



Grievance Policy

POLICY RECORD DETAILS		
DATE AGREED:	July 2016	
VERSION No.	3	
POLICY OWNER:	HR Business Partner – CEO & Finance; HR Business Partner - Operations	JOB TITLE Dept / Directorate
CONTRIBUTORS: (By Job title, department, directorate)		
	TUS Chair and Members of FDA, Prospect, PCS, Head of HR, HR Business Partners, HR Advisors	
DATE/S OF PREVIOUS AGREED VERSIONS AND TITLES		
26 July 2016	Version 3	Grievance Policy
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1. PURPOSE

- 1.1 To maintain good working relations with employees by providing a transparent framework for handling concerns, problems or complaints relating to work or working conditions or to dispute any decision that has been taken about them.
- 1.2 This policy supports the Library's values in the interests of maintaining a positive working environment;
 - act with openness and honesty
 - treat everyone with respect and compassion
 - listen, innovate and adapt to a changing world.

2. SCOPE

- 2.1 This policy applies to all staff.
- 2.2 These procedures are not appropriate for staff who are dissatisfied following:
 - a. disciplinary action, as there is a separate appeal process following disciplinary action for this purpose;
 - b. action taken for an unsatisfactory attendance, as there is a separate Managing Attendance Policy for this purpose;
 - c. action taken due to poor work performance as this is covered by either the Capability Policy or the Disciplinary Policy.
- 2.3 For matters concerning harassment, bullying and discrimination, please refer to the separate 'Harassment and Bullying' guidance and the Equality and Diversity policy in conjunction with this Grievance policy.

3. POLICY STATEMENT

- 3.1 It is a responsibility of all managers and all staff to develop good working relations to ensure that:
- a. staff are treated first and foremost as individuals with their own needs and expectations, and can expect to be treated fairly, equitably and with respect;
 - b. attempts are made to resolve complaints informally in the first instance;
 - c. grievances are dealt with promptly, fairly and remain confidential as far as is reasonably possible (see section 4);
 - d. all grievances should be dealt with as close to the point of origin as possible.
- 3.2 In some circumstances, for example if the line manager is personally involved, staff may raise their grievance directly with a more senior manager in the area or with the Head of Service, who may arrange for an appropriate manager to investigate.
- 3.3 The grievance procedure provides a framework for dealing promptly and fairly with grievance matters. Staff are encouraged to raise concerns as quickly as possible, i.e. while the issue is still current. This should normally be within three months of the issue (or latest occurrence of the issue), which has given rise to the grievance, other than in exceptional circumstances. Grievances should be settled as speedily as possible.

4. ADVICE AND CONFIDENTIALITY

- 4.1 At any stage of the grievance procedure, staff or line managers may seek advice on this procedure from Human Resources (see the intranet 'Our Structure' and 'Human Resources' and may request a confidential meeting with Human Resources to discuss the matter. Staff may also wish to contact their Trade Union representative or the Library's Employee Assistance Programme provider.
- 4.2 Anything dealt with through the grievance procedure should, so far as is reasonably practicable, be kept confidential. If the line manager considers it necessary to explain the details of the grievance to others, this will be discussed with the member of staff before such action is taken.

5. MEDIATION

- 5.1 An independent third party can help resolve grievance issues at any stage under this policy. Mediation is a voluntary process where a trained mediator helps two sides in dispute to attempt to reach an

agreement. Contact Human Resources for names of trained internal mediators.

- 5.2 If mediation is embarked upon during the formal stages of a grievance procedure the complainant must agree to put the grievance in abeyance (on hold) until the mediation is complete.
- 5.3 Any agreement comes from those in dispute, not from the mediator.

6. INFORMAL ACTION

- 6.1 It is in everyone's interests to resolve day to day problems and disputes quickly and equitably in an informal and low-key way. Good communication is key to ensure that staff are kept informed and involved regarding issues that have an impact on them, their work and working conditions.
- 6.2 In the first instance any grievance should normally be raised informally with the line manager, where it can be fully discussed and suitable solutions can be explored and implemented.
- 6.3 Staff should be encouraged to take advice from their Trade Union representative, or a colleague, before taking formal action. It is hoped that this informal approach can be used in the majority of cases to resolve any difficulties that staff experience at work.
- 6.4 Managers are expected to meet with staff quickly, normally no later than 3 working days after being notified of an issue.

