

**Oxford Professional Education Group**

**Feb 2020**

**Reviewed Jan 2022**

**Review Date Jan 2025**

**Reference number 23**

**Grievance Policy**

**Introduction**

A grievance in the workplace is any concern, problem or complaint that an employee raises with their employer. This policy is designed to provide a clear, simple and fair method of resolving any issues relating to bullying, grievance or harassment as quickly and effectively as possible, within a confidential framework and ideally informally within the line management structure, but if necessary, through a formal procedure.

OXPEG is committed to creating a workplace culture free from harassment, bullying, intimidation and victimisation, where everyone is treated with dignity and respect. OXPEG will not tolerate the harassment or bullying of one member of the company by another, and such behaviour may constitute gross misconduct in accordance with the Disciplinary Policy.

This procedure applies to anyone engaged to work at OXPEG.

Issues that may be raised under this procedure include, but are not restricted to, those relating to the application of terms and conditions, working arrangements, work relations, health and safety, bullying and harassment, and include activities outside the workplace, e.g. work-related social events.

Issues for which this procedure does not apply include, but are not restricted to;

- those relating to a requirement of law (e.g. income tax and National Insurance matters);
- collective disputes;
- when the employment relationship has ended
- the harassment or bullying by learners.

It should be noted that there may be instances where an employee dislikes or disagrees with an instruction given by his/her manager. Where a manager is legitimately carrying out his/her management responsibility in an appropriate and reasonable manner this will not constitute bullying and/or harassment.

Where a counter complaint is made by the person about whom the grievance or complaint has been raised, this will normally be dealt with as part of the same investigation.

If there are reasonable grounds to suspect that a member of staff may be raising a vexatious claim of harassment or bullying, or grievance, OXPEG will investigate the cause in accordance with the Disciplinary Policy and may take appropriate action under that Policy.

Issues must be raised at the earliest opportunity to support resolution at the lowest level. Therefore, issues must be raised within 3 months of the event taking place. There may be occasions where an issue is raised following a pattern of behaviour over a period, so in exceptional circumstances issues raised after 3 months may be dealt with under this policy where there is evidence to support the delay.

Complaints arising from action being taken under another Group procedure (e.g. Disciplinary, Capability, Sickness Absence Management), will normally be dealt with as part of that procedure, depending on the nature of the complaint.

All evidence linked to an investigation may be made available to appropriate parties. However, the confidential nature of the information will always be considered prior to disclosure.

At all formal stages of the procedure, staff who have raised the grievance, or who have had a grievance raised against them, may be accompanied to meetings by a workplace colleague. When formal meetings are confirmed it is the member of staff's responsibility to notify their chosen representative of the arrangements, and to notify Human Resources (HR) of the name of the person accompanying them. Where the chosen companion cannot attend on the date proposed, the member of staff may ask OXPEG to agree to an alternative time and date, normally within five working days of the scheduled date.

There is no right to legal representation at any stage of this procedure and the sound recording of any meetings or discussions that take place at any stage of the procedure is expressly forbidden, unless there is written consent by all parties.

Every member of staff has a responsibility to create and maintain a working environment free from bullying and harassment, in keeping with OXPEG core Values, Staff Code of Conduct, and the Equality, Diversity policy.

Staff are accountable for their behaviour and actions and must respect the way in which their behaviour may affect others. All staff have a personal responsibility to work towards resolving issues informally in line with this policy and procedure, with the aim of restoring a positive conflict free working environment.

All levels of manager have a responsibility to ensure that issues regarding grievances, including concerns of bullying and harassment, are dealt with swiftly, thoroughly and sensitively to avoid unnecessary escalation of issues and to minimise any stress/anxiety for all parties concerned.

Managers should ensure that there is a supportive working environment and make sure that staff understand expected standards of behaviour.

### **Human Resources**

The role of HR is to support managers and staff in addressing concerns raised regarding bullying, grievance and harassment swiftly and appropriately through strategies such as supportive intervention, facilitation, training, and support for investigating managers. HR will provide guidance to managers and staff in the interpretation and application of this procedure as and when required, including advice to managers by attendance at all formal grievance meetings.

HR will agree to:

- Make every effort to attend arranged meetings, though there is no duty on a workplace colleague to accept a request to accompany a member of staff;
- maintain confidentiality of all information of which they become aware;
- offer appropriate support e.g. note taking, requesting breaks/adjournments.

