

IMPERIAL COLLEGE LONDON

ORDINANCE D9

THE GRIEVANCE PROCEDURE

This Ordinance is made pursuant to Part VI of the Appendix to the College's Statutes

INTRODUCTION

1. This Grievance Procedure shall apply to members of staff to whom the Appendix to the College's Statutes "Academic Staff: Dismissal, Discipline, Grievance Procedures and Related Matters" (hereinafter "the Appendix") applies.
2. Subject to Paragraphs 3 and 4 below, this Procedure shall apply to grievances by members of staff concerning their appointments or employment or the terms and conditions of their employment, or in relation to other matters affecting themselves as individuals or their personal dealings or relationships with other members of the College such as harassment, bullying, discrimination, and victimisation.
3. This Procedure will not apply in relation to any matters for which provision is made elsewhere in the Appendix or Ordinances or in any other appropriate procedure. The Procedure will also not apply in respect of the outcome of any matter dealt with under the Appendix, the Ordinances or any other appropriate procedure (including, for the avoidance of doubt, any grievances about the conduct of or outcome of any disciplinary process that would normally be dealt with by an appeal).
4. This Procedure will also not apply where the College considers it more appropriate to use its specific policies prescribed by the Council (and as amended from time to time) for use in dealing with Instances of Public Interest Disclosure (commonly known as whistle-blowing) and for dealing with Allegations of Scientific Misconduct that are prescribed by the Council for use under those specific circumstances (and are amended from time to time).
5. In the course of dealing with a disciplinary matter a member of staff may raise grievance issues. The Director of Human Resources or his or her nominee will review any grievance raised during the course of a disciplinary investigation and discuss the matter with the member of staff and/or his or her representative, and will decide how the grievance should be considered. This may include pausing the disciplinary process to allow a hearing and determination of the grievance.
6. This Procedure will not apply to grievances raised collectively by an appropriate representative or appropriate representatives on behalf of more than one member of staff. The applicable procedure is set out in the College's grievance procedure for academic support staff.

SUPPORT CONTACTS

7. It is advisable to talk to someone before taking any action, whether informally or formally. Support and advice is available from the following sources:

8. **Human Resources**

- a. Members of staff who have a concern they wish to discuss are able to approach HR in the knowledge that anything shared will remain strictly confidential.
- b. Members of staff who have been accused of harassment, bullying or victimisation will be given the opportunity to contact an HR representative not involved in the case for procedural guidance.

9 **Trade Unions Representation and Support.** During the informal stages of a grievance, trade union representatives are available to provide support (where the member of staff is a member of that trade union), and at the formal stages of this procedure members of staff are entitled to be accompanied and assisted by a work colleague or (where they are a member of that trade union) a trade union representative. For more information on the role/support provided by representatives, please click [this link](#). Where the member of staff is an official of a trade union, the relevant full-time regional officer of that trade union should be informed of the involvement of the member of staff in formal proceedings under this Ordinance.

10. **Counselling.** Confidential counselling is available to all Imperial College staff through the College's Employee Assistance Provider, [Confidential Care \(CiC\)](#).

11. **Harassment Support Contacts**

- a. The College has a number of staff who act as Harassment Support Contacts (HSCs), on a voluntary basis. This informal support is provided on a strictly confidential basis. The College's list of [Harassment Support Contacts](#) is available to view on the College's Equality and Diversity webpage.
- b. The College will ensure, where possible, that members of staff can raise issues, should they wish, with someone of their own gender, age range, sexuality, religion, race, or with someone who is aware of disability issues.

12. **College Consuls.** The College Consuls are available to provide informal support to members of staff in cases where they have no formal involvement.

RAISING GRIEVANCE ISSUES INFORMALLY

13. **General Grievances:**

- a. The College is committed to the resolution of individual grievances fairly and promptly whenever possible. Members of staff who have a grievance are encouraged to discuss the problem informally with their immediate line manager in order to identify an informal resolution if possible. If a member of staff does not feel able to discuss the problem with his or her immediate line manager then he or she may raise the matter informally with either his or her Head of Department (or his or her nominee) or their HR Manager.

