

## HR Policy

**P093 A4**

## Individual grievance policy and procedure

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## 1 Purpose

Transport for London (TfL) aims to ensure positive working relationships between all employees and encourages a work environment whereby any problems or issues can be addressed and resolved as part of the normal working practice. Should this not be possible, then procedures exist to help resolve grievances as quickly as possible with consistency and fairness.

TfL will ensure that employees are made aware of the most recent version of this policy and procedure, and any subsequent amendments.

## 2 Scope

This document applies to employees of TfL, Docklands Light Railway Limited, Rail for London Limited, London Bus Services Limited, London Buses Limited, Victoria Coach Station Limited who are on TfL employment contracts (Pay bands 1 – 5 and Directors) and those staff on predecessor organisation employment contracts where the individual has transferred to the employment of TfL.

## 3 Statement

TfL places responsibility upon all its employees and managers to develop good constructive working relationships. It is important that employees are treated as individuals, with needs and expectations, and these are balanced together with the needs and objectives of the business. It is expected that problems and concerns are dealt with promptly, openly and fairly.

This Grievance policy and procedure provides the framework for dealing promptly and fairly with a problem or concern. When dealing with a formal grievance, managers must endeavour to understand the reason for the grievance, with both managers and employees having a shared responsibility in identifying solutions to the problem or concern.

Following appropriate consideration and the application of a fair process, a grievance should usually be concluded within 28 days. Any solutions, recommendations or actions should be implemented as soon as is practicable.

## 4 Exceptions

Concerns regarding the breach of, or a decision made under one of the below policies and procedures would not be considered as grievance as it would be dealt with at the hearing or appeal within the respective policy/procedure:

- Discipline at work policy and procedure
- Performance improvement policy and procedure
- Attendance at work policy and procedure
- Bullying and harassment policy and procedure

Only where there are specific complaints regarding delays or the application of one of the above policies/procedures which has a distinct negative impact on the

employee, would there be a brief suspension in proceedings to deal with the complaint.

## 5 Requirements

- All employees are expected to act in a professional manner and within the boundaries of the TfL Code of conduct.
- Employees should carry out their role in a professional manner which will assist in preventing the likelihood of a grievance arising.
- Complaints must be raised as soon as possible, but certainly within 28 calendar days of the last incident having occurred.
- TfL will ensure that all records and documentation will be treated as strictly confidential and that all records will be held securely. Access to information will be limited to appropriate people. However, it is important to note that investigations and hearings may require the disclosure of certain facts.
- If it is established that the employee has raised a false, spurious or vexatious grievance then disciplinary action may be taken.

## 6 Responsibilities

All employees should:

- comply with the arrangements set out in this policy and procedure
- aim to resolve all personal grievances informally with their manager or with the individual to whom the grievance relates. This allows for problems to be resolved quickly between those concerned
- ensure that any concern is raised early so that the matter does not become more serious. For this reason, if the informal approach does not bring resolution, or is not considered appropriate, the grievance should be raised in writing as soon as possible and within 28 calendar days from the matter arising. Any delay in raising the grievance may affect the extent to which the matter can be investigated and resolved satisfactorily.

All managers and employees with a leadership or supervisory role should:

- ensure that problems and concerns that are raised informally by employees are addressed promptly and resolved where possible
- seek to acknowledge the cause of the concern and where relevant to take appropriate action to prevent the matter arising again
- ensure that any formal grievance raised is dealt with promptly, fairly and frankly, in accordance with this policy and procedure.

## 7 Advice and guidance for managers

Line managers can receive impartial advice and guidance from an appropriate HR representative. In the first instance, line managers should contact HR Operations (by

calling 1729, ext. 0800 0155 071) in relation to any new cases, in order to be directed to the relevant team, depending on the nature of the matter.

The HR representative ensures that the procedure is followed and will intervene and address the formal meeting (the employee, their companion or chair) as appropriate to ensure appropriate conduct. The HR representative is not responsible for deciding whether the case is found or what action is to be taken and can therefore normally be involved in several stages of one case. They will advise on the range of appropriate actions which may be taken to ensure they are in line with company policy and other similar cases. In exceptional cases another HR representative may be involved in the process.

If an appeal is specifically on the grounds of a breach of procedure that occurred as a result of advice from the assigned HR representative then it will be appropriate for another HR representative to attend.

## **8 The role of the companion**

At the formal stages of the procedure the chosen companion can address the formal meeting and may:

- put the employee's case
- sum up the employee's case
- respond on the employee's behalf to views put forward at the hearing
- raise issues on matters of policy and procedure

They cannot answer questions on behalf of the employee that are directly asked of them.

Normal standards of behaviour apply to work place companions and trades union representatives. In respect of companions that are recognised trades union representatives they are entitled to carry out trades union duties as outlined within this policy and procedure, and the TfL Framework for consultation and collective bargaining.

