

Grievance Policy

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Grievance Policy

A Purpose

1. The Institute of Cancer Research (ICR) seeks to promote effective working relationships based on mutual trust, respect and dignity and in line with our [Values](#). This policy provides employees with the opportunity to raise particular concerns that they may have about their employment and to ensure that they are dealt with promptly, fairly and consistently. It follows the [ACAS Code of Practice on Disciplinary and Grievance Procedures](#) and its accompanying guidance.

B. Accessibility

2. If any aspect of this policy or procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this with your HR contact, who will make appropriate arrangements.

C Scope

3. This policy applies to all employees and workers, whether on permanent or fixed-term contracts. It does not apply to those who are not directly employed by the ICR, e.g. agency staff, consultants, contractors. Nor does it apply to honorary appointees, volunteers, students or those on work experience or internships.

4. This policy is designed to deal with concerns, problems or complaints an individual employee may have regarding their employment, such as:

- Working practices
- Working conditions and environment
- Working relationships with colleagues

Separate policies exist for raising concerns regarding bullying and harassment. If a complaint is made under the Grievance Policy and it is felt more appropriate that the Challenging Bullying and Harassment Policy should be used to address the concern, the HR team will advise the complainant and the subject of the complaint accordingly.

Complaints against the outcome of an employee relations process, such as Sickness Absence, Capability and Disciplinary procedures, should be made via the appeals process of the relevant policy (see section K).

Complaints against the outcome of an appraisal review should be made via the Appraisal Ratings Appeal process. Grievances may be raised regarding the *conduct* (but not the decisions) of a formal hearing, an appeal, an appraising manager or a countersigning manager.

5. Collective disputes (grievances raised by two or more employees) will be managed under the Collective Grievance Procedure, outlined in Appendix 1.

6. This policy applies to grievances raised by employees during their employment with the ICR. If an individual raises a grievance after leaving the ICR's employment, an investigation will be conducted so far as is practicable and response provided in writing to the complainant.

7. This policy is not contractual, does not form part of individuals' contracts of employment and may, after consultation with Staff Side (the ICR's recognised trade union), be amended from time to time.

D Principles

8. All individuals working at the ICR are expected to maintain high standards of behaviour, conduct and integrity and to treat others with courtesy, reasonableness, fairness and respect.

9. All parties are expected to acknowledge the seriousness of any grievance and act as promptly as possible, with integrity and in good faith.

10. All parties are expected to treat each other with sensitivity and respect throughout the process.

11. We recognise that raising a grievance, or being the subject of a complaint, can be stressful for all parties involved. It is acknowledged that due to the nature of the complaint and/or the seniority of the subject of the complaint, employees may be hesitant to raise concerns. However we strongly encourage staff to proactively attempt to resolve issues as soon as possible to prevent further and/or more serious concerns developing. Grievances raised long after the alleged event(s) causing concern can also be challenging to investigate and resolve effectively. You can discuss your concerns in confidence in the first instance with a Wellbeing Adviser, Staff Side or your HR contact, who can advise you on the various approaches that you might wish to consider taking before deciding to make a formal complaint. The [ICR's Employee Assistance Programme](#) also offers free, independent, impartial and confidential advice and support to all staff and students.

12. The ICR encourages all employees to try and resolve grievances informally in the first instance. Parties are more likely to achieve a successful outcome(s) through informal resolution. If it is not possible, or appropriate, to resolve a grievance informally, then a formal complaint may be made.

13. Managers who receive a complaint under this policy should contact their [HR Manager](#) in the first instance. Individuals involved in a grievance may seek advice from the HR Department and an appropriate [HR contact](#) (who is not involved in advising the manager receiving or investigating the grievance) will advise – and may seek to promote mediation – as appropriate.

14. Based on investigation findings, a formal grievance may result in the recommendation of disciplinary action. Any party found to have made statements or allegations in relation to a grievance that are deemed malicious, frivolous, or vexatious, may be subject to disciplinary action.