7. FORMAL ACTION - STAGE 1 (MEETING)

- 7.1 If, after seeking informal resolution, staff decide to proceed formally with a grievance they should make a written statement to their line manager, or to the person who has made the decision about which they take issue. If the issue concerns the line manager the complaint can be raised with a more senior manager in the area or from a different area, if appropriate.
- 7.2 An individual can ask for help from their Trade Union representative or a colleague in preparing a statement, or using the proforma available on the Intranet.
- 7.3 The statement should contain full details of the grievance and should be supported by evidence where possible as well as details of any attempts to resolve the grievance informally. It should also clearly state that the matter is to be considered under the formal Grievance Procedure.
- 7.4 Once a formal grievance is received the manager should send a written acknowledgement and aim to meet with the member of staff as soon as

possible but normally no later than 5 working days following receipt. The aim of this meeting is to try to understand the issue, to explain different perspectives, clarify the facts and aim to resolve the issue. The staff member should state their case and, if possible, advise how they think it can be resolved.

- 7.5 The member of staff will be informed that she/he may be accompanied to the meeting by a trade union representative, or a work colleague if they wish, and a reasonable amount of time should be allowed to make these arrangements. If the companion cannot attend on a proposed date, the staff member can suggest an alternative time and date so long as it is reasonable and it is not more than five working days after the original date. The line manager hearing the grievance may also be accompanied by another manager. A representative from Human Resources may act in an advisory capacity, if required.
- 7.6 Any further meetings, if necessary at this stage, should be arranged without unreasonable delay to ensure a swift response to the grievance. Allegations of a serious nature will prompt a management investigation. The investigation panel may be led by the line manager/a more senior manager or another nominated manager and they may require support from Human Resources. See the Library's 'Investigation Guidance' document for detailed guidance. The depth and breadth of any investigation will depend on the seriousness of the allegations.
- 7.7 Complainants should be aware that once a formal complaint has been received it cannot be retracted and the Library has a duty to act on the information received, to inform alleged perpetrators of the complaint and give them an opportunity to put their case in response before any decisions are made.
- 7.8 As soon as possible after a complaint has been lodged any alleged perpetrator will be informed about the complaint, the investigation process and the possible outcomes.
- 7.9 The grievance decision will be provided in writing within 5 working days of the date of the final meeting. If this is not possible the member of staff should be told when they can expect a response with reasons for the delay.
- 7.10 On the basis of the discussion and the evidence provided, the chair may propose to:
- uphold the grievance;
 - partially uphold the grievance;
 - reject the grievance.

- 7.11 Once this stage of the grievance procedure is completed, if it is now concluded, all the documentation connected with the grievance should be sent to Human Resources for retention on the member of staff's file.
- 7.12 If the member of staff is still not satisfied with the progress made, or disagrees with the decision made at this stage of the procedure, he/she may decide to invoke Stage Two (Appeal) of the formal procedure.

8. FORMAL ACTION - STAGE TWO (APPEAL)

- 8.1 If the member of staff is not satisfied with the result of Stage One, he/she may appeal against the decision, in writing, within 5 working days, to the relevant Chief Officer or SLT member, detailed in the written decision of Stage One. A copy of the appeal should also be sent to the Head of HR. The grounds for the appeal should be provided in this letter. The member of staff who raised the complaint will normally receive a written acknowledgement of the appeal and a meeting will normally be arranged within 10 working days of receipt of the appeal. The member of staff will be informed that he/she may be accompanied to this meeting by a trade union representative, or work colleague.
- 8.2 Upon submitting an appeal staff should clearly state the reasons for their appeal. If on receipt of the appeal the reason does not evidence the criteria listed in 8.3 a meeting may not be arranged as it may be deemed more appropriate to deal with the issue in a different way.
- 8.3 Appeals would normally be heard in one of the following circumstances:
- there is evidence that there has been a failure in policy and process
 - new evidence has come to light, that was not available at the time of the original investigation or meeting
 - the outcome is inconsistent
 - incorrect, unfair or disproportionate decision.
- 8.4 Following the appeal meeting written confirmation of the outcome of the appeal should be provided within 5 working days. If this timescale is not possible the member of staff should be told when he/she can expect a response and the reason for the delay. The decision relating to the outcome is final.
- 8.5 Once this stage of the grievance procedure is completed, all documentation connected with the grievance must be sent to Human Resources to be kept on the member of staff's file.

