievance shall take all reasonable steps to attend meetings

held in connection with the grievance and may be accompanied by a work colleague or certified trade union representative. Should the chosen companion be unavailable on the proposed date of the meetings, the individual shall immediately request that the meeting is postponed once to another reasonable date and time that should be within five working days of the given date. Where this is not possible, the individual shall choose an alternative person to accompany them to the meetings.

b) If the reason for the individual or companion being unable to attend the meetings is for reasons that were unforeseeable at the time of arranging the meetings, the individual will be notified of a new date, time and location by the investigator dealing with the grievance.

c) Should an individual choose to be accompanied, it is their responsibility to notify HR of the name of their companion as well as providing their chosen companion with the date and time of the interview alongside the relevant facts of the case.

d) The companion will be able to confer with the individual during grievance meetings and can address the meeting to put forward and sum up the individual's case, respond on the individual's behalf to any view expressed at the hearing and ask questions of clarification. The companion does not, however, have the right to answer questions on the individual's behalf, address the meeting if the individual does not wish it or prevent the employer from explaining their case.

e) External lawyers by profession, other than those who are employees of a recognised trade union, cannot act as companions under this procedure.

8. Grievances against the Director

a) Where the grievance is against the Director personally and the matter has not been resolved informally, the individual may submit a Statement of Formal Grievance Form to Council via the School Secretary. The formal grievance will be considered by a panel of three independent Lay Governors appointed by the Chair of the Court and Council. Any appeal will be determined by the Chair of the Court and Council and two independent Governors not previously involved in the grievance.

9. Support and Advice

a) To ensure consistency of the application of this procedure, managers should seek the advice of an HR Partner before making key decisions.

b) Employees submitting or responding to a grievance may seek advice from a work colleague or a trade union representative. HR Partners can provide general advice to employees on possible options

and procedural advice but cannot provide employees with specific advice on taking forward or responding to an individual grievance.

c) ACAS also provide a helpline for employees who need advice in dealing with employment issues. The number is 08457 47 47 47 and the website is <http://www.acas.org.uk>.

d) Employees may also find it helpful to seek general support from a School network group, for example: EMBRACE (Black and Ethnic Minority Staff Network), SPECTRUM (LGBT+ network), POWER or the Gender Equality Forum (female staff groups).

e) The School has a duty of care to all employees who are the victims of bullying or discrimination and will provide support to any employee who believes they are a victim of such behaviour.

f) All staff should also be aware that the Staff Counselling Service is available on 020 7955 6953 and at staff.counselling@lse.ac.uk.

Appendix 1 - Statement of Grievance Form

Part 1 - Your Details

Your name:

Your job title:

Your department/division:

Date:

Part 2 – Your Grievance

Does your grievance relate to your line manager? Yes/No

Summary of grievance:

Please set out the details of your complaint (providing as much fact-based detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required.

Please provide the names and contact details of any people involved in your complaint, including witnesses.

Part 3 – Resolving Your Grievance

Informal Resolution Attempted:

Please detail any attempt made to resolve your concerns informally (see Section 3 of Grievance Procedure) and/or outline why you do not think informal resolution is possible or appropriate in this particular matter.

Desired Outcome:

Please outline what outcome(s) you are reasonably seeking by submitting this formal grievance.

Part 4 - Declaration

I confirm that the above statements are true to the best of my knowledge, information and belief.

Signature:

Date:

Review schedule

Review interval	Next review due by	Next review start
2 years	29/03/2021	01/01/2021

Version history

Version	Date	Approved by	Notes
6	14/02/2019	JNICC	

Links

Reference	Link
Anti-Bullying and Anti-Harassment Policy	https://info.lse.ac.uk/staff/services/Policies-and-procedures/Assets/Documents/harPol.pdf
Appeals Procedure for Academic Support Staff	https://info.lse.ac.uk/staff/services/Policies-and-procedures/Assets/Documents/appPolAcaSupSta.pdf
Disciplinary and Dismissals Policy and Procedure for Academic Support Staff	https://info.lse.ac.uk/account/login?ReturnURL=http%3a%2f%2finfo.lse.ac.uk%2fstaff%2fdivisions%2fHuman-Resources%2fAssets%2fInternal%2fstaff%2fPolicy%2fPSSDisAndDismissal.pdf
Capability Performance Policy and Procedure for Professional Services Staff	https://info.lse.ac.uk/staff/services/Policies-and-procedures/Assets/Documents/capPerPolPSSSta.pdf
Capability Health Procedure for Academic Support Staff	https://info.lse.ac.uk/staff/services/Policies-and-procedures/Assets/Documents/capHeaProAcaSupSta.pdf
Redundancy Policy	https://info.lse.ac.uk/account/login?ReturnURL=http%3a%2f%2finfo.lse.ac.uk%2fstaff%2fdivisions%2fHuman-Resources%2fAssets%2fInternal%2fstaff%2fPolicy%2fRedundancy-Procedure.pdf
Review Period Procedures	https://info.lse.ac.uk/account/login?ReturnURL=http%3a%2f%2finfo.lse.ac.uk%2fstaff%2fdivisions%2fHuman-Resources%2fAssets%2fInternal%2fstaff%2fPolicy%2fReview-Periods.pdf
Professional Services Grading Policy	https://info.lse.ac.uk/staff/services/Policies-and-procedures/Assets/Documents/proSerGraPol.pdf
ACAS website	http://www.acas.org.uk
LSE staff counselling email	staff.counselling@lse.ac.uk

Contacts

Position	Name	Email	Notes
HR Policy	Lisa Morrow	l.morrow@lse.ac.uk	

Communications and Training

Will this document be publicised through Internal Communications?	No
Will training needs arise from this policy	No
If Yes, please give details	