15. All parties are expected to maintain confidentiality throughout the process. Once a formal grievance has been raised, no party should discuss any aspect of the grievance with anyone else without first

seeking advice from either HR or Staff Side. Any party found to have breached confidentiality (knowingly or otherwise) without good reason may be subject to disciplinary action.

16. All parties will be treated fairly and equally, regardless of their status, their sex, being married or in a civil partnership, gender reassignment, sexual orientation, pregnancy or maternity, race (including colour, nationality and ethnic or national origins), religion or belief, age, or disability.

17. Changes to working arrangements, such as line management or where parties to the grievance normally work together as part of a team, will not normally be made unless the ICR considers it necessary or appropriate to implement temporary changes immediately.

E Sources of advice and support

18. In addition to HR and Registry, many sources of advice and support are available at the ICR. These include:

- A network of [Wellbeing Champions](#) – members of staff and students who have been trained to help support colleagues;
- The union Unite (known at the ICR as [Staff Side](#)), which has accredited representatives able to support their members;
- Your line manager or supervisor, who can provide advice and guidance on dealing with bullying and harassment. Where this is inappropriate (i.e. because the line manager is involved), advice may be sought from another manager;
- A free, independent and completely confidential [Employee Assistance Programme](#), providing information, advice and support to staff and students;

19. The ICR provides an independent, completely confidential whistleblowing hotline, via which you can report serious concerns. You can contact Ethicspoint's independent hotline service which provides an alternative, safe and secure way for staff and students to report any serious concerns in confidence. The hotline number is 0800 89 00 11. You will be asked for an Access Number, which is 833 678 1255. You can also make a report online – [for more details please see Nexus](#).

F Right to be accompanied

20. The right to be accompanied **only** applies to the following:

- To an employee who raises a formal grievance, at both the formal grievance hearing and any subsequent appeal hearing
- If invited, to any individual named as a subject of a formal grievance, at the formal grievance hearing and any subsequent appeal hearing

21. The companion can be either a Staff Side representative, a certified trade union representative or a work colleague (who must be an ICR employee). External representatives such as solicitors and family members will not be permitted to attend, save in very exceptional circumstances.

22. An individual who wishes to be accompanied in accordance with the above is responsible for both arranging the selection of their companion and providing them with the necessary documentation and information to allow them to attend and represent them. If requested by the complainant or the subject of the complaint, HR will provide copies of documentation to their companion.

23. Individuals should carefully consider their choice of companion and must provide the name of their companion to the manager conducting the meeting at least two working days before the hearing. The ICR reserves the right to reject the selection of a companion whose attendance may prejudice the grievance process (e.g. through being a potential witness or additional subject of the grievance). In this case, your HR contact will explain to you the reasons why your chosen companion cannot be involved in this capacity and you will be given the opportunity to select a different companion.

24. A companion accompanying either the complainant or the subject of the complaint is entitled to address the meeting, put their case forward, confer with them, respond on their behalf to any points made and sum up. They are not entitled to answer questions directed to the individual they are accompanying.

25. The right to be accompanied **does not** apply to the following:

- Any meetings arranged to resolve grievances informally
- Any meetings conducted as part of an investigation into a formal grievance

However, in exceptional circumstances, companions **may** be permitted in such meetings if the ICR considers their presence to be a reasonable adjustment that will benefit and not prejudice the process (as per paragraph 23). In such circumstances, the presence of a companion is solely to support the complainant and/or subject(s) to fully participate in the meeting. Accordingly, such companions are **not** entitled to participate as per paragraph 24.

This does not prevent complainants and subjects from seeking advice and support – outside of meetings – at any time as per paragraph 13 and section E.