## **Support for Staff**

OXPEG recognises that a grievance procedure can be a stressful and upsetting experience for all parties involved so will seek to provide the most appropriate support available, which may be from the line manager and/or HR in the first instance. If it is not appropriate to speak to their line manager, (for example, if the line manager is the subject of the grievance), the member of staff may raise the matter with their line manager's manager. Consideration will also be given to supporting staff in restoring and maintaining respectful working relationships once the issues have been addressed.

## **The Grievance Procedure**

### **Stage 1 – Informal**

If a member of staff is dissatisfied with anything related to their employment, as it arises, they should talk to their line manager, or their line manager's manager who will, if possible, resolve the matter informally. This may involve an informal meeting with all parties concerned to discuss the concern raised and agree an appropriate resolution.

Any agreed outcomes at the informal stage should be recorded and shared by both parties. Where a complainant decides not to proceed with the complaint the manager or an HR representative should find out the reasons why the complainant does not want to act. They should attempt to allay any fears he or she may have whilst pointing out that taking some form of action, at least informally, may be the only way the problem may be resolved, but remembering that the ultimate choice is theirs. Depending on the seriousness of the complaint, for example risk to the individual or continuous bullying/harassment, even if staff decide to take no action, the matter may still have to be reported/investigated.

It may be appropriate for the matter to be dealt with by way of facilitation or mediation, depending on the nature of the grievance. Mediation will be used only where all parties involved in the grievance agree.

### **Stage 2 – Formal**

Where a grievance cannot be resolved informally, the member of staff should submit their grievance, ideally in writing using the form at Annex D, to Human



Resources, giving full information of the complaint including dates, events, witnesses, supporting documentation etc.

After the complaint is received Human Resources will appoint a trained independent OXPEG manager, who has had no previous involvement in the situation to chair a meeting to investigate the grievance further. Where the complaint includes elements of bullying and/or harassment up to two OXPEG managers may be appointed on a case by case basis.

Full details of the grievance will be shared with the manager appointed to investigate. If the grievance relates directly to another member of staff, they will also be informed of the complaint and the procedure being followed while the investigation is being carried out. He or she will be given every opportunity to respond to the complaint. To support all individuals, temporary working arrangements will be considered, including as a neutral act, suspension of one or both parties.

A Grievance Investigation meeting will be arranged with SMT to discuss and consider the grievance.

A member of staff will be given a fair opportunity to discuss their grievance, by the designated manager(s), although the procedure is not an opportunity to raise issues unrelated to the grievance.

Staff should ensure that they attend the meeting at the specified time. If a member of staff is unable to attend because of circumstances beyond his/her control, they should inform Human Resources as soon as possible. Failure to attend without explanation, or if it appears that insufficient attempts to attend have been made, the meeting may take place in the absence of the member of staff. If appropriate, further meetings will take place to investigate the issues raised. Staff will be informed of the outcome of their grievance, ideally verbally and then confirmed in writing. They will also be advised of any recommendations that OXPEG proposes to take forward, as a result of the complaint.

If the member of staff is not satisfied with the outcome of the grievance, they have the right of appeal. This should be submitted in writing within 5 working days of receipt of the written decision. The reasons for the appeal, or an



explanation of the perceived inadequacies of the previous decision is required, together with a

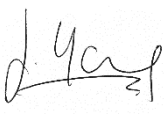
suggested recommendation as to how the grievance can be resolved. An appeal hearing will be chaired by a more senior manager than the investigating manager(s), wherever possible.

The Chair will consider the grounds that have been put forward and assess whether the conclusion reached in the original grievance meeting/investigation was appropriate. The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas of dissatisfaction in relation to the original grievance. The manager conducting the appeal may, therefore, confine discussion to those specific areas rather than reconsider the whole matter afresh. Written confirmation of the appeal decision will be sent to the member of staff stating the grounds for the decision. The decision from the appeal hearing is final.

#### **Status of this Policy and Procedure**

The operation of this policy will be kept under review by the Director of Human Resources. It may be reviewed and varied from time to time by SMT. It has been equality impact assessed to ensure that it does not adversely affect staff.

A "Notice of Grievance Form" should be used when submitting a grievance.

Signed: 

Date: January 2022