## **9 Procedure**

### **9.1 Informal approach**

It is vital that any concerns are resolved as soon as possible and once a grievance has been raised in writing the formal procedure should be the way of addressing the matter. Before commencing the formal procedure the manager receiving the grievance may seek clarification from the employee that they want the matter addressed through the formal process. The manager and the employee can consider whether mediation is an appropriate route and if agreed the manager should approach a HR representative to make the arrangements.

In addition, if at this stage the employee would prefer that the matter be dealt with through informal discussion, mediation or a facilitated meeting then this will need to be confirmed in writing. The manager will then make the appropriate arrangements.

## 9.2 Formal procedure

If the employee wants to follow the formal process, or the manager is unable to address the matter informally, then the steps below should be followed:

### 9.2.1 Stage one - the grievance

- Any employee who wishes to raise a grievance should submit the matter in writing to their line manager. If the grievance relates to their manager, then it should be addressed to the manager's manager. In cases where the grievance relates to both managers then it will need to be addressed to the next appropriate line manager who will need to contact an HR representative regarding the next steps.
- Employees are actively encouraged to set out the details of the grievance, attaching any relevant documentation. When the employee is aware of the outcome they require or can identify anything that may help resolve their concern this should be included within the written grievance.
- The manager receiving the grievance should acknowledge receipt of the grievance and inform HR Operations so that they can provide advice and guidance to both parties, as appropriate, to help resolve the matter.
- If the grievance relates to another member of staff then the manager will need to inform them of the basis of the grievance, and decide whether there is a need to make temporary changes to reporting lines, or allocated duties or whether a brief period of suspension is required.

### 9.2.2 The formal grievance meeting

#### Purpose

- The purpose of this formal meeting is to enable the appropriate manager to fully understand the grievance and consider how it can be resolved.
- Managers should where practicable send the invitation to the formal meeting within 7 calendar days of receiving the grievance.
- The invitation to the meeting should give the employee 7 calendar days notice and remind them that they have a right to be accompanied by a trade union representative or by a workplace colleague (the companion). If the employee cannot attend due to circumstances outside their control and unforeseeable at the time the meeting was arranged, or the companion cannot attend on the proposed date, the employee can suggest an alternative time and date, so long as it is reasonable and it is not more than 7 calendar days after the original date. The chair will seek to take all reasonable steps to arrange a suitable date within 7 calendar days of the original hearing. Should it be that the chosen companion is not available then an alternative companion should be sought. This is to ensure the matter is resolved in a timely fashion. The 7 calendar days may be extended by mutual agreement.

#### Present

- The chair of the meeting, who will normally be the line manager

- The employee and their companion if requested
- A HR representative may attend if requested by the employee and agreed by the chair, or if the chair requires their attendance.
- A summary note of the meeting will be captured to include key points and any follow up actions will be given to the employee within 3 working days. If they want to note any differences in the summary note, these must be provided within 3 working days of receipt.

### **Conduct of the meeting**

At the meeting:

- the employee will be asked to explain their grievance and how they think, within reason, it might be resolved
- the manager may ask questions to clarify matters
- the manager may adjourn the meeting for a short time to consider the grievance and reach a conclusion, unless further investigation is required

### **Further investigation following the formal grievance meeting if required**

If the manager believes there is a need to establish further facts then they will outline what steps (including necessary time frames) they need to take, before reaching a conclusion. This will be confirmed in writing to the employee within 7 calendar days of the formal grievance meeting. Any further delays along with the reasons will also be confirmed in writing.

The nature of the grievance will determine the most appropriate way to establish the facts before making a decision. In general, the manager would:

- Meet any witnesses. Witnesses will be informed of the basis of the grievance and that as the purpose of the meeting is solely to gather facts, they are not entitled to be accompanied at the meeting. At the end of the meeting a summary record of the meeting will be given to both parties and signed by those in attendance. Within 2 working days, the summary record of the meeting will be given to the employee, and if they want to record any differences in the content then these must be provided within 2 working days of receiving the record. These records will be disclosed to the aggrieved person. In cases where the manager is unable to or does not believe it appropriate to meet a witness, the reason should be recorded in writing.
- Record any other facts that they have obtained such as SAP reports and copies of policies.
- In order to resolve the matter, the manager may seek assistance from other employees to clarify any facts and/or complete the investigation.

In exceptional cases an investigation may be undertaken by an experienced and/or suitably trained external party.

## Outcome of the formal grievance meeting

Following any necessary adjournments, the meeting will be re-convened for the manager to outline their conclusion(s) and any steps that they will be taking in relation to the matter. In cases where further investigation is required, this outcome meeting should be arranged whilst the facts are being gathered to prevent any unnecessary delay in the outcome being received. At the outcome meeting the manager:

- is required to outline their findings and where applicable, confirm the facts gathered from witnesses and other sources. The employee should be given the opportunity to respond to any of these points.
- will then state their decision and the reasons for it along with any proposed solutions, recommendations or actions. In cases where the manager has met with witnesses or gathered other facts, this information should also be provided to the employee.
- ensure that notes will be taken as outlined above
- will, where applicable, ensure those involved in the process are informed of the outcome of the grievance.
- the manager is required to confirm their decision and the reasons for it in writing. Wherever possible, this should be done at the end of the formal meeting following the necessary adjournment. If it is not possible to confirm the decision in writing on the day, then it should be done as soon as possible. The employee will have 7 calendar days to appeal, from the date of the letter. In cases where the letter is posted and there is a delay in receipt of the letter, the appeal period may be reasonably extended by mutual agreement.