G Procedure – Informal stage (Appendix 2)

26. Employees are expected to resolve any concerns informally in the first instance with a view to maintaining good working relationships with all parties concerned. This could be through directly approaching the person concerned or, where appropriate, the employee's own line manager. The HR Department can provide advice to any party involved in attempting to resolve an issue informally.

27. Employees are encouraged to initiate informal resolution as soon as possible after the alleged event causing concern.

H Procedure – Formal stage (Appendix 2)

Submission and handling of formal grievances

28. Where an informal attempt does not resolve the matter or, in the employee's opinion is inappropriate, the employee should submit a formal grievance statement, with supporting documents, as appropriate. The formal grievance statement should be submitted as soon as possible after attempts to resolve the matter informally, or, if an informal attempt has not been made, as soon after the alleged event that has given cause for concern. This statement will form the basis of any investigation and formal hearing and must clearly detail:

- The nature of the grievance and specific allegations
- Any attempts made to resolve the grievance informally (and, if applicable, an explanation why no attempt has been made)
- The specific outcome(s) being sought

A guide on preparing a formal grievance statement can be found in Appendix 3.

29. The employee should send the formal grievance statement to their own line manager (or, if the grievance is about the line manager, to their line manager's manager) and a copy sent to the [HR Department](#). The grievance should be acknowledged on receipt by the manager and by HR.

30. Grievances regarding the Chief Executive should be made to the Chair of the ICR, with a copy sent to the Chief People Officer.

31. The receiving manager, in consultation with HR, will consider and decide if it is appropriate for them to hear (manage) the grievance themselves. If it is not deemed appropriate, HR will arrange the appointment of an alternative manager to hear the grievance.

32. The manager hearing the grievance will review the formal grievance statement and where necessary, seek further clarification from the employee on any aspect of the statement before deciding how to proceed. The manager may also decide that the matter can still be resolved informally and encourage all parties involved to (re-)initiate such attempts as soon as possible. The same manager will subsequently hear the grievance formally in the event that (further) informal resolution is unsuccessful.

33. An employee who, having attempted to (re-)initiate informal resolution, still feels the matter is unresolved should confirm this in writing to the hearing manager.

Investigation prior to formal grievance hearing)

34. If the manager decides to hear the grievance formally, they will consider whether any investigation **prior to** a formal grievance hearing is necessary. Examples of pre-hearing investigation activities include obtaining responses to the formal grievance statement from any individual(s) named as subject(s) of the grievance, evidence from any witnesses deemed relevant to the matter and any other relevant evidence (e.g. documentary evidence).

35. If an investigation is considered necessary, the manager will decide, in consultation with HR, whether they will manage the investigation themselves or whether another individual should be appointed to conduct the investigation. The complainant and the subject(s) of the complaint will be informed that an investigation is being undertaken, the name of the investigator and an anticipated timescale for its completion.

36. The investigator will undertake the investigation as promptly as practicable. The subject(s) will be sent a copy of the formal grievance statement (with any supporting documents) and invited to provide a written response within five working days if they wish. Alternatively, a subject may request to provide their response in a meeting with the investigator, provided this takes place within the same five working days timescale. Copies of any responses from subjects will be sent to the complaint, together with the final investigation report.

37. The investigator will also arrange to meet any witnesses deemed relevant to the grievance. Alternatively, the investigator may write to witnesses with specific questions and request a written response. Witnesses are expected to make every effort to participate in an investigation and to make themselves available either for a meeting or to provide a written response within five working days of receiving a request to do so.

38. Any subject or witness providing responses or evidence in a meeting will be given three working days after receipt of any draft notes to approve them as an accurate statement or make amendments as appropriate. The draft notes will otherwise be regarded as an accurate statement from the subject/witness.

39. The above timescales may be extended with agreement from the investigator only in exceptional circumstances (i.e. due to absence from work or in order to complete the investigation thoroughly).