9. UNAVOIDABLE DELAYS TO MEETINGS

- 9.1 Either the member of staff's trade union representative, or colleague, or the line manager may ask for a postponement of up to 5 working days if they are unavailable to attend on the originally scheduled date. The

meeting should be re-arranged to a date suitable to everyone concerned.

10. EQUAL OPPORTUNITIES MONITORING

10.1 Human Resources carry out equal opportunities monitoring in relation to grievances raised and will use personal details such as race, gender, age and disabled status when carrying out monitoring. This information will be kept confidential by Human Resources and will be used for no other purpose than to enable the Library to fulfil its obligations for monitoring equal opportunities. Staff are asked to co-operate in providing this information. (See Equality and Diversity Policy).

11. REPRESENTATIVE OR COMPANION

11.1 Staff have a legal right to be accompanied during formal stages of this policy.

11.2 The person chosen by the member of staff as his/her representative or companion may be one of the following:

- a. a local trade union representative;
- b. a work colleague (but not a family member, or partner);
- c. a regional/headquarters official employed by a trade union;

11.3 Where the member of staff has a communication issue, for example any disability, or where the member of staff's first language is not English, in the interests of equality and fairness an appropriate translator from outside the Library may attend, in addition to the companions listed in 11.2. The Library will normally arrange and pay for this service.

11.4 Appendix 1 will be provided to a companion in order to assist in explaining his/her role at a hearing.

11.5 If there is a clear conflict of interest, with the Trade Union representative or companion, management may suggest that an alternative be found.

11.6 Human Resources may be consulted with regard to any queries or concerns over the appropriateness of a particular companion and will be the final arbiter in any disagreement. This does not apply to Trade Union representatives.

11.7 In all cases where this procedure is being used against a trade union representative, the representative may be the appropriate regional/headquarters official of the relevant Trade Union should the representative so wish.

12. RESPONSIBILITY

- 12.1 All members of staff referred to within the scope of this policy are required to adhere to its terms and conditions.
- 12.2 All line managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with Human Resources prior to any action being taken.
- 12.3 Human Resources is responsible for ensuring the maintenance, regular review and updating of this policy. Proposed changes to the policy will follow the process as described in section A: Introduction: paragraph 1.1 of this Staff Handbook.

APPENDIX I - THE ROLE OF THE COMPANION AT A HEARING

N.B: This does not apply to Trade Union Representatives

This document is to help you if you have been asked to act as a companion at a formal hearing. It sets out what you may and may not do and what your overall role is. If you have any more questions please contact Human Resources.

- **What is the role of companion?**

Your main role is to support your colleague whom you are accompanying at the hearing. You may not normally answer questions put directly to your colleague. You may request an adjournment for a reasonable period to confer with your colleague. You may also ask to address the hearing if the worker agrees and to put and sum up the worker's case. You should think of yourself as being there as a 'friend' and witness to support your colleague.

Do I have to have legal knowledge and expertise?

No. You do not have to know the law but you should be familiar with the facts of the particular case. You should get together with your colleague before the hearing to discuss the issues being considered at the hearing so that you are fully informed. If you want any additional information before the hearing please contact Human Resources.

- **Will I get paid for the time off?**

Yes. Companions can attend the relevant hearing without loss of pay. You will also be given the time not only to attend the hearing, but also reasonable time to familiarise yourself with the case and to confer with your colleague before, during and after the hearing. If you choose to accept the request to act as a companion you are entitled to ask for a reasonable amount of paid time off in order to complete these duties. Please refer to Human Resources if you have any queries.

- **Do I have a duty to accept a request to act as a companion?**

No. There is no compulsion on an individual to accept the role of companion. However, it is an important and helpful role and if you do choose to carry out the role then you will not be in any way disadvantaged by the Library. However you are not obliged to agree to accompany a colleague at one of these hearings. No pressure should be placed on you to attend and you do not have to give a reason for your decision not to attend.

