

Grievance Procedure

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1. Introduction

1.1

The University of London recognises the importance of maintaining harmonious and good working relationships and the contribution this will make in supporting delivery of a high quality service to internal and external customers of the central University.

1.2

The central University is committed to providing a fair and effective mechanism for handling grievance issues and this procedure sets out the guiding principles for ensuring that grievance issues are dealt with in a fair, prompt and consistent way across the central University.

1.3

All employees have the right to seek resolution for grievances/disputes either on an individual or collective basis. This procedure provides information to employees detailing how to raise a grievance, and outlines how it will be dealt with by the central University.

2. Scope

2.1

This procedure applies to all employees of the University, including CoSector Limited, Senate House Worldwide Limited and University staff deployed to Health Education England. Where a grievance/dispute involves an academic member of staff, this should be read alongside [Ordinance 20](#). It does not apply to agency workers, or those with a contract for services.

2.2

Where an individual discovers information which they believe relates to malpractice/wrong-doing, it may be more appropriate for the matter to be raised under the [Public Interest Disclosure \('whistleblowing'\) policy](#). Please refer to Human Resources for further advice.

2.3

This procedure will not apply in instances where a case has previously been raised and/or seen through to appeal via another procedure.

3. General Principles

3.1

Most problems at work can be resolved informally at an early stage. Please refer to the Dignity and Respect Policy for further information on informal resolutions. Where this is not possible the formal stages of the central University's Grievance Procedure may be applied.

3.2

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

3.3

Time limits expressed below may be extended at the discretion of the central University where reasonably necessary. If you request an extension to the time limits, the central University will not unreasonably withhold agreement. Where possible, agreement will be sought between the central University and you as to the limit of any extension in time.

3.4

You are entitled to be accompanied at any formal meeting under this procedure by a colleague from the central University or a trade union representative. Your companion may:

- address the meeting;
- ask questions on your behalf;
- present and summarise your case;
- respond on your behalf to any views expressed at the meeting;
- confer with you during the meeting;
- request adjournments.

Your companion may not:

- answer questions on your behalf;
- address the meeting against your wishes;
- prevent management from explaining the case

3.5

If you have a disability (as defined by the Equality Act 2010) then arrangements for any formal meeting under this procedure will include consideration of any requirements for reasonable adjustments.

3.5

You are not permitted to use any form of electronic recording device during any meeting under this procedure. Should the central University later find that any recording devices were used, this will be regarded as a serious breach of trust and confidence and you may be subject to disciplinary action.

4. Raising a Grievance

4.1

If you are an employee of the central University and have a grievance relating to:

- your work;
- your working conditions;
- your pay and benefits;
- your working hours;
- treatment by your colleagues or your manager(s);
- concerns about your health and safety;
- a breach of your statutory employment rights;
- any other issue affecting your employment;

You should, in the first instance, discuss the matter on an informal basis with your immediate line manager or, if the issue involves your immediate line manager, you should raise the matter with their manager. They will discuss your concerns with you in confidence, make discreet investigations, and attempt to resolve the matter speedily and fairly.

4.2

If attempts to resolve your grievance informally are unsuccessful, you should write to your immediate line manager or their manager (as appropriate) setting out your grievance and the basis for it. This should include reference to specific dates, times and places, the names of any witness(es) (where applicable) to the incidents, the action taken to resolve the matter so far and also details of the outcome or remedy sought.

If you are raising a grievance about bullying and harassment (see point 7 below) you can choose whether to raise your grievance with your manager or directly with the human resources department. The University of London will ensure that you can bring your complaint in the first instance to someone of your own sex, if you so choose.

4.3

If you initiate the Grievance Procedure the matter will be addressed as confidentially as possible. However, where your complaint is against a member of staff (referred to as 'the respondent'), a summary of your grievance will be shared with them, and they will have the right to respond to the issues raised. In addition, the respondent will be informed of the outcome of your grievance, and will be advised of any recommendations that relate to them. Where witnesses are involved, they will be given a brief summary of your grievance (to the extent that it is relevant to the enquiries being made with them), in order to enable a full investigation to be undertaken.

4.4

The issue of confidentiality is an important aspect of any Grievance Procedure. Not only is confidentiality important to protect those involved, it is also critical in protecting the integrity of any investigation and any other subsequent procedures. All parties involved in the Grievance Procedure, including claimants, respondents and witnesses, should be mindful of confidentiality at all times and any unnecessary breaches of this will be dealt with appropriately.

5. Stage 1

5.1

On receipt of your written grievance, your immediate line manager (or their manager) or Human Resources may arrange a preliminary meeting with you to understand the grievance and to obtain, where appropriate, further explanation or information from you.

5.2

Following any preliminary enquiries, a suitably competent Stage 1 Reviewer will be appointed to hear your grievance. They will not have previously been involved in, or have any prior knowledge of, the case. The Stage 1 Reviewer will be given a copy of your grievance, and any other information that is available. They will then devise a plan for investigating and hearing your grievance. Depending on the grievance raised, an initial investigation may be undertaken before a formal meeting takes place with you.