40. Upon concluding their investigation, the investigator will prepare a written report detailing the evidence obtained and their findings. The report should be sent to HR in the first instance (and, if a separate investigator was appointed, to the manager hearing the formal grievance). The report will then be sent to the complainant and, where appropriate, to the subject(s) of the complaint.

Formal grievance hearing

41. As soon as practicable after receipt of the formal grievance statement (or, if appropriate, receipt or completion of the investigation report), the hearing manager, in consultation with HR, will arrange a formal grievance hearing. The complainant (and, where appropriate, the subject of the complaint) will be given at least five working days' notice of the hearing and notified of their right to be accompanied in accordance with section E above.

42. The complainant and the subject of the complaint will be given copies of all relevant documentation prior to the formal hearing. This will be sent at the same time as notification of the hearing (see paragraph 39).

43. At the hearing, the hearing manager will normally be accompanied by an HR representative who can advise all parties on procedure and take notes. The role of the HR representative is to ensure that:

- Good practice is adhered to and that the ICR Grievance Policy is applied throughout proceedings.
- The complainant is reminded of their right to be accompanied and to note for the record if the complainant has chosen not to be accompanied.
- Following the conclusion of the proceedings, the complainant is reminded of the next steps, including their right to appeal the decision and the procedure for doing so, including the timeframe in which an appeal must be made.

44. The HR Representative may clarify points of procedure, policy and legislation but the decision lies with the Hearing Manager.

45. The HR Representative may suggest a brief adjournment to the meeting to allow discussion with the Hearing Manager, just as the complainant (or subject of the complaint) may request a brief adjournment to allow discussion with their companion, before reconvening the meeting. Such adjournments should be proportionate, kept as brief as possible and should not delay proceedings unnecessarily.

46. At the outset, the hearing manager will:

- introduce all parties present;
- outline the status and purpose of the hearing;
- clarify everyone's roles; explain the procedure for the hearing;
- check that all parties have received the appropriate documentation and;
- confirm any additional witnesses to be called by either party to the grievance.

47. If relevant, and with the agreement of all parties, the hearing manager will decide whether it is appropriate for both the complainant and the subject(s) of the grievance to be present together or separately (i.e. sequentially) at the hearing. The hearing manager will also decide at what point any witnesses will be called to present evidence.

48. The complainant, or their representative, will be invited to explain their grievance (if there has been no pre-hearing investigation) and present their evidence. They will be able to respond to the findings of any pre-hearing investigation and suggest how the grievance should be resolved. The subject(s) of the grievance will be invited to respond to the allegations and suggest how the matter may be resolved.

49. The hearing manager may ask questions of all parties and/or their witnesses for clarification. If a separate investigator was appointed, they may also be required to answer any questions arising about the investigation, either during or outside of the hearing.

Outcome

50. Following presentations from all parties, the hearing manager will adjourn the hearing to consider their decision. This may be given verbally to all parties after the adjournment or postponed for further consideration or to conduct any necessary further investigation.

51. Grievances may be fully upheld, partially upheld or not upheld. A written response confirming the outcome of the grievance with a full explanation will be sent to the complainant and to the subject of the complaint) within five working days of the hearing, or as soon as reasonably practicable.

52. Depending on the outcome, actions may be recommended (for any/all parties involved in the grievance), including:

- Mediation – this may entail the appointment of an independent mediator (who may be external to the ICR) to discuss the issues raised and seek to facilitate a resolution. Mediation is entirely voluntary and will only be used where all parties involved agree to their participation.
- Wider organisational initiatives, such as changes to working practices or environment.
- Training or learning and development for individuals and teams.
- Disciplinary action under the Disciplinary Policy:

i) for any subject(s) of the grievance, if the grievance involves allegations which are substantiated and sufficiently serious. The complainant will not be informed of the outcome of any subsequent disciplinary proceedings but may be requested to participate as a witness. Normally, the investigation into the grievance or the grievance statement and subsequent written decision letter will be submitted as evidence and a further investigation will not be necessary under the Disciplinary Policy.

ii) for any parties involved in the grievance, if any allegations or statements made, either in the grievance or in response to, are found to have been malicious, frivolous, or vexatious.