- b. Managers of academic staff are required to give any grievance that has been raised informally proper and full consideration. HR will provide support to facilitate mutually acceptable solutions to concerns raised by members of staff.
- c. The College recognises that for grievances related to relationships, harassment, bullying, discrimination, and victimisation the member of staff should decide how he or she wishes to proceed, and that they may, where appropriate, choose to start at either the informal or formal stage of this procedure. It is strongly recommended that members of staff seek advice prior to deciding on their course of action. Member of staff right to choose how they wish to proceed, encouraged to start informal and managers made aware of the requirement to take it seriously

FORMAL ACTION

14. Where informal discussions do not achieve a satisfactory resolution, or where the member of staff raising the grievance wishes to instigate the formal process, the standard procedure is set out below.

STANDARD PROCEDURE - STAGE ONE – LINE MANAGER REVIEW

15. The Standard Procedure set out in this Clause and Stage 2 will apply where the member of staff is still employed by the College.

16. If the member of staff has not been able to resolve a grievance informally through their line manager, he or she should write to their HR Manager, who will liaise with their Head of Department or their nominee to request a review of the grievance by a senior manager. The request should explain the grievance in detail, the action taken by the member of staff to resolve the matter so far and the outcome or remedy sought. Copies of relevant papers in support of the grievance should be included with the letter. The Head of Department or his or her nominee along with the HR Manager will then identify the appropriate senior manager (who will not have been involved in the matter previously and who will, wherever possible, be more senior to the line manager) to consider the grievance. If the grievance is being raised against the Head of Department then the request should be made to the Dean of the Faculty. Grievances being raised against the Dean of the Faculty should be addressed to the Director of Human Resources.

17. Where a grievance has been brought against a specific individual or individuals, the senior manager considering the grievance will notify the individual(s) that a grievance has been submitted by the member of staff and provide them with a copy of the grievance. The individual(s) will then be given the opportunity to provide a statement and any relevant papers in response to the grievance, normally to be returned to the senior manager **within ten working days**.

18. The issue of avoiding contact between the members of staff will be considered before action is taken to inform the alleged harasser/member of staff who is the subject of the complaint. The senior manager may consider making a recommendation for time off for either, or both, parties while the matter is under investigation. The senior manager will take appropriate action concerning contact, including the possibility of transfer of either/both parties if appropriate (although the wishes of the member of staff who has made the complaint will be taken into account in this respect wherever practicable). The issue of relocation must be handled with all possible due regard to both of the

individuals' views and feelings. Where this is not possible or considered appropriate, both parties will be expected to behave professionally while the investigation is ongoing. They should be advised that there should be no communication between them, directly or indirectly, in relation to the complaint. Any transfer or time off will be without prejudice to the eventual outcome of the investigation, and will be without salary detriment to the individual(s).

19. The senior manager considering the grievance will then arrange to meet with the member of staff, usually within ten working days of receipt of the grievance. The member of staff must take all reasonable steps to attend the meeting and he or she may be supported and accompanied to the grievance meeting by a colleague or (where they are a member of that trade union) a trade union representative. In exceptional circumstances, the senior manager hearing the grievance will consider requests from staff to be accompanied by a friend not employed by the College, if they are not a legal representative. Where reasonably practicable, the member of staff should provide the name of any representative who will be assisting with their complaint prior to the grievance meeting. A member of the Human Resources Division will also be present in the meeting to assist the senior manager hearing the grievance.

20. If the member of staff's representative is unable to attend on a proposed date, the member of staff may suggest an alternative date within five working days of the original date. This five day time limit may be extended by agreement with the senior manager hearing the grievance.

21. The purpose of the meeting will be for the member of staff to state their grievance, for those present to understand the full nature of the grievance, discuss the grievance and explore potential solutions. It may be necessary to undertake further investigation of the member of staff's grievance, in which case the meeting may be adjourned in order to enable this to take place, and reconvened within a reasonable period of time.

22. The timetable for any further investigation necessary will be discussed and, so far as possible, agreed with the member of staff. Every attempt will be made to address the issue promptly.