APPENDIX 2

GRIEVANCE PROFORMA

THE BRITISH LIBRARY IN CONFIDENCE

The British Library is an equal opportunities employer

GRIEVANCE PROCEDURE PROFORMA

1 PERSONAL INFORMATION

Surname:	Forename	Mr/Mrs/Miss/Ms
Grade	Directorate	Section: Ext:
Line Manager:		Ext:

2 DETAILS OF THE GRIEVANCE

The Nature of the Grievance:

Who the Grievance is against:

The Date(s) of the Incident(s):

Detail informal action taken:

Signature

Grade

Name in CAPITALS

Date

APPENDIX 3 GRIEVANCE LETTER TEMPLATES

<Grievance - invite letter>

PRIVATE AND CONFIDENTIAL

[NAME]

<Address>

<DATE>

Dear <NAME>

I am writing to confirm receipt of a grievance received on <INSERT DATE> and request that you attend a grievance meeting in accordance with the Library's Grievance Policy (copy enclosed). The meeting will take place on [DATE; TIME; LOCATION].

Depending on the discussion and information provided at the meeting, there is potential that this grievance is referred for a management investigation.

At this meeting you will be invited to discuss your complaint <confirm details of grievance>.

The grievance panel will comprise of <name of convener>, who will chair the meeting, and <name of other panel members> will also be in attendance. If you have any queries regarding the composition of the panel, please notify Human Resources by <day, date>.

You are entitled to be accompanied to the meeting by a fellow employee or a Trade Union representative. Please advise who will be accompanying you <2> working days prior to the meeting.

You may provide written evidence to support your case. This should be submitted to me at least <2> working days prior to the meeting.

I would be grateful if you would contact me by <insert date, time> to confirm that you are able to attend on this date.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

Name

Job title

CC. Human Resources (file copy)

Encs – grievance policy

<Grievance outcome letter>

PRIVATE AND CONFIDENTIAL

<NAME>

<Address>

<DATE>

Dear <NAME>

Following the grievance meeting held on <date, time> attended by <names> to consider your grievance I am writing to let you know the outcome.

The meeting was held in accordance with the Grievance Policy at Stage One, and a summary of the meeting is as follows; <summarise matters discussed at the meeting>.

After discussion and looking at the evidence provided the panel's decision is

- the complaint is upheld in its entirety/ partially upheld <give detail>
- the complaint was not upheld <give reasons why – for example insufficient evidence>

<If a management investigation has been completed refer to this and enclose a copy with the letter, note some information may need to be withheld to protect a witness, if applicable>

If you wish to appeal my decision, you may do so by setting out your grounds for appeal in writing and sending this to <insert name of the relevant Chief Officer or SLT member> within 5 working days from the date of this letter i.e. by <insert date>. A copy of the appeal should also be sent to <insert name, HR contact>.

Yours sincerely

<Name>

<Role title>

CC Human resources (file copy)

Encs: Management investigation (if applicable)

<Appeal - invite letter>

PRIVATE AND CONFIDENTIAL

[NAME]
<Address>

<DATE>

Dear <NAME>

I am writing to confirm receipt of an appeal received on <INSERT DATE> and request that you attend a grievance appeal meeting in accordance with the Library's Grievance Policy. The meeting will take place on [DATE; TIME; LOCATION].

At this meeting you will be invited to discuss your appeal *<confirm details of appeal>*.

The grievance appeal panel will comprise of *<name of convener>*, who will chair the meeting, and *<name of other panel members>* will also be in attendance. If you have any queries regarding the composition of the panel, please notify Human Resources by *<day, date>*.

You are entitled to be accompanied to the meeting by a fellow employee or a Trade Union representative. Please advise who will be accompanying you <2> working days prior to the meeting.

You may provide written evidence to support your case. This should be submitted to me at least <2> working days prior to the meeting.

I would be grateful if you would contact me by<insert date, time> to confirm that you are able to attend on this date.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

Name
Job title

CC. Human Resources (file copy)

Encs – grievance policy

<Grievance appeal outcome letter>

PRIVATE AND CONFIDENTIAL

<NAME>
<Address>

<DATE>

Dear <NAME>

Following the grievance appeal meeting held on <date, time> attended by <names> to consider your appeal I am writing to let you know the outcome.

The meeting was held in accordance with the Grievance Policy at Stage Two, and a summary of the meeting is as follows; <summarise matters discussed at the meeting>.

After discussion and looking at the evidence provided the panel's decision is;

- the complaint is upheld in its entirety/ partially upheld <give detail>
- the complaint was not upheld <give reasons why – for example insufficient evidence>

We now consider that, after careful consideration, this matter is concluded and will keep a copy on your personnel file.

Yours sincerely

<Name>
<Role title>

CC Human resources (file copy)