5.3

You will be invited to a formal grievance meeting with the Stage 1 Reviewer, at which you will be asked to present your concerns, discuss the relevant evidence, and outline the remedy you are seeking. You will be given at least five working days' notice of the meeting. A representative from Human Resources will normally attend the meeting to provide procedural advice and to take notes.

5.4

You are entitled to be accompanied by a colleague from the central University or a trade union representative at the formal grievance meeting (see 3.3 above). If your companion is not available to attend the meeting, the meeting may be postponed for up to five working days from the date of the original meeting, to ensure your companion can attend.

5.5

Following the meeting, HR will send the meeting notes to the Stage 1 Reviewer for agreement. Once agreed by the Stage 1 Reviewer, a copy of the notes will be circulated to you for review.

5.6

Following the formal grievance meeting, the timetable for any further investigation will be advised to you in writing, along with an estimate of the time required.

The Stage 1 Reviewer will confirm the outcome to you in writing, normally within 10 working days of the last meeting.

5.7

The written outcome will include the Stage 1 Reviewer's decision in relation to your grievance. Their options are to uphold your grievance in full or in part, or to dismiss

your grievance. The outcome may also include one or more recommendations, and, if your grievance is not upheld, will outline your right of appeal. Where the complaint is against another member of staff, and there is sufficient evidence to suggest that there is a case for them to answer, proceedings may be initiated under the Disciplinary Procedure.

5.8

Where your complaint is deemed by the Stage 1 Reviewer to be potentially vexatious or malicious, the central University reserves the right to instigate proceedings under the Disciplinary Procedure. Complaints considered to be vexatious or malicious would include those that appear, through reasonable investigation, to have been made in bad faith or without merit or foundation, for the purposes of causing harm or disadvantage to the respondent or the institution.

6. Stage 2

6.1

You may appeal the decision of the Stage 1 Reviewer if you believe you have sufficient grounds to do so. The purpose of the appeal is for the original decision to be reviewed by another manager, in order to ensure that nothing was overlooked at Stage 1.

6.2

Your appeal should be made in writing to Human Resources within five working days of you receiving the outcome of Stage 1. It should clearly outline the grounds for your appeal, and why you feel they apply in the circumstances. Appropriate grounds for appeal would include the following:

- The procedure was not followed
- Certain evidence was not adequately considered by the Stage 1 Reviewer
- Substantial new evidence or information is now available

Disagreement with the decision made by the Stage 1 Reviewer is not in itself sufficient grounds for appeal.

6.3

On receipt of your appeal, a suitably competent Stage 2 Reviewer will be appointed to hear your appeal. The Stage 2 Reviewer will not have been involved in, or have any

prior knowledge of, the case previously and will, where reasonably practicable, be from the next level of management above the Stage 1 Reviewer.

6.4

Within ten working days of receipt of your appeal, you will be invited to a formal grievance appeal meeting with the Stage 2 Reviewer. You will be given at least five working days' notice of the meeting. A representative from Human Resources will normally attend the meeting to provide procedural advice and to take notes.

6.5

You are entitled to be accompanied at the formal grievance appeal meeting by a colleague from the central University or a trade union representative. See 3.4 for further details.

6.6

Following the formal grievance appeal meeting, the timetable for any further investigation will be advised to you in writing, along with an estimate of the time required.

The Stage 2 Reviewer will confirm the outcome of your appeal to you in writing, normally within 10 working days of the last meeting.

6.7

The written outcome will include the Stage 2 Reviewer's decision in relation to your grievance. The following are possible outcomes of a grievance appeal hearing. The list is not exhaustive and the decision made will depend upon the circumstances of each case:

No change to the outcome of the Stage 1 decision

Grounds for appeal upheld, either totally or in part

Alternative or additional remedial actions imposed

The Stage 2 Reviewer's decision is final, and there is no further right of appeal.

7. Grievances relating to allegations of bullying, harassment & victimisation

7.1 What is bullying and harassment?

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable.

Everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others.

Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him/her, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a perception that they are gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated (eg friend or relative), for example if his/her child is disabled, wife is pregnant or friend is a devout Christian.

There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a client or customer. For example, it might be that a client makes a series of racist remarks to an employee. If an employee feels that they have been bullied or harassed by customers, suppliers, vendors or visitors, they should report any such behaviour to their manager who will take appropriate action. Bullying or harassment of customers, suppliers, vendors or visitors or others by an employee will be dealt with through the disciplinary procedure.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the Disciplinary Procedure. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault. However, the University accepts that bullying and harassment may not relate to one of the protected characteristics (i.e. it can happen to anyone). Some examples of bullying and harassment can be found in Appendix A.

Where any allegations raised under this procedure are also the subject of criminal proceedings, notwithstanding this the University will ordinarily seek to progress its own internal investigations in the usual way. In some circumstances, it may be necessary for any action under this policy to be put on hold due to reasons outside of the University's control. In any such circumstances, we will update you as to the reasons for any delay.

7.3 What is victimisation?

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the organisation will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

8 What should I do if I think I am being bullied or harassed?

8.1 Dealing with the matter informally

You may be able to resolve matters informally, please refer to the Dignity at Work Policy. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help him/her to understand the effects of his/her behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of someone in human resources, a manager, trade union representative or another employee. Alternatively, an initial approach could be made on your behalf by one of these people. You should tell the person what behaviour you find offensive and

unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager or human resources. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.