23. The senior manager may then arrange to meet the individual(s) whom the complaint has been raised against, usually within ten working days of meeting with the complainant. A member of Human Resources will also be present to assist in the resolution of the complaint and, depending on the complexity of the case, a note-taker. The member of staff must take all reasonable steps to attend the meeting and he or she may be supported and accompanied to the meeting by a work colleague or (where they are a member of that trade union) a trade union representative. Under exceptional circumstances, the senior manager and Human Resources representative will consider requests from staff to be accompanied by a friend not employed by the College, if they are not a legal representative. The member of staff should provide the name of any representative who will be assisting them, if they have not already done so.

24. If the member of staff who is the subject of the complaint, or his or her representative, is unable to attend on a proposed date, then he or she may suggest an alternative date, provided it is within five working days of the original date. This five day time limit may be extended by mutual agreement between both parties.

25. The purpose of the meeting will be for the member of staff to state his or her response to the complaint. It may be necessary to undertake further investigations of their response, in which case the

meeting may be adjourned in order to enable this to take place, and reconvened within a reasonable period of time agreed with both parties.

26. In certain circumstances, it may also be necessary for the senior manager to carry out further investigation into the member of staff's grievance by meeting with any relevant witnesses. Where evidence collected during any such further investigation has not previously been presented to and considered by the member of staff who has made the complaint, it shall be provided to them and they shall be given the opportunity to comment on that evidence (including by way of a further meeting, where necessary).

27. Following the investigation, the member of staff will be informed in writing of the decision under Stage One of the Grievance Procedure. This will normally be issued to the member of staff within ten working days of the close of the grievance meeting. The letter will usually summarise the nature of the grievance, the investigation that was conducted, the decision, the reason for the decision and any outcome for work and working practices as a result of the decision. A copy of the minutes of the meeting will be included or provided to the member of staff once completed.

28. A copy of the decision letter will also be provided to any individual against whom the grievance was being brought. In these circumstances, any dissenting comments in connection with the decision will be recorded.

29. There may be situations where it would be helpful to seek external advice and assistance during the grievance procedure or after it has concluded – for example, where the grievance has arisen from a breakdown in relations between two or more individuals, a mediator might be able to assist in resolving the problem. The mediator may be an external consultant or (where appropriate) an internal member of staff not directly connected with the grievance. The senior manager considering the grievance may recommend the use of a mediator with the agreement of the member of staff and the individual(s) concerned.

STANDARD PROCEDURE - STAGE TWO - APPEAL

30. A member of staff who is not satisfied with the outcome of the grievance meeting held under Stage One above may appeal that outcome.

31. The member of staff should write to the Director of Human Resources within ten working days of receipt of the decision letter. The letter should state that the grievance has not been resolved to the member of staff's satisfaction under Stage One of the Procedure and the reasons why the member of staff is not satisfied with the outcome. The remedy or outcome sought should be specified in the letter from the member of staff. The Director of Human Resources will inform the Provost of the appeal.

32. The Provost, or his or her nominee, shall review the grounds of appeal and, unless the complaint is frivolous, vexatious or invalid, shall nominate a senior member of the College not previously involved in the matter (and senior to the person who heard the grievance in stage one) to hear the appeal.

33. Where the grievance concerns the President, the review of the grounds of appeal will be carried out by the Chairman of the Council (or his or her nominee, who shall be a member of Council) and, unless the complaint is frivolous, vexatious or invalid, the Chairman of the Council or his or her nominee will arrange for a member of the Council to consider the appeal.

34. An appeal meeting shall be convened as soon as practicable by the Provost (or Chairman's) nominee, with support from a senior member of the Human Resources Division not previously involved in the case. The member of staff may be supported and accompanied at the appeal meeting by a colleague or (where they are a member of that trade union) a trade union representative. In exceptional circumstances, the Provost (or Chairman's) nominee will consider requests for the member of staff to be accompanied by a friend not employed by the College who is not a legal representative. Where reasonably practicable, the member of staff should provide the name of any representative who will be assisting with their complaint before the appeal meeting.