In making their recommendations, the hearing manager may take into consideration the specific outcomes to resolve the grievance sought by the complainant (and, if appropriate, from the subject of the grievance) but is not obliged to agree to them if they do not feel it appropriate, regardless of the outcome of the grievance.

53. The hearing manager will also communicate the outcome to the line managers of both the complainant and the subject of the grievance in case there are any actions for them to implement. HR will monitor and review any action to be implemented.

I Grievances raised during formal disciplinary proceedings

54. If an employee raises a grievance during formal disciplinary proceedings, advice should be sought from the HR Department as to the appropriate course of action.

55. If the issues are directly related, it may be appropriate to deal with both at the same time, normally addressing the issues raised in the grievance as an integral part of any disciplinary hearing. If, however, it is considered that the grievance issue(s) should remain separate from the disciplinary proceedings, consideration will be given whether to suspend the disciplinary procedure for a short period to enable the grievance to be considered.

J Appeals

56. The complainant may appeal the outcome if they are dissatisfied with the decision not to uphold, or only to uphold in part, their grievance. The initial decision will stand unless or until any appeal is upheld. However, the complainant is not entitled to appeal against the hearing manager's recommended actions.

57. The appeal should be sent in writing to the Chief People Officer (or alternative individual stipulated in the grievance outcome letter) within ten working days of receipt of the written decision by the complainant and must explicitly state the grounds for appeal. Appeals can only be made on the following grounds:

- The procedure was unfair and/or the correct procedure was not followed
- The decision was unfair because the evidence did not support the decision
- There is new evidence that was not available at the formal grievance hearing that may have led to a different decision

Appeals submitted without any grounds explicitly stated may be rejected without being heard.

57. Subject to satisfying the above criteria, an appeal will be heard by a more senior manager where possible or by a manager of at least the same level as the formal hearing manager. The appeal manager will have had no prior involvement with the case and the appeal hearing will be a review of the decision and **not** a full rehearing of the grievance. The decision may be given verbally at the appeal hearing and will be confirmed in writing, where practicable, within ten working days of the appeal hearing.

58. The decision following the appeal shall be final and there will be no further internal right of appeal.

59. If the CEO has been involved, appeals may be heard by a non-executive Director.

K Record-keeping

60. Written records will be kept throughout the whole of the process. Records should include:

- All relevant documentation and correspondence, including notes of relevant meetings;
- Any investigation report;
- The decision following any formal grievance hearing;
- Whether an appeal was made against any decision taken and its subsequent outcome;

- Any subsequent developments.

61. Meetings held as part of this process will not normally be recorded electronically. This is to encourage openness and full participation by all parties during meetings. However, in certain limited circumstances - where, for example, the employee is disabled and it is appropriate as a reasonable adjustment - the ICR may permit the meeting to be recorded electronically. Any party wishing to overtly record proceedings must seek the consent of all participants before the recording begins. Covert recordings made by any party are not permitted and such recordings may be considered as gross misconduct.

L Other relevant policies

- [Capability Policy](#)
- [Challenging Bullying and Harassment Policy](#)
- [Disciplinary Policy](#)
- [Misconduct in Research Policy](#)
- [Pay Policy](#) (Appraisal Ratings Appeals Process)
- [Probation Policy](#)
- Redundancy/Restructuring policies
- [Sickness Absence Policy](#)
- [Student Complaints Procedure](#)
- [Student Disciplinary Procedure](#)

Appendices

[Appendix 1 – Collective grievance procedure](#)

[Appendix 2 – Flowchart of grievance procedure](#)

[Appendix 3 – Guide to resolving concerns informally and formally](#)

[Appendix 4 - Roles at Disciplinary and Grievance Hearings](#)