8.2 Dealing with the matter formally

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the Grievance Procedure. In the case of grievances relating to bullying or harassment, the normal grievance procedure is modified so that you can choose whether to raise your grievance with your manager or directly with the human resources department. The University of London will ensure that you can bring your complaint in the first instance to someone of your own sex, if you so choose.

In very serious cases, a criminal offence may have been committed and you may wish to report matters to the police.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will take place. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings. The organisation will decide on a balance of probabilities, after considering all available evidence, whether or not harassment or bullying has occurred.

8.2.1 During the formal investigation

Wherever possible, the University of London will try to ensure that you and the individual that you have raised a complaint against are not required to work together while the complaint is under investigation. This could involve giving either party the option of remaining at home on special leave. Consideration will also be given to the possibility of a transfer for either/both parties, if appropriate. Any transfer or time off will be without prejudice to the outcome of the investigation and will be without salary detriment. In serious cases, the individual that you have made a complaint against may be suspended whilst the investigation and any disciplinary proceedings are underway.

8.2.2 Following the formal investigation

If your complaint is upheld, and the person found to have bullied or harassed you remains in the University's employment, every effort will be made to ensure that, if possible, you do not have to continue to work alongside this individual, if you do not wish to do so. HR/your line manager will discuss the options with you. These may include the transfer of this member of staff or, if you wish, you may be able to transfer to another post.

If your complaint is not upheld, the human resources department will support both members of staff involved and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. The

organisation will consider making arrangements to avoid both members of staff having to continue to work alongside each other, if either of you do not wish to do this.

You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.

9 Confidentiality

The University of London will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so they are able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them. If the complaint is upheld, and a person who has been found to have harassed you is kept in employment at the University of London, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.

10 What can I do to help stop bullying and harassment?

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:

- being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking";
- treating your colleagues with dignity and respect;
- taking a stand if you think inappropriate jokes or comments are being made;
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment or bullying and giving support to recipients;
- making it clear that you find harassment and bullying unacceptable;
- reporting harassment or bullying to your manager or human resources and supporting the organisation in the investigation of complaints; and
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

Managers have a particular responsibility to:

- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that staff know what standards of behaviour are expected of them;

- intervene to stop bullying or harassment; and
- report promptly to human resources any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

11 What happens if I am accused of bullying or harassment?

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence that may well be the end of the matter.

If a formal complaint is made about your behaviour, this will be fully investigated and the University of London may bring disciplinary proceedings, if appropriate. The Disciplinary Procedure will be followed and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you and to put forward your response. You will also have the right to be accompanied to meetings by a trade union representative or work colleague of your choice. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct that, if proved, could lead to dismissal without notice.

The University of London will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some details may have to be given to potential witnesses but the importance of confidentiality will be emphasised to them. Any unnecessary breaches will be dealt with appropriately.

Wherever possible, the organisation will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded. Please refer to the disciplinary policy for further information.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, a decision could be made to transfer you to another post.

If a complaint is made against you that is deemed to be potentially vexatious or malicious, disciplinary action will be taken against the individual who raised the complaint. See section 5.8 above.

You must not victimise a person who has made a complaint in good faith against you or anyone who has supported him/her in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if the organisation has good reason to think that you may have victimised the complainant or someone else.

If the complaint against you is not upheld, the human resources department will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. The organisation will, where possible, consider making arrangements for redeployment/voluntary transfer (see point 8).

12 What happens after the formal stages?

Where a grievance concerning an issue of harassment, bullying and victimisation is raised, regardless of whether this is upheld or not, line managers should meet regularly with both parties to help build the working relationship.

Where grievances are raised and the allegations are upheld, the University will make every effort for relocation and/or redeployment for either the complainant or respondent, where possible.

Where grievances are raised and the evidence is found to be inconclusive, either party will have the option of requesting a voluntary transfer. Whilst every effort will be made to enable this, there is no guarantee of a transfer.

Human Resources

April 2018

This procedure was subject to an Equality Impact Assessment and the identified actions completed. This has ensured that this policy complies with the terms of the Equality Act (2010) and reflects our commitment to equality, diversity and inclusion.

This policy is not contractual and can be amended at any time by the University.

The Director of HR Services will review this procedure within its first year of operation, and periodically thereafter.

13 Appendix A

Examples of bullying or harassment

All forms of bullying and harassment are covered by this policy. Below are examples of unacceptable behaviour but this list is not exhaustive.

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or email (so-called "flame-mail"), Skype for Business, Social Media, Text Messages or other forms of communication.

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- excluding an individual because they are associated or connected with someone with a protected characteristic, e.g. their child is gay, spouse is black or parent is disabled;
- ignoring an individual because they are perceived to have a protected characteristic when they do not, in fact, have the protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be a transsexual;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups;
- spreading malicious rumours or insulting someone;
- picking on someone or setting him/her up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-cooperation at work; and
- excluding someone from social activities.