35. The purpose of the meeting will be to understand the on-going nature of the appeal, to review the basis for the earlier decision and to explore potential solutions. The member of staff will be afforded every opportunity to state the basis of their appeal at the meeting. It may also be necessary for further investigation to take place, in which case the meeting may be adjourned to enable this to be undertaken and reconvened within a reasonable period of time. The timetable for investigation will be discussed and agreed with the member of staff. Every attempt will be made to address the issue promptly.

36. The decision letter under Stage Two of the Grievance Procedure will normally be issued to the member of staff within ten working days of the conclusion of the meeting. The letter will generally summarise the nature of the grievance, the investigation that was conducted, the decision, the reason for the decision, and any outcome for work and working practices as a result of the decision. A copy of the formal minutes of the meeting will be included or provided to the member of staff once completed.

37. A copy of the decision letter will be sent to any individual against whom the grievance is being brought. Any dissenting comments against the decision will be recorded. This will conclude the internal process for the resolution of grievances, and also will conclude the process under the Standard Procedure.

AFTER THE FORMAL STAGE

38. After the formal stage, where the grievance concerned was in relation to an alleged issue of harassment, bullying, discrimination or victimisation or a breakdown of a working relationship and the grievance has been upheld (whether wholly or in part), the following procedure should apply:

- a. The line manager or appropriate senior manager of the complainant will meet with the individual regularly to offer support and to ensure that no harassment, bullying or victimisation has occurred as a result of making a complaint.
- b. Line managers also have a responsibility to meet and offer support to members of staff who have been subject to an allegation that has not been upheld or, if the case was proven, to monitor their behaviour.
- c. Where a complaint has been upheld and the member of staff against whom the grievance was raised remains employed, either or both parties may wish to avoid or reduce any further contact with each other. Where the line manager, in consultation with HR, believes that regular contact would be undesirable, every effort will be made to relocate the member of staff the complaint was made against in the first instance. Where transfer of the complainant occurs, it should not be disadvantageous to him or her or against his or her wishes wherever possible.

d. Where a complaint has not been upheld but where, for example, the evidence is inconclusive, consideration may be given to the voluntary transfer of one of the members of staff, if this is practicable.

SPECIAL PROCEDURE TO BE UNDERTAKEN WHEN THE MEMBER IS NOT IN COLLEGE EMPLOYMENT

39. If the member of staff's employment with the College has ended and he or she wishes to raise a grievance, they may choose to follow the Special Procedure, provided that their employment with the College ended within the preceding three months.

40. Under the Special Procedure, the former member of staff should set out their grievance in writing, stating what the basis for the grievance is, and give it to the Head of Department with a copy to the Director of Human Resources.

41. After the College has had an opportunity to consider the grievance, and the information provided within it, the former member of staff will receive a written response. This concludes the process under the Special Procedure.

CONFIDENTIALITY

42. The College recognises that confidentiality is very important when dealing with grievances, as it maximises the possibility of matters being resolved informally before information about the matter becomes common knowledge.

43. Nevertheless, witnesses may need to be given details of the grievances so as to be able to provide their own evidence, in which case they will be provided only with such details/evidence as is necessary for him or her to be able to provide such evidence. Where they are provided with details of a grievance, they will be made aware that these details must not be disclosed, including once the case has concluded. All participants, including witnesses, will be made aware of their responsibilities in this respect.

44. Witnesses will be asked to sign statements, which may be shared with the relevant parties only. Where deemed appropriate by the manager leading the investigation and HR, witness(es) will be allowed to provide anonymous statements and will only be questioned (with input into the questions to be asked provided by the complainant and/or their representative) by both the line manager and the Human Resources' representative.

45. Any significant breach of confidentiality by the complainant, the individual against whom the grievance has been raised, or witnesses, relating to this policy, may be treated as a serious disciplinary offence.

GENERAL

46. Notes will be taken of any formal meeting under this Ordinance. Notes usually will be taken by a member of HR. A copy of the notes will be sent to the member of staff as soon as practicable after the meeting. If the member of staff does not agree with the contents of the notes of the meeting, they should

make handwritten amendments (and initial each amendment). A copy of the amended notes should be attached to the original typed version and will be added to the hearing papers. If the individual makes substantive changes to the notes, the changes should be discussed with the individual and consideration should be given as to whether the changes should be referred to in any documents referencing the notes.

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