### 9.2.3 Stage two - the appeal

- If the employee wishes to appeal against the decision reached at the grievance meeting, they may refer the matter to stage two of this procedure.
- The appeal must be submitted in writing, within 7 calendar days of the date of the letter, to the person specified by the chair of the grievance meeting. The appeal must clearly state why the employee is not satisfied with the outcome at the grievance meeting and what outcome they are seeking. The person receiving the appeal will need to acknowledge receipt.
- The appeal meeting will be chaired by an individual who is more senior than the manager who chaired the grievance meeting, or an individual who has the authority to, if appropriate, override the original decision.
- The appeal meeting should normally be arranged where practical within a maximum of 7 calendar days of receiving the request for an appeal. The same arrangements outlined for the grievance hearing apply regarding the right for the employee to be accompanied and the ability to suggest a reasonable alternative date.



## The formal appeal meeting

- The chair will review the information already available and make further enquiries as appropriate. If new information has come to light, further investigation may be necessary, however this should not delay the initial appeal meeting.
- At the appeal meeting the employee will be asked to explain the reason why they have appealed and the outcome they require or whether they can identify anything that may help resolve their concern. The steps outlined in stage one regarding the formal grievance meeting, further investigation, and outcome, apply.
- The manager chairing the appeal will confirm their decision. However there is no further appeal and this is the end of the procedure.
- A summary note of the meeting will be captured to include key points and any follow up actions will be given to the employee within 3 working days. If they want to note any differences in the summary note, these must be provided within 3 working days.
- A HR representative may attend if requested by the employee and agreed by the chair, or if the chair requires their attendance.

### 9.3 Exceptional cases

Special arrangements may apply in respect of this procedure, where it is reasonably believed that the employee raising the grievance or the manager dealing with the grievance might be exposed to violent, abusive or intimidating behaviour. TfL does not tolerate this kind of behaviour. The Discipline at work policy and procedure will be followed for those who act in a violent or aggressive manner.

Managers hearing the case should consult an HR representative for advice.

### 9.4 Attendance and pay

All employees will suffer no loss of pay when attending a formal grievance meeting. It should normally be arranged within their normal working day, where this is practicable. If the meeting extends beyond normal working hours the employee will receive basic pay or time off in lieu as appropriate. Where it is necessary to change a shift to facilitate attendance at the grievance meeting, payment must be based on the original shift.

The employee will normally be required to attend work prior to and/or after the meeting.

### 9.5 Employees who have left TfL

If a grievance is raised by an employee who has recently left TfL or an employee raises a grievance shortly after employment has ended, the grievance procedure will normally be modified and completed in writing (without a meeting to discuss the grievance). Contact should be made with HR Operations in the first instance.



## 9.6 Privacy and data protection

TfL will comply with privacy and data protection legislation relating to the processing of your personal data.

TfL will process your data primarily to enable us to perform our contract with you (including to perform this policy), and to enable TfL to comply with our legal obligations.

### Disclosure of records

Any reports and summary notes will be disclosed as outlined within the policy above. To protect the legal rights of all individuals involved in the investigation and fulfil TfL's duty of care as an employer, and comply with data protection and privacy legislation, TfL may need to remove information that may lead to the identification of employees and/or members of the public.

### Retention periods

Any letters, reports and summary notes will be retained for seven years from the date the matter was formally closed. When deciding upon any appropriate sanction, only warnings that are live will be disclosed or considered.

For further details, please refer to the [TfL website](#).

## 10 Support and advice

Support and advice can be obtained by speaking to your manager or online via Working at TfL.

## 11 Person accountable for this document

Name	Job title
Martin Boots	Head of Employee Relations

## 12 References

Document no.	Title or URL
P078	<a href="#">TfL Code of conduct</a>
P090	<a href="#">Discipline at work policy and procedure</a>
P098	<a href="#">Performance improvement policy and procedure</a>
P085	<a href="#">Attendance at work policy and procedure</a>
P087	<a href="#">Bullying and harassment policy and procedure</a>
	<a href="#">TfL Framework for consultation and collective bargaining</a>

## 13 Document history

Issue no.	Date	Changes	Author
A1	March 2008	New document	
A2	April 2009	ACAS Code of Practice Dispute Resolution	
A3	May 2018	Document re-templated and updated for GDPR requirements. CR-10320.	Jo Page
A4	May	Updated to reflect changes in ER's	Rob Woolf

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	2019	operating model following Transformation CR